

**TOWN OF RYE – BOARD OF ADJUSTMENT  
MEETING**

**Wednesday, March 3, 2021**

**7:00 p.m. – via ZOOM**

***Members Present:*** Acting-Chair Shawn Crapo, Burt Dibble, Patrick Driscoll, Gregg Mikolaities and Chris Piela

***Present on behalf of the Town:*** Planning/Zoning Administrator Kimberly Reed

***Note:*** *Shawn Crapo sat as acting chair for the meeting.*

**I. CALL TO ORDER**

Chair Crapo called the meeting to order at 7:00 p.m. via Zoom teleconferencing.

**Statement by Shawn Crapo:**

As chair of the Rye Zoning Board of Adjustment, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are providing public access to the meeting by telephone, with additional access possibilities by video and other electronic means. We are utilizing Zoom for this electronic meeting. All members of the board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by dialing in to the following phone number: 646-558-8656 or by clicking on the following website address: [www.zoom.com](https://www.zoom.com) ID #827 4722 8156 Password: 123456

Public notice has been provided to the public for the necessary information for accessing the meeting, including how to access the meeting using Zoom telephonically. Instructions have also been provided on the website of the Zoning Board of Adjustment at: [town.rye.nh.us](http://town.rye.nh.us) go to the Board of Adjustment page and click on the agenda for this meeting. If anyone has a problem, please call 603-379-0801 or email: Kim Reed at [KReed@town.rye.nh.us](mailto:KReed@town.rye.nh.us).

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Roll call attendance of members:

1. Shawn Crapo
2. Gregg Mikolaities
3. Patrick Driscoll
4. Chris Piela
5. Patricia Weathersby
6. Burt Dibble not present for roll call attendance

*(Each board member confirmed that there were no others present with them in the room.)*

**II.**

○

**BUSINESS**

**Approval of the February 3, 2021 minutes**

**Motion by Greg Mikolaities to approve the minutes of February 3, 2021 as amended.**

**Seconded by Chris Piela.**

**Roll Call: Chris Piela – Yes; Patrick Driscoll – Yes; Gregg Mikolaities – Yes;**

**Burt Dibble – Yes; Shawn Crapo – Yes**

**Motion passed**

Continuances:

Chair Crapo explained that applications #1 and #2 on the agenda have requested a continuance. Because of recusals and availability of members for those cases, there will be less than a five-member board and it is the applicant's prerogative to continue for that reason. Case #4 has also requested a continuance because the applicant has found that there are additional variances that need to be applied for, which were not originally requested.

**Motion by Chris Piela to continue the applications per request to the April 7<sup>th</sup> meeting.**

**Seconded by Gregg Mikolaities.**

**Roll Call: Chris Piela – Yes; Patrick Driscoll – Yes; Gregg Mikolaities – Yes;**

**Burt Dibble – Yes; Shawn Crapo – Yes**

**Motion passed**

**III.**

**APPLICATIONS:**

1. **Drew Pierce of Seacoast Modular Homes, Inc for the Kehas Family Living Trust for property owned and located at 2257 Ocean Blvd, Tax Map 5.3, Lot 7, requests an equitable waiver of dimensional requirements pursuant to §190-7.1 for a newly built home with a height of 30.29'. Property is in the General Residence and Coastal Overlay Districts and the SFHA Zone AO+1. Case #04-2021.**

- *Continued to the April 7, 2021 meeting as requested by applicant. (See motion above.)*

2. **Nicole & Michael Callahan for property owned and located at 1367 Ocean Blvd, Tax Map 17.4, Lot 16**, request variances from §190-2.4.C(1) for a house 5.0' from the rear boundary where 30' is required; from §190-2.4.C(2) for a house 11.0' from the left side boundary where 20' is required; from §190-2.4.C(2) for a house 1.4' from the right side boundary where 20' is required; from §190-3.4.E for dwelling coverage of 52.4% where 30% allowed; and from §190-6.3.A for the expansion of a nonconforming building. **Property is in the General and Coastal Overlay Districts and SFHA, Zone AO+1. Case #08-2021.**

