

***The Board of Adjustment of the Town of Rye, NH will hold a public hearing at: 7:00 PM on  
Wednesday, November 7, 2018 at the Rye Town Hall, 10 Central Road***  
**Legal Notice**

Request by Timothy E. Sanborn, Trustee of Ocean View Trust for rehearing and reconsideration of the Rye Board of Adjustment's September 19, 2018 denial of applicant's appeal of the building inspector's administrative decision case #38-2018. **Public hearing closed during Board discussion on the request.**

1. **Request** by Timothy E. Sanborn, Trustee of Ocean View Trust for rehearing and reconsideration of the Rye Board of Adjustment's September 19, 2018 denial of applicant's appeal of the building inspector's administrative decision case #38-2018. **Public hearing closed during Board discussion on the request.**
2. **Richard & Theresa Carey, Trustees, Richard & Theresa Carey Revocable Trust of 11 Robandy Street, Andover, MA for property owned and located at 11 Surf Lane, Tax Map 8.4, Lot 7.1** request an equitable waiver of dimensional requirements from section 304.5 for the building coverage where 19.1% was permitted, 15% is allowed and 24.5% was built. **Property is in the General Residence and Coastal Overlay District. Case # 40-2018.**
3. **Richard & Theresa Carey, Trustees, Richard & Theresa Carey Revocable Trust of 11 Robandy Street, Andover, MA for property owned and located at 11 Surf Lane, Tax Map 8.4, Lot 7.1** request variances from section 304.5 for building coverage of 24.5% where 19.1% was permitted by variance on 8-21-18 and 15% is permitted; from section 204.3 B for a structure +/- 2.6' from the right side property line where 8.6' was granted and 20' is required; and from section 204.3C for a structure on the Breakers road setback of 7.2' where 11' was previously approved +/- 5' exits and 22.2' is required. **Property is in the General Residence and Coastal Overlay District. Case # 41-2018.**
4. **Grace Sheehan (Wieczorek) of 7 Piccadilly Court, Manchester NH for property owned and located at 2165 Ocean Blvd, Tax Map 8.4, Lot 77** requests variances from section 603.1 for expansion of a non-conforming structure on a non-conforming lot and from section 304.5 for dwelling coverage where 11.7% exists, 15.6% is proposed and 15%. **Property is in the General Residence, Coastal Overlay District and SFHA, Zone AO (1). Case #42-2018.**
5. **James & Penelope Shepperd of 6 Bay Road #33 Newmarket NH for property owned and located at 1021 Ocean Blvd, Tax Map 20.2, Lot 131** request an administrative appeal from the 8-9-18 denial letter by the building inspector to obtain variances from sections 500.2 and 500.2. **Property is in the General Residence, Coastal Overlay District. Case #43a-2018.**
6. **James & Penelope Shepperd of 6 Bay Road #33 Newmarket NH for property owned and located at 1021 Ocean Blvd, Tax Map 20.2, Lot 131** request variances from section 603.1 for expansion of a non-conforming structure; from section 204.3 B for addition on the right side setback where 7.7' exists, 5.0'/9.7' is proposed and 20' is required and on the left side setback where 7.4' exists, 7.9'/9.0' is proposed and 20' is required; from section 204.3 C for an addition in the front yard setback where 15.4' exists, 9.7' is proposed for pavers and 13.4' for stairs and 30' is required; from section 304.5 for dwelling coverage where 23.7% exists, 24.4% is proposed and 15% is allowed; from section 304.5 for lot coverage where 36.4% exists, 39.6% is proposed and 30% is allowed; and from sections 500.2 and 500.3 for parking in the front yard setback within 10' of the lot line. **Property is in the General Residence, Coastal Overlay District. Case #43b-2018.**

