

**TOWN OF RYE – PLANNING BOARD
MEETING**

**Tuesday, January 17, 2023 – 6:00 p.m.
Rye Public Library**

Members Present: Kevin Brandon, Rob Wright, Selectmen's Rep. Bill Epperson, Vice-Chair JM Lord, Steve Carter, Bill MacLeod, Kathryn Garcia, and Chair Patricia Losik (via phone)

Also Present on behalf of the Town: Planning/Zoning Administrator Kim Reed

I. Call to Order

Vice-Chair Lord led the Pledge of Allegiance, welcomed all, and explained that Chair Losik would be joining the meeting over the phone and that all votes would be taken by roll call. He explained that Member Finn was not present and asked for an alternate; Member MacLeod agreed to step in as an alternate.

II. Public Hearing on Proposed Building Code Amendment: 2023-01 RE: Back Flow Preventer added to Section 35-5 of the Building Code.

Vice-Chair Lord summarized the proposed building code amendment and invited comments from the board.

Member Brandon commented that hadn't yet consulted directly with irrigation installers or plumbers. Member Brandon looked into this and explained his findings regarding backflow preventers. He noted that the proposed amendment is an example of time spent on something that will not result in much gain. He explained that adopting this proposed building code amendment would be redundant and wouldn't incrementally benefit the town, and the town's water quality, nor would it streamline the process for individuals who are already going through the steps to hire the proper contractors. He explained that, for those reasons, he is not in favor of the proposed amendment.

Vice-Chair Lord commented that the purpose of the proposed amendment would be to place the property owner on notice, which is a fairly simple and wise thing to do, from his perspective.

Selectmen's Rep. Epperson commented that in speaking with professionals, he learned information consistent with that shared by Member Brandon: it would be highly uncommon for an irrigation system to be installed without a backflow preventer. Despite this, he commented that he wouldn't have a problem with creating this ordinance and putting individuals on notice for the building or replacement of these systems; he would be in favor of the amendment.

Member Wright expressed his agreement with Member Brandon and commented that the proposed amendment is redundant. He added that it doesn't remove risk, and the board has

received advice from the town's council, Attorney Maher, who advises against the ordinance as it places the onus of enforcement on the town's Building Department. Member Wright explained that, for these reasons, he opposes the ordinance. He also noted that Chair Art Ditto of the Rye Water District explained the reasoning behind the proposed ordinance: to manage the volume of water usage. Member Wright commented that the RWD is seeking the approval of an ordinance that will not resolve their stated goal.

Vice-Chair Lord commented that the proposed amendment is intended to protect the town's water from what the state would describe as a high-hazard facility.

Member MacLeod asked a clarifying question regarding permitting and stated that he doesn't have an issue with the proposed amendment.

Member Garcia commented that this amendment would at best emphasize a need and at worst is redundant and creates more work for town employees.

Member Carter acknowledged that this would create more work for town employees and commented that it allows the town to have a conversation with the Rye Water District; without it, there is no other facility to direct someone to the RWD.

Chair Losik commented that the RWD held a public meeting in November where an engineer, Chris Burke, laid out priorities and concerns. These included cross-connection systems and irrigation systems, which were considered high-hazard and most important, while low-hazard items included domestic water.

Chair Losik discussed New Hampshire Building Code 35-9 language regarding cross-connector protectors for irrigation systems. She noted that this would provide a mechanism to strengthen efficiency for new and expanded systems. Alluding to the Planning Board's January 3, 2023 meeting, Chair Losik discussed Attorney Maher's opinion expressed at 1:56 when he described the proposed amendment as "killing two birds with one stone". Chair Losik acknowledged that the building inspector doesn't have the capability to regulate irrigation. She also expressed that the Planning Board has addressed this in land development regulations, NH DES, and Rules and Regulations, which were updated in May 2020. She noted that RWD has included a paragraph in their guidance regarding irrigation systems. She expressed that while this ordinance would not solve all issues regarding water, it would serve as a starting point, and the board would be remiss not to put the proposed amendment forward for a vote.

Member Brandon reiterated that the proposed amendment does not solve the issue of water usage that RWD Chair Art Ditto is seeking to fix.

Vice-Chair Lord explained that the language of the proposed amendment is not intended to remedy the issue of water usage but to put residents on notice that they are required to have a permit in order to install an irrigation system.

Vice-Chair Lord opened to the public at 6:19 p.m.

