

***The Board of Adjustment of the Town of Rye, NH
will hold a public hearing
at: 7:00 PM on Wednesday, October 6, 2021
Rye PUBLIC LIBRARY, 581 Washington Rd, Rye***

BUSINESS

Minutes of the September 1, 2021

APPLICATIONS

- Request for rehearing and reconsideration, per NHRSA 677:2 and the Rye Zoning Ordinance §190-7.3 of the Board of Adjustment's August 4, 2021 of variances and special exception by Attorney Mark E. Beliveau on behalf of Peter and Patricia Brotchie for property located at 63 Old Beach Road, Tax Map 8.4, Lot 134, cases #31a-2021 and 31b-2021. **Public hearing closed during Board discussion on the request.**
1. **Arthur G. Pierce Rev. Trust & Sharon Pierce Rev. Trust, Arthur & Sharon Pierce, Trustees of 24 Colony Cove Road, Durham NH for property owned and located at 261-279 Pioneer Road, Tax Map 24, Lot 117** request variances from §190-5.3.C(2) for a condominium conversion of 4 units having 580sq.ft, 580 sq.ft, 530 sq.ft, and 530 sq.ft where each is required to have a minimum of 600 sq ft. of floor area and from §190-5.3.C(7) as the amount of land designated as common area is less than 90% of the area of the parcel not designated for buildings and individual unit owner's vehicles and does not meet the minimum lot area and frontage requirements. **Property is in the Single Residence District. Case #34a-2021.**
 2. **Arthur G. Pierce Rev. Trust & Sharon Pierce Rev. Trust, Arthur & Sharon Pierce, Trustees of 24 Colony Cove Road, Durham NH for property owned and located at 261-279 Pioneer Road, Tax Map 24, Lot 117** request a special exception per the Rye Zoning Ordinance §190-5.3.A for 8 apartments in existing 4 buildings. **Property is in the Single Residence District. Case #34a-2021.**
 3. **Charles M. and Lyndsay A. Beynon for property owned and located at 30 LaMer Drive, Tax Map 13, Lot 44** requests an Administrative Appeal from the Building Inspector's June 28, 2021 letter which refers to a swingset/play system as an accessory building pursuant to §190-3.1.G(3) and §190-3.1.H. **Property is in the Single Residence District. Case #35a-2021. Request a continuance to the November 3, 2021 meeting.**
 4. **Charles M. and Lyndsay A. Beynon for property owned and located at 30 LaMer Drive, Tax Map 13, Lot 44** request variances from §190-2.3.C(1) for a swingset/play system 10+/- from the rear property boundary where 30' is required and from §190-3.1.H(2)(g) for a swingset/play system in the 100' wetlands buffer. **Property is in the Single Residence District. Case #35b-2021. Request a continuance to the November 3, 2021 meeting.**
 5. **Mario A. Ponte & Paula M. Parrish of 200 High Street, Exeter, NH for property owned and located at 1627 Ocean Blvd, Tax Map 13, Lot 23** request variances from §190-3.1(H) for a septic tank 19.5', a generator pad 20.0', a residence 31.0', and septic tank 76.9' from the wetlands where 100' is required; from §190-2.4(C).(2) for a house 9.4' from the NE side boundary and 10.6' from the SW side boundary where 20' is required; from §190-2.4(C)(1) for a septic tank 9.5' and a generator pad 20.0' from the rear boundary where 30' is required; from §190-3.4(E) for dwelling coverage of 22.2% where 15% is allowed and §190-3.4.(D) for a building height of 33.25' where 28' required. **Property is in the General Residence, Coastal Overlay and SFHA, Zone AE. Case #37-2021.**
 6. **Christopher & Melissa Snow for property owned and located at 1 Clark Road, Tax Map 19, Lot 90** request variances from §190-6.3A for expansion of a non-conforming structure; from §190-2.3.C.3 for steps and a deck 29+/- from the front boundary where 34' is required; from §190-2.3.C.5 for a building area of 17+/-% where 15% is allowed; and from §190-3.1.H for steps and a deck 65' +/- from the wetlands where 75' is allowed. **Property is in the Single Residence District. Case #40-2021.**