\*\*\*THIS AGENDA IS SUBJECT TO CHANGE UP UNTIL THE TIME OF THE MEETING\*\*\*

NOTE: NO APPLICATIONS WILL COMMENCE AFTER 10:00 PM. REMAINING APPLICATIONS SHALL BE CONTINUED

7. **Donald K. Laing Revocable Trust, T. Beaton & Scott Laing, Trustees of 21 Whippoorwill Drive, Newton, NH for property owned and located at 140 Harbor Rd, Tax Map 9.2, Lot 17** request variances from section 603.1 and 603.2 for expansion of a non-conforming structure on a non-conforming lot; from section 203.3 F for lot area where 50,516 s.f. exists, 50,516 s.f is proposed and 66,000 s.f is required and lot frontage where 0' exists, 0' is proposed and 150' is required; from section 301.8 B (1) (2) & (7) for construction in the wetlands buffer where 14.8' exists from tidal water to cottage, 22.9' is proposed and 100' is the required tidal buffer, where 19.6' exists from freshwater to cottage, 22.4' is proposed and 75' is the required freshwater buffer, where a privy is located in the tidal wetland resource, a septic tank is proposed 50' from tidal water where 100' is required, a leachfield is proposed 60.6' from tidal water where 100' is required and leachfield is proposed 44.6' from fresh water where 75' is required; from section 301.5 A for disturbance in the 50' buffer; and relief from the building code sections 7.9.2.2, 7.9.4.1 and 7.9.4.2 for septic tank 50' tidal, leachfield 60.6' tidal and 44.6' freshwater where 75' is required. . **Property is in the Single Residence District, Coastal Overlay and SFHA, Zone AE. Case #44-2018.**
8. **Ray's Seafood Restaurant, Inc. for property 1677 Ocean Blvd, Tax Map 13, Lot 12** requests an administrative appeal from the 8-30-2018 Notice of Violation by the building inspector. **Property is in the Commercial and Coastal Overlay District. Case #45-2018.**
9. **Jesse Durkin of 1564 Vineyard Drive, Los Altos, CA for property owned and located at 395 Washington Road, Tax Map 16, Lot 117** requests a special exception from section 301.7 B for a driveway within 100' of vernal pool and wetlands setbacks and buffer. **Property is in the Single Residence District. Case #46a-2018.**
10. **Jesse Durkin of 1564 Vineyard Drive, Los Altos, CA for property owned and located at 395 Washington Road, Tax Map 16, Lot 117** requests variances from section 202.5 for a septic system 15.5' +/- from the side property line where 20' is required; from section 202.13 for total upland soils of 27,970 SF all of which is contiguous where 44,000 SF of total upland soils and 30,000 SF of contiguous upland soils is required; from section 203.3 C for a house with a front yard setback of 14' where 40' is required; from section 203.F for lot area of 52,270 SF where 66,000 SF is required and for 149' +/- of frontage where 200' is required; from sections 301.8 B(1)(2)(5) & (7) for surface alteration, septic system, tree cutting, and construction of dwelling 48' +/- from the vernal pool where 100' is required and 22' +/- from a wetland 1 acre or larger where 75' is required; from section 601 for building on a vacant non-conforming lot; from section 500.3 for one parking space in the front yard setback. Applicant also requests relief from Building Code section 7.9.2.2 for an effluent disposal system 85' +/- to vernal pool and 50' to wetland where 75' is required and from section 7.9.2.5 for an effluent disposal system 15.5' +/- of side boundary where 20' is required. **Property is in the Single Residence District. Case #46b-2018.**
11. **Carey & Giampa Realty Trust for property owned and located at 655 Wallis Road, Tax Map 16, Lot 22** requests a special exception from section 202.10 for installation of a septic system on a non-residential lot which will require tree cutting within the 50' residential boundary. **Property is in the Commercial and Single Residence District and Aquifer Wellhead Protection District. Case #47-2018.**
12. **Carey & Giampa Realty Trust for property owned and located at 655 Wallis Road, Tax Map 16, Lot 22** requests a variance from section 202.10 for installation of a septic system on a non-residential lot which will require tree cutting within the 50' residential boundary. **Property is in the**

**Commercial and Single Residence District and Aquifer Wellhead Protection District. Case #48-2018.**

- 13. Peter G. Weeks, PGW Weeks R/E Consulting for Cindy Weeks and Roland Routhier for property owned and located at 437 South Rd, Tax Map 4, Lot 28** requests relief from the Building Code section 7.9.6 for an effluent disposal system that does not meet the requirements; from section 7.9.3.1 for a effluent disposal area with 57” of separation from the bed bottom to an impermeable substratum where 72” is required; from section 7.9.3.2 for an effluent disposal system with of 30” separation from the bed bottom to the seasonal high water table where 48” is required; and from and 7.9.4.3 for an effluent disposal system with impervious substratum within 36” of the surface. **Property is in the Single Residence and Aquifer & Wellhead Protection District. Case #49-2018.**
- 14. Edwin K. Harding, IV for property owned and located at 119 Wentworth Road, Tax Map 24, Lot 35** requests variances from section 203.3A for a shed 7’ from the rear property line where 30’ is required and from section 203.3B for a shed within the 20’ setback. **Property is in the Single Residence District. Case #50-2018.**

Patricia Weathersby,  
Chairman