Art Ditto, Rye Water District Commissioner, 60 Sagamore Road, clarified the original objective of the proposed amendment: to put in place a process to require a building permit for an irrigation system replacement. He explained how the current proposal does not support that objective.

Steven Borne of 431 Sagamore Road asked if the Master Plan Committee would like to participate in the Civic League. He explained that he's been struggling to find a list of ordinance changes that will be included on the ballot. He also summarized his understanding of the RWD's water issues, particularly that this warrant article would be an attempt to gather a database of irrigation system locations in town.

Vice-Chair Lord closed to the public at 6:24 p.m.

Chair Losik asked if the boards' documents were noticed 2023-01. The board confirmed that the legal notice was 2023-01. She also noted that Ray's site impact analysis should be removed as it has no bearing on this amendment.

Motion by Patricia Losik to move Rye Planning Board proposed building code amendment 2023-01 forward to the warrant. Seconded by Steve Carter.

Member Brandon commented that the RWD Commissioner, Art Ditto, expressed that the proposed amendment does not address their concern; therefore, it does not make sense to move this forward.

Vote: 5-2

(P. Losik, W. Epperson, J. Lord, W. MacLeod, S. Carter in favor, K. Brandon, R. Wright not in favor)

III. Determination of Completeness

- a. Driveway Application by Robert Lang on behalf of Tucker D. Allard & Mary Coppinger for property owned and located at 457 Central Road, Tax Map 8.1, Lot 4 for a driveway per Section 5: Paragraph A for a new driveway to be 80' where 100' is required of an intersection and from Section 5, Paragraph B for a driveway 6' from the abutting property line where 10' is required. The property is in the Single Residence District. Case #21-2022.

Motion by Bill Epperson to continue the Driveway Application by Robert Lang on behalf of Tucker D. Allard & Mary Coppinger for property owned and located at 457 Central Road, Tax Map 8.1, Lot 4 to the March 21, 2023 Planning Board meeting. Seconded by Pat Losik.

Vote: 7-0 (P. Losik, K.Brandon, R.Wright, W. Epperson, J. Lord, W. MacLeod, S. Carter)

- a. Major Subdivision Plan by Jones & Beach Engineering, Inc. on behalf of Marlene Veloso & Charles Fast property owners for property owned and located at 850 Washington Road, Tax Map 11, Lot 130 to subdivide the parcel into 3-lots and a road. The property is in the Single Residence and Aquifer & Wellhead District. Case #11-2022.

Vice-Chair Lord commented that the board still does not have a hydro study for the application and would like an update.

Paige Libbey, PE of Jones and Beach Engineers, explained that after a site walk in July, 50 ledge probes were taken at the site for a hydro-geologic study. After gathering data, Dave MacLean, PG of Verdantas, sent an appeal to the aquifer protection district. This was reviewed by Danna Truslow, who didn't agree with his findings. Ms. Libbey explained that they've come to some agreement on how they would proceed, which will hopefully result in a hydro study to be presented to the board.

Motion by Bill Epperson to continue the application for Major Subdivision Plan by Jones & Beach Engineering, Inc. on behalf of Marlene Veloso & Charles Fast property owners for property owned and located at 850 Washington Road, Tax Map 11, Lot 130 to the February 21, 2023 Planning Board meeting. Seconded by Kevin Brandon.

Vote: 7-0 (P. Losik, K.Brandon, R.Wright, W. Epperson, J. Lord, W. MacLeod, S. Carter)

- b. 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 Lane and Long John Road. The property is in the Single Residence District. Case #01-2023.

Alex Ross, a surveyor and engineer, presented his proposed plan. He explained that the property has a vacant lot for which a driveway permit is needed, and due to the location of the lot, there is no way to position a driveway anywhere to avoid being within 100' of Young Lane. Mr. Ross explained that he's been in communication with the Department of Public Works, which has no issue with the proposed plan.

Member Epperson asked if this is a proposed house. Mr. Ross confirmed. Member Epperson asked for the distance between the intersection and the driveway. Member MacLeod commented that a measurement taken from center to center would be about 100'.

Mr. Ross explained that it depends upon where the measurement is taken.

Vice-Chair Lord asked the board if they were satisfied with the presentation and if the board is prepared to determine the application as complete to be moved to the public hearing.

Motion by Bill MacLeod to determine the 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 as complete. Seconded by Steve Carter.

