

# PLANNING BOARD

-Rye, New Hampshire-

## NOTICE OF DECISION

- Applicant:** The Sagamore Group, LLC
- Owner:** Split Rock Cove Family Trust of 2019
- Property:** 15 Sagamore Road, Tax Map 24, Lot 22  
Property is in the Single Residence and Commercial District
- Application case:** Case #10-2022
- Application:** Major Site Development, Multifamily Residential Site Development Plan and Special Use Permit by The Sagamore Group, LLC for property owned by Split Rock Cove Family Trust of 2019 and at located at 15 Sagamore Road, Tax Map 24, Lot 22 to construct three single-family condominium dwellings on the back of the lot and two commercial buildings on the front of the lot. Property is in the Single Residence and Commercial District. Case #10-2022.
- Date of decision:** January 17, 2023
- Decision:** **The Planning Board conditionally approved in an unanimous vote to approve the Major Site Development, Multifamily Residential Site Development Plan and Special Use Permit by The Sagamore Group, LLC for property owned by Split Rock Cove Family Trust of 2019 and at located at 15 Sagamore Road, Tax Map 24, Lot 22 to construct three single-family condominium dwellings on the back of the lot and two commercial buildings on the front of the lot.**

### Conditions of Approval

1. The title page to the plan set titled "Site Plan 'Split Rock Place' Tax Map 24, Lot 22 15 Sagamore Road, Rye, NH" ("Plans") prepared for The Sagamore Group, LLC and prepared by Jones and Beach Engineers, Inc., shall be revised to reflect the date of the last update to the plans.
2. Applicant shall follow all notes, requirements, and recommendations, set forth in the Plans.
3. All porous pavement shall be installed in accordance with all installation recommendations and requirements identified on Sheet D3 of the Plans ("Porous Pavement Detail Sheet") and dated January 3,

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2023 and, at the least, shall be one (1) foot above ledge and the seasonal high-water table and shall be at a depth of at least four (4) feet.

4. Porous pavement will be vacuumed once a year in the Spring. All porous pavement shall be maintained in accordance with the maintenance specifications identified in the Porous Pavement Detail Sheet. Any contractor performing winter maintenance and/or snow removal shall be informed of all maintenance specifications related to porous asphalt pavement systems. A note shall be added to sheet C2 reflecting this condition. A note shall be added to sheet CS1 of the Plans reflecting this condition.

5. Applicant shall elevate all basement mechanical systems a minimum of one (1) foot off of the floor to avoid contact with water in the event of flooding. A note shall be added to sheet CS1 of the Plans reflecting this condition.

6. Applicant shall provide all permits and approvals necessary from the City of Portsmouth and the New Hampshire Department of Environmental Services allowing for the connection of all wastewater disposal systems to the City of Portsmouth wastewater and sewer system.

7. Applicant shall provide all permits and approvals necessary from the City of Portsmouth and the New Hampshire Department of Environmental Services allowing for the connection of all drinking water system systems to the City of Portsmouth drinking water system.

8. Applicant and/or owners shall plant and shall maintain all landscaping, as identified in the plan titled, "Landscape Plan-Commercial" for Split Rock Place, prepared by Ironwood Landscape Architecture, dated June 28, 2022, and last revised January 5, 2023 ("Landscape Plan"). All plantings shall be planted in accordance with all landscape details identified on Pages LA1.0, LA1.1 and LA2.0 of the Landscape Plan and all plantings shall be sufficiently maintained to screen units 1 through 6 from units 7 through 9 and substantially in accordance with all such landscape details and plans.

9. The location, layout, and design of all structures on the property shall be substantially in accordance with the architectural plans prepared for The Sagamore Group, LLC and prepared by Khavari Architects on January 3, 2023.

10. The site shall be stabilized per requirements outlined in Temporary Erosion Control Notes 1-10 on Sheet E1.

11. A Condominium Association shall be created for this development. Applicant shall submit a Condominium Declaration and Bylaws to the Planning Board. The Condominium Declaration and Bylaws shall be subject to the satisfactory review of town counsel prior to the Chair signing the Plans, whose review shall be limited to ensuring that the Condominium Declaration and/or Bylaws contain the following provisions ensuring the following:

- a. Covenants and obligations for maintaining all stormwater drainage improvements and interior access ways, including all porous pavement;

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- b. Covenants and obligations for adhering to all recommendations, requirements, and notes in the Plans, all conditions of approval, and all conditions to be issued by any federal, state, or municipal agency;
- c. The Condominium Association shall be responsible for the maintenance, repair, and/or replacement of all porous pavement, Bioretention Pond Numbers 1 and 2, underdrains, culverts, manholes, and other stormwater management infrastructure located on the property;
- d. The Condominium Association shall be responsible maintaining all necessary landscaping, as identified in the plan titled, "Landscape Plan-Commercial" for Split Rock Place, prepared by Ironwood Landscape Architecture, dated June 28, 2022 and last revised January 5, 2023 ("Landscape Plan");
- e. The Condominium Association and the Town of Rye shall have access and authorization to enter onto any common area or limited common area for the purposes of inspecting and maintaining of all porous pavement, Bioretention Pond Numbers 1 and 2, underdrains, culverts, manholes, and other stormwater management infrastructure located on the property;
- f. Reflect that the Condominium Association shall be responsible for complying with the document titled, "Stormwater Management Operation and Maintenance Manual, 'Split Rock Place,' Tax Map 24, Lot 22, 15 Sagamore Road, Rye, New Hampshire," prepared by Jones and Beach Engineers, Inc. dated April 14, 2022 and last revised on August 31, 2022;
- g. Require owners of Commercial Units 1 through 6 to deposit all trash in the dumpsters located on the property and in the location set forth in the Plans and require Residential Units 7, 8, and 9 to store trash inside or within the respective units;
- h. Reflect that each new owner of any Unit shall be responsible for filing an acknowledgment that the new owner will comply with the requirements of the aforesaid covenants and restrictions.

