

The Board of Adjustment of the Town of Rye, NH
Public Hearing at the Rye Town Hall, 10 Central Road
7:00 PM on WEDNESDAY, June 5, 2024

LEGAL

MINUTES: May 1, 2024

Applications

1. **Request for rehearing and reconsideration by Peter G. Hamill by and through their attorneys, Preti Flaherty for property owned and located at 140 Harbor Rd, Tax Map 9.2, Lot 17 per NHRSA 677:2 and the Rye Zoning Ordinance §190-7.3 of the Board of Adjustment's April 3, 2024 decision to not take jurisdiction. Public hearing closed during Board discussion on the request.**
2. **Heritage Home Service on behalf of Chris Galipeau for property owned and located at 312 Wallis Road, Tax Map 18, Lot 68 requests a variance from §190-2.3.C(2) for a generator 5.3' (+/-) from the side boundary where 20' is required. Property is in the Single Residence District. Case #19-2024.**
3. **Lisa & Michael Mulcahy for property owned and located at 4 Patriots Way, Tax Map 18, Lot 102 request variances from §190-2.3.C(3) for an entry roof 36' (+/-), a granite landing 35' (+/-) and a walkway 23' (+/-) from the front boundary where 40' is required. Property is in the Single Residence District. Case #20-2024.**
4. **Michael Bergeron for property owned and located at 11 Hunterville Ave, Tax Map 8.1, Lot 109 requests variances from §190-2.4.C(3) for addition of a garage 15.2' (+/-) and 27.9' (+/-) from the two front boundaries where 30' is required; from §190-6.3.A for expansion of a nonconforming structure on a nonconforming lot and from §190-5.0.C for parking within the front boundary. Property is in the General Residence District. Case #21-2024.**
5. **Victory Bastable for property owned and located at 50 Brackett Road, Tax Map 22, Lot 91 requests a variance from §190-3.1.H(2),(a), (g) for a dry stack stone wall 90.2'/94.8' from the wetland where 100' is required. Property is in the Single Residence District. Case #22-2024.**
6. **Shoals View Condominium for property owned and located at 42 Washington Road, Tax Map 17, Lot 1 requests a variance from §190-3.1.H(2),(a), (g) for removal of a parking area 53' from the wetlands where 75' is required. Property is in the Single Residence District. Case #23-2024.**
7. **Elements 9 LLC for property owned and located at 14 Sagamore Road, Tax Map 24, Lot 74 requests variances from §190-6.3.B to raze an existing structure and replace with two new structures; from §190-5.0.B for 22 parking spaces where 28 are required; from §190-2.11.A(1) to allow residential use of land where such use is not permitted within the Commercial Zoning District; from §190-2.2.A and 190-2.2I(2) to allow non-residential use of land abutting the boundary of a residential zoning district without providing a 50' wide buffer between the non-residential use and the residential zone district boundary; from §190-2.11.C(3) for proposed building 26.3' (+/-), a dumpster pad 3.5' (+/-), a generator pad 25.1' (+/-), travel aisle 3.5' (+/-), and light poles 2.2' (+/-) from the right front Sagamore Road boundary where 30' is required; from §190-2.11.C(2) for a dumpster pad 7.0' (+/-), a generator pad 9.8' (+/-), and a proposed travel aisle 7.0' (+/-) from the left side boundary where 20' is required; from §190-3.1(H)(2),(a), (g) for a proposed building 21.3' (+/-), a dumpster pad 36.5' (+/-), a generator pad 27.1' (+/-), a travel aisle 34.7' (+/-) from the wetland where 75' is required; and from §190-3.1(H)(2),(e)[2] for the cutting of trees greater than 4.5" in diameter 75' from the wetlands. Property is in the Commercial District. Case # 18-2024.**

- 8. Shawna Healy for Cathy Healy for property owned and located at 2135 Ocean Blvd, Tax Map 8.4, Lot 52** requests variance from §190-2.4.C(1) to replace an existing 8' x 6' shed with a new 12' x 14' shed 1' from the rear property line where 30' is required; from §190-2.4.C(2) to replace an existing 8' x 6' shed with a new 12' x 14' shed 3' from the side property line where 20' is required and from §190-3.1.H(2)(a),(g) for a shed approximately 35' (-/+) from wetlands where 75' is required. **Property is in the General Residence, Coastal Overlay District. Case # 24-2024.**
- 9. Peter & Alexandra Smart for property owned and located at 17 Triton Drive, Tax Map 20.2, Lot 104** requests a variance from §190-6.3.A/B for expansion of a nonconforming structure; from §190-2.4.C(3) for an addition 14.3' and a paved walkway 3.5'/7.5' from the front boundary where 23.6' is required and from §190-5.0.C parking in the front boundary. **Property is in the General Residence and Coastal Overlay District. Case #25-2024.**
- 10. Alex Ross on behalf of Steven & Tara Danielson for property owned and located at 5 Douglas Circle, Tax Map 8.1, Lot 105** requests an equitable waiver of dimensional requirements from §190-2.4.C(2) for a garage 11.5' from the right side boundary and 17.1' from the left side boundary where 20' is required. . **Property is in the General Residence District and Aquifer Protection Overlay District. Case #26-2024.**
- 11. Keper Connell for property owned and located at 240 Washington Road, Rye NH Tax Map 16, Lot 178** requests an administrative appeal to the Building Inspector's letter dated May 3, 204 denying the replacement of a pre-existing shed. **Property is in the Single Residence District. Case #27a-2024.**
- 12. Keper Connell for property owned and located at 240 Washington Road, Rye NH Tax Map 16, Lot 178** requests a variance from §190-2.3.C(2) for a shed 2' (+/-) from the side boundary. **Property is in the Single Residence District. Case #27b-2024.**

John Tuttle, Clerk