7. **Barbara A. Miller Trust of 2007, Barbara Miller, Trustee for property owned and located at 22 Jenness Avenue, Tax Map 8.4, Lot 54** requests variances from §190-6.3.B to raze an existing structure and replace; from §190-2.4.C(1) for a patio 6.1' and house overhang 15.5' from the rear boundary where 25.4' is required; from §190-2.4.C(2) for an A/C Unit 18.7' from the right boundary where 20' is required; from §190-2.4.C(3) for a walkway 17.3' and house overhang 21.2' from the front boundary where 25.7' is required; from §190-2.4.C(5) and §190-3.4.E for dwelling coverage of 24% where 15% is allowed. **Property is in the General Residence and Coastal Overlay Districts. Case #41-2021.**
8. **Harold Kennedy of 1417 Ocean Blvd, Tax Map 17.4, Lot 8** requests an appeal of administrative decision from the building inspector's decision of August 12, 2021 that property located at 1419 Ocean Blvd, tax map 17.4, lot 8 is a pre-existing, non-conforming lot that has two separate living areas in two respective buildings. **Property is in the Single and General Residence District, Coastal Overlay District. Case #42-2021.**
9. **Craig & Jennifer Thompson of Pocasset MA for property owned and located at 166 Sagamore Road, Tax Map 22, Lot 40** request a variance from §190-2.3C(3) for an addition of a mudroom 35' from the front boundary where 40' is required. **Property is in the Single Residence District. Case # 43-2021.**
10. **Richard Enders for property owned and located at 17 Alder Ave, Tax Map 8.1, Lot 62 and 0 Alder Ave, Tax Map 8.1, Lot 62-01** requests variances from §190-6.1.A for expansion of a non-conforming lot for a lot line adjustment resulting in lot 62 becoming more non-conforming with area reduced from 37,956sq. ft. to 33,320 sq. ft.; from §190—2.4.C(3) for a lot that does not have 30ft of depth; from §190-2.4.C(6) for a lot less than 44,000sq. ft. and frontage less than 150ft. **Property is in the General Residence District. Case #44-2021.**
11. **The Sagamore Group, LLC owned by Split Rock Cove Family Trust of 2019 for property owned and located at 15 Sagamore Rd, Tax Map 24, Lot 22** request variances from §190-2.2.D(1) for four residential buildings on a lot where 3 exists and one is permitted; from §190-2.2.J(1),(2) for 40' between commercial use and the residential district line where less than 50' exists and 50' is required; from §190-2.3.A(1) for four single-family dwellings in a Single Residence District where on plus exits and one is permitted; from §190-2.3.C(5) for overall impervious coverage of 24% where 15% ; from §190-6.3.B for removal of one commercial structure and 3 residential structures, 2 of which are located in the commercial zone, replacing with 2 commercial buildings entirely in the commercial zone and for residential buildings located within the residential zone; §190-7.1.B for change boundary line by not more than 50' where the boundary line divides a lot and single ownership. **Property is in the General Residence District. Case #45-2021.**
12. **BSL Rye Investors, LLC d/b/a Benchmark Senior Living for property owned and located at 295 Lafayette Road, Tax Map 10, Lot 3** requests an administrative appeal from the building inspector's September 7, 2021 decision that a bioretention pond is structure requiring for relief from §190-2.11.C(3); and from the building inspector's measurement of grade. **Property is in the Commercial Resident District and the Aquifer Wellhead District. Case #46a-2021.**
13. **BSL Rye Investors, LLC d/b/a Benchmark Senior Living for property owned and located at 295 Lafayette Road, Tax Map 10, Lot 3** requests variances from §190-2.11.C(3) for a biorientation pond <60; from the front boundary; from §190-2.11..C(7) for a height of <37.03' – 42.03' where 35' is required. **Property is in the Commercial Resident District and the Aquifer Wellhead District. Case #46b-2021.**

OTHER BUSINESS:

Chris Piela, Clerk