- *Continued to the April 7, 2021 meeting as requested by applicant. (See motion above.)*

3. **Timothy G Carberry Revocable Trust, Christine Carberry Trustee for property owned and located at 235 Parsons Road, Tax Map 19, Lot 104** request a variance from §190-3.1.H(2)(a) and (g) for a generator 70' +/- from the wetlands buffer where a 75' is required. **Property is in the General Residence, Coastal Overlay District. Case #09-2021.**

**Christine Carberry, applicant**, spoke to the Board. She introduced Scott Scherbon from Tri-State Generators. She explained the request is to have a standalone generator on the property. It is 5' into the wetlands buffer because of the requirement to have it a certain distance from the house. Mr. Scherbon put together the request for the variance, which the Board has received. The request explains that for safety and environmental reasons, this is the best location for the generator.

Member Piela asked if the location was selected due to safety concerns; having the generator away from doors and windows where carbon monoxide could enter. He asked if this is the most appropriate location to the house and the safest.

Mr. Scherbon confirmed. He noted it is 5' from the house to make sure it is not near any openings to the house. It also puts the generator far away from the house so it can't collect underneath the deck.

Member Driscoll asked when the generator will be scheduled to do its maintenance run and how often.

Mr. Scherbon explained that has not been selected because the generator is not connected yet. If the Board has a recommendation, they would certainly work with that.

Member Driscoll commented that the location is not close to other homes. He would just be cognizant of the noise the generator puts out and try to pick a time that would be least offensive to the neighbors. He suggested this be a condition.

Mr. Scherbon agreed.

Chair Crapo asked if the propane tank is going to sit on the pad that is shown in the photo.

Mr. Scherbon confirmed. There are two small pads and that is where the propane tanks will sit.

Member Piela clarified there is no variance requested for the propane tank pad. The variance is just for the generator pad.

Mr. Scherbon confirmed.

Chair Crapo noted that with Rye's ordinance, the propane storage is not subject to setback.

Member Dibble asked if there are letters from any abutters.

Chair Crapo replied he did not see any. He noted the proposal is scheduled to go before the Conservation Commission on March 11<sup>th</sup>.

Planning Administrator Reed confirmed that she did not receive any letters from abutters.

Ms. Carberry stated that she checked in with everyone, except for the State of New Hampshire as an abutter, and they were fully supportive of the variance.

Member Dibble asked if the Board is going to continue to hear the application, absent the Conservation Commission's site walk.

Chair Crapo confirmed. He pointed out that the location is the middle of an existing lawn. He does not see anything being cleared for it and it is almost at the buffer. Speaking to the applicant, he asked if there was any way to get out of the 5' here. He asked if they could go out into the yard a bit, without getting under the deck, to gain some room. He asked if there is any way to shift the generator to gain the 5'.

Mr. Scherbon explained they also took into consideration the snow load; where the snow would come off the roofline. In that location, snow from the roof would not dump onto it. This area is also the location that is used for the manual generator the applicant currently uses. Looking at the buffer, there are not too many places to put it. The generator has to be 5' off the house, just for building codes. He reiterated it is a tough spot.

Chair Crapo commented that he is having trouble with the map and seeing where the location is in relation to the road. He asked if the generator pad is on the opposite end of where the proposed garage is located.

Ms. Carberry confirmed.

Chair Crapo opened to the public for comments. He noted that Mike Garvan from the Conservation Commission is on the call. He asked Mr. Garvan if RCC would like to weigh-in.

**Mike Garvan, Conservation Commission**, stated it is certainly not a large encroachment into the buffer. He does not imagine it is going to have a lot of difficulty getting the Conservation Commission's approval. It seems the Board has asked Ms. Carberry and the contractor the appropriate questions.

Chair Crapo pointed out the proposed location is right in the middle of existing lawn. It does not look like any vegetation is being disturbed to put this in.

Ms. Carberry commented that is correct. She noted the Conservation Commission did do their site walk, even though the application has not gone before them yet.