Vote: 7-0 (P. Losik, K.Brandon, R.Wright, W. Epperson, J. Lord, W. MacLeod, S. Carter)

Motion by Pat Losik to move the 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 to a public hearing. Seconded by Bill MacLeod.

Vote: 7-0 (P. Losik, K.Brandon, R.Wright, W. Epperson, J. Lord, W. MacLeod, S. Carter)

IV. Public Hearings on Applications if they are complete and/or have been continued:

- a. Major Site Development, Residential Condominium and Commercial Site Plan 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.

Mike Gerrapy, Paige Libbey, Mic Khavari, and Kevin Baum introduced themselves and presented the application.

The board reviewed and discussed changes made to the Conditions of Approval. There was an extended discussion regarding the landscaping plan as laid out in item eight, including the correction of the date from January 5, 2023 as opposed to October 19, 2022. There was also extended discussion regarding the condominium site plan as described in item eleven, trash as described in item 11G, as well as water, sewer, and blasting permits as described in item 14. Vice-Chair Lord also clarified that item 23 will now specify that conditions 1, 6, 7, 11-13, 16 and 18 must be met prior to signature by The Planning Board Chair.

Chair Losik, referring to the colored landscape plan, noted that it doesn't include the proposed treeline. Mr. Gerrapy explained that the submitted landscape plan isn't the most current; he agreed to provide the board with an updated colored landscape plan.

Hearing no other questions or concerns from the board, Vice-Chair Lord opened to the public at 7:09 p.m. Hearing no comments, the public session was closed at 7:10 p.m.

Motion by Pat Losik to accept the Major Site Development, Residential Condominium, and Commercial Site Plan 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 residential 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. Subject to the Conditions of Approval as amended

dated January 17, 2023 with changes addressed and the landscape color plan updated as of January 17, 2023. Seconded by Kevin Brandon.

Vote: 7-0 (P. Losik, K.Brandon, R.Wright, W. Epperson, J. Lord, W. MacLeod, S. Carter)

- b. Major Subdivision Plan by Jones & Beach Engineering, Inc. on behalf of Marlene Veloso & Charles Fast property owners for property owned and located at 850 Washington Road, Tax Map 11, Lot 130 to subdivide the parcel into 3-lots and a road. The property is in the Single Residence and Aquifer & Wellhead District. Case #11-2022.

The board did not accept jurisdiction on this application and did not hold a vote.

- c. Driveway Application by Robert Lang on behalf of Tucker D. Allard & Mary Coppinger for property owned and located at 457 Central Road, Tax Map 8.1, Lot 4 for a driveway per Section 5: Paragraph A for a new driveway to be 80' where 100' is required of an intersection and from Section 5, Paragraph B for a driveway 6' from the abutting property line where 10' is required. The property is in the Single Residence District. Case #21-2022.

Application continued to March 21, 2023 meeting (see motion above).

- d. 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 Lane and Long John Road. The property is in the Single Residence District. Case #01-2023.

Vice-Chair Lord praised their presentation. Selectmen's Rep. Epperson noted that considering the configuration and placement of the lot there doesn't seem to be any other sensible location for the placement of a driveway. The board discussed the placement of the proposed driveway and of neighboring driveways.

Vice-Chair Lord opened to the public. Hearing no comments, the public session was closed at 7:17 p.m.

Motion by Bill Epperson to approve the 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 Lane and Long John Road. The property is in the Single Residence District. Case #01-2023. Seconded by Kevin Brandon.

Vote: 7-0 (P. Losik, K.Brandon, R.Wright, W. Epperson, J. Lord, W. MacLeod, S. Carter)

V. New/Old Business:

- **Change to the Rules of Procedure**

The board discussed the following updated Rules of Procedure:

- Four committees shall report to the board (§201-3.C)
- The Zoning Administrator, Land Use Assistant, and any other interested parties (§201-3.I)
- The Master Plan Steering Committee will be valid until December 31, 2024 (§201-3.I4)
- The board will meet on the third Tuesday of each month (§201-4.A)
- The meeting shall end no later than 9:00 p.m. (§201-4.C.2)
- The rules of the planning board prohibit that... (§201-8.B)

Planning/Zoning Administrator Reed agreed to type the discussed changes, send them to Attorney Maher, and add them to the next meeting's "Old Business" agenda item.