12. Applicant shall provide to the Planning Board an easement to the Town of Rye to allow the Town of Rye to inspect all stormwater management infrastructure. The easement shall require the Condominium Association to be responsible for the maintenance and repair of the drainage facilities and shall provide that, if the Condominium Association fails to maintain, repair, and/or replace any stormwater management infrastructure, the Town, after notice to the Condominium Association, shall have the right, but not the obligation, to maintain, repair, and/or replace such infrastructure. The easement shall further provide that, in such case, the Condominium Association shall be responsible for reimbursing the Town for its costs and expenses, and, should the Town be required to commence legal action for such reimbursement, the Town shall be entitled to its costs and reasonable attorney's fees. Such easement shall be subject to the review and approval of town counsel.

13. Applicant shall supply an estimate of the costs for the installation, construction, inspection and disposition of all stormwater and drainage facilities and all access ways on the property. Applicant shall further supply a performance bond or other acceptable form of surety in an amount sufficient to ensure the adequate construction and installation of the stormwater and drainage facilities. The form of such performance bond or other surety shall be subject to the review and approval of town counsel.

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14. Applicant shall apply for and obtain all required permits and approvals required by state or federal law or any other regulations, ordinances, or policies of the Town of Rye or the City of Portsmouth prior to the commencement of any work on the Property, but excluding any blasting permit or building and associated permits for the proposed structures.
15. Pre-Construction meeting required prior to the commencement of any site disturbance on the property, coordinated with Town, Applicant shall submit a proposed construction schedule reflecting development milestones for the review and approval of the Town Engineer.
16. Applicant shall provide the Town's with sufficient funds to be placed into escrow to pay final statements of the Town's engineer and town counsel.
17. The Condominium Association shall retain duly qualified engineer and contractors (as applicable) to inspect and maintain all stormwater management infrastructure in accordance with the above-referenced Stormwater Management Operation and Maintenance Manual.
18. Applicant shall sign an Escrow Agreement and post escrow for the Planning Board engineer's monitoring of site improvements. Said amount shall be determined by the Planning Board engineer.
19. For the purposes of RSA 674:39, active and substantial development or building shall be the earlier of: (a) the demolition of existing structures on the property or (b) the excavation or disturbance of land for access way construction.
20. As-built plans for all site improvements shall be submitted to the Planning Board within 90 days of the completion of construction (3 sets).
21. Per LDR § 202-4.4, this conditional approval shall expire in 24 months if the Chair has not signed the plan as the result of the Applicant's failure to meet those conditions necessary to permit the chair to sign the plan.
22. The executed conditions of approval shall be appended to and recorded with the Condominium Declaration.
23. The Planning Board chair may sign the Plans when the foregoing conditions Nos. 1, 6, 7, 11-13, 16 and 18 are met.

Date

1/18/2023

Pat Losik, Chair  
Rye Planning Board

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# PLANNING BOARD

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant:**

Alex Ross

**Owner:**

Marlene Veloso & Charles Fast

**Property:**

0 Long John Road, Tax Map 18, Lot 82-01  
Property is in the Single Residence District

**Application case:**

Case #01-2023

**Application:**

Driveway Application by Alex Ross for property owned by Marlene Veloso & Charles Fast located at 0 Long John Road, Tax Map 18, Lot 82-01 for installation of a driveway to access undeveloped lot and request a waiver from LDR 202 Amendment Section 5-E:A since the driveway will be within 100' of an intersection of Young Land and Long John Road. The property is in the Single Residence District. Case #01-2023.

**Date of decision:**

January 17, 2023

**Decision:**

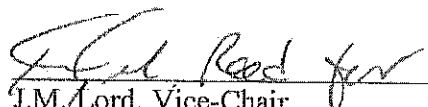
**The Board voted to accept Jurisdiction of the application and granted relief from the waiver from the following section of the Land Development Regulations:**

- Section 202 Amendment Section 5-E:A since the driveway will be within 100' of an intersection of Young Land and Long John Road

**The reasons for granting are: (1) Strict conformity would pose an unnecessary hardship to the applicant, and waiver would not be contrary to the spirit and intent of the regulations because the location of this parcel is such that any driveway will require a waiver from the 100' setback from the intersection of Young Land and Long John Road. Young Lane is a small subdivision, and this proposed driveway will not have any adverse impact on this area. The DPW Director will approved the driveway after the waiver is granted.**

Date

1/18/2023

  
J.M. Lord, Vice-Chair  
Rye Planning Board

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