Chair Crapo asked if there were any real concerns voiced by the Conservation Commission at their site walk.

Ms. Carberry stated they did not come back with any questions. They did the site walk and left. The same package that was submitted to the BOA has been submitted to the Conservation Commission.

Hearing no further comments from the public, the public hearing was closed at 7:30 p.m.

Member Driscoll commented it seems pretty straightforward. It always gets a little clunky when the Board is trying to put a contingency on RCC's recommendation when they don't know what their recommendation is going to be. He would be open to just approving the variance as submitted to the Board.

Chair Crapo noted the Board does not have a letter from RCC to make a condition upon. He thinks the Board values their input. Hearing a generality from them that they may or may not have a concern helps.

Member Piela stated he has no issue with the application, as it seems to be a small ask. He is not sure how they would phrase a condition pending RCC without having any recommendation. He reiterated it seems like a relatively small ask. It seems like the logical site to put a generator.

Member Mikolaities commented he is fine with the proposal.

Member Dibble stated he would not want it to necessarily become a precedent that the Board discounts or neglects the Conservation Commission's input. On the other hand, he thinks there is a sense among the members of the Board that this is straight forward in terms of its environmental impact. He is in approval of the project.

Chair Crapo stated the Board definitely values the Conservation Commission's input. If there were trees being cleared, or something of that nature, he could see this being deferred. The only real condition he would suggest is using best practices for installation to minimize any destruction as possible.

Member Piela pointed out it is already physically there.

Mr. Scherbon confirmed.

Speaking to the applicant, Chair Crapo opened the public hearing and asked how far the propane tank is from the wetland. He clarified that none of the propane is within the buffer.

Ms. Carberry confirmed. She noted the propane tank is against the house.

Chair Crapo clarified that when the propane comes out of the tank it is a vapor, so there is no need to have a spill-proof line for contamination on the ground. He asked if this is a correct assessment.

Mr. Scherbon confirmed. He noted that the portable generator they use now has gasoline and oil. The new generator will just have oil, so there will be less material that can actually be spilled.

Chair Crapo asked how often the oil for running the generator would need to be changed. He also asked if it is set up in a way that it can be done very easily without spilling.

Mr. Scherbon replied it is recommended to replace the oil once per year, or every 80 hours of run time. A vacuum tank is connected to the engine. It's vacuumed straight out into a small tank. Unless there was a catastrophic engine failure, there's really no oil to be spilled. He continued that they put down 4x4 blocks and there is 6" to 8" of crushed stone on top of the soil. There would be very little that could actually get down into the ground.

Chair Crapo reclosed the public hearing.

No further questions were heard from the Board.

Chair Crapo called for a vote on variances to §190-3.1.H(2)(a) and (g):

**1) Granting the variance is not contrary to the public interest?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**2) The spirit of the ordinance is observed?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**3) Substantial justice is done?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**4) The values of surrounding properties are not diminished?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**5) There are special conditions of the property that distinguish it from other properties in the area?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**6) There is no fair and substantial relationship between the general purpose of the ordinance provision and the specific application of that provision to the property?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**7) The purposed use is a reasonable one?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**8) Therefore, literal enforcement of the ordinance would result in unnecessary hardship?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**Motion by Burt Dibble to approve the variance request of Timothy G Carberry Revocable Trust, Christine Carberry Trustee for property owned and located at 235 Parsons Road, as advertised. Seconded by Chris Piela.**

**Roll Call: Chris Piela – Yes; Patrick Driscoll – Yes; Gregg Mikolaities – Yes;**

**Burt Dibble – Yes; Shawn Crapo – Yes**

**Motion passed**

4. **16 Wentworth Road SPE, LLC of 126 Daniel Street, STE 200, Portsmouth, NH for property owned and located at 16 Wentworth Road, Tax Map 26, Lot 18, requests variances from §190-2.3.C(1) for a structure 18.5' from the rear boundary where 19' is required; from §190-2.3.C(3) for a garage 18.1' and a retaining wall 10.1' from the front boundary where 40' is required; from §190-2.3.C(5) for lot coverage of 20.9% where 15% is required; from §190-6.3.A/B for expansion/destruction of a nonconforming structure; and from §190-3.1.H.2(a)(g) for a house and pervious patio 15.3' and 19/9' from the wetlands buffer where 100' buffer is required. Property is in the Single Residence District, SFHA, Zone VE. Case #10-2021.**