Chair Losik and Member Wright discussed potential language to be used in the proposed Master Plan Steering Committee section of the Rules of Procedure document.

Selectmen's Rep. Epperson and Planning/Zoning Administrator Reed discussed the reasoning behind why the Planning Board's Rules of Procedure must go before the public for comment.

- **HOP-Grant Application**

Chair Losik gave an update on the HOP-Grant Application and thanked Planning/Zoning Administrator Reed and Julie LaBranche for their work.

Motion by J.M. Lord to allow Chair Losik, Planning/Zoning Administrator Reed, and Julie LaBranche to make the final edits and submit this application. Seconded by Rob Wright.

Vote: 7-0 (P. Losik, K.Brandon, R.Wright, W. Epperson, J. Lord, W. MacLeod, S. Carter)

- **Master Plan Steering Committee Update**

Member Wright updated the board on the Master Plan Steering Committee's most recent meeting where members discussed how to socialize support for the budget and anticipate commonly asked questions and responses to those questions. A Question and Answer section is now published on the town website.

VI. Other Business

a. Escrows and Minutes

Minutes - December 6, 2022

- Correction to page one: "The RWD is seeking an addition to the building code."
- Correction to page one: change "fish" to "efficient"
- Corrections to page 17: "most notably 8.4"
- Correction to page 17: "solely related to the interpretation of applications of the zoning ordinance"

- Correction to page nine: “Suzanne McFarland, referring to §190-3.1(2a)”
- Correction to the spelling of Dania Wiegley throughout the document

Motion by Rob Wright to accept changes to the December 6, 2022 Planning Board meeting minutes.

Vote: 7-0 (P. Losik, K.Brandon, R.Wright, W. Epperson, J. Lord, W. MacLeod, S. Carter)

Minutes - December 13, 2022

- Correction to page ten: “November 13, 2022”

Motion by Kevin Brandon to accept changes to the December 13, 2022 Planning Board meeting minutes.

Vote: 6-0 (P. Losik, K.Brandon, R.Wright, J. Lord, W. MacLeod, S. Carter)

Note: Selectman’s Rep. Epperson abstained as he was not in attendance at the December 13, 2022 meeting.

Motion by Kevin Brandon to adjourn at 7:40 p.m.

Vote: 7-0 (P. Losik, K.Brandon, R.Wright, W. Epperson, J. Lord, W. MacLeod, S. Carter)

Respectfully Submitted,

Emilie Durgin

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant:

Robert Lang

Owner:

Tucker D. Allard & Mary Coppinger

Property:

457 Central Road, Tax Map 8.1, Lot 4
The property is in the Single Residence District.

Application case:

Case #21-2022

Application:

Robert Lang on behalf of Tucker D. Allard & Mary Coppinger for property owned and located at 457 Central Road, Tax Map 8.1, Lot 4 for a driveway per Section 5: Paragraph A for a new driveway to be 80' where 100' is required of an intersection and from Section 5, Paragraph B for a driveway 6' from the abutting property line where 10' is required. The property is in the Single Residence District. Case #21-2022

Date of decision:


January 17, 2023

Decision:

The Board voted to continue the application to the March 21, 2023 meeting.

Date

1/18/2023


JM Lord, Vice-Chair
Rye Planning Board

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

PLANNING BOARD

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant: Jones & Beach Engineering, Inc.

Owner: Marlene Veloso & Charles Fast

Property: 850 Washington Road, Tax Map 11, Lot 130
Property is in the Single Residence and Aquifer & Wellhead District

Application case: Case #11-2022

Application: Major Subdivision Plan by Jones & Beach Engineering, Inc. on behalf of Marlene Veloso & Charles Fast property owners for property owned and located at 850 Washington Road, Tax Map 11, Lot 130 to subdivide the parcel into 3-lots and a road. Property is in the Single Residence and Aquifer & Wellhead District. Case #11-2022.

Date of decision: January 17, 2023

Decision: The Board voted to continue the application to the February 21, 2023 meeting.

Date

1/18/2023


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

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see Article VII, Section 703 of the Town of Rye Zoning Ordinance. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

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;

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see Article VII, Section 703 of the Town of Rye Zoning Ordinance. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

- 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.

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see Article VII, Section 703 of the Town of Rye Zoning Ordinance. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

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

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

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 Yong 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.

1/18/2023
Date


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

Note: This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see Article VII, Section 703 of the Town of Rye Zoning Ordinance. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.