- *Continued to the April 7, 2021 meeting as requested by applicant. (See motion above.)*

5. **Maryellen Driscoll of 497 McKinley Road, Palatine Bridge, NY for property owned and located at 9 Surf Lane, Tax Map 8.4, Lot 72, requests variances from §190-2.4C(3) for stairs 12.2' from the front boundary where 30' is required; from §190-2.4C(2) for a house 9.6' from the left boundary where 20' is required; from §190-2.4C(3) for a house 12.5' from the right boundary and a shed 1.1' from the right boundary where 20' is required; from §190-3.4(E) for dwelling coverage of 16.5% where 15% is required; from §190-5.0A, C for parking spaces 4'+/- from the property line where 10' is required and width 8' where 10' is required; and from §190-6.3A and B for expansion/destruction of a nonconforming structure. Property is in the General Residence, Coastal Overlay District. Case #11-2021.**



**Attorney Tim Phoenix, representing the applicant,** presented to the Board. He introduced the applicant and the design team and pointed out the Board has received support letters from:

- The Carey Family, 11 Surf Lane
- The Wilson Family, 25 Cable Road
- The Quinn Family, 27 Cable Road

He explained the lot is 6,251sf with just under 50' of frontage. The existing house has a footprint of 790sf or 12.6%. The overall impervious coverage is 1781sf at 28.5%. The building envelope is only about 10', so any home built on this site would require the same or similar relief. There are two sheds on the property. One to the left of the house at the end of the driveway, which is slightly encroaching into the neighbor. There is also one on the left at 5.7' from the property line. The sheds will be taken out, in favor of a single shed close to the house. There is also an existing driveway. (The proposed conditions plan was presented to the Board on the screen for review.) Attorney Phoenix pointed out that the proposed shed has been moved so it is entirely on the lot. The driveway has been made a combination of pervious and grass interlock material. The result is to reduce the overall lot coverage down to 1,300sf, which is 20.8' compared to 28.5' now. The dwelling coverage with the addition is up to 1,033sf or 16.5%.

Attorney Phoenix pointed out that the Carey's, who live to the left and have submitted a letter of support, were granted very similar variances by this Board a couple of years ago. If this was not an existing building, they may be able to slide the home back a bit on the lot, in order to not need front relief; however, the building is where it is. Referring to the photo showing the house, he noted there is a one-story front connected to the two-story portion of the house. (The architectural plans were presented on the screen.) He noted that the front portion of the house has gone to two stories. The existing one-story is wider than what is proposed. What causes the need for the variance is the front steps. There will be a screened porch in back of the house, as opposed to the existing one on the front. The proposed shed will be next to the house in the back. (The floor plans were presented on the screen for review.)

Attorney Phoenix reviewed the requested relief and the requirements for the variances.

- ***The variances are not contrary to the public interest and the spirit of the ordinance is observed.*** The variances are required because this is a very narrow lot with only a 10' wide building envelope on which a structure already exists. Anything that is done on the lot is going to essentially require these variances, with the possible exception of the coverage variance, which is necessary to make the house a little more livable and is supported by all the neighbors. The neighbors who have sent letters surround the property, other than the immediate rear neighbor which is also the Driscoll Family. The applicant has the support of everyone who would be affected by these variances.
- ***Will granting the variances alter the essential character of the locality or threaten the public health, safety or welfare?*** An existing older home is being redone, completely to code. It is esthetically more pleasing. It's evident that it does not threaten the public health, safety, welfare or the essential character of locality by virtue of the letters of support by the nearest neighbors and by the fact that this Board has granted similar variances right next door and elsewhere in this neighborhood.

- ***Granting the variance will not diminish surrounding property values.*** This is common sense based upon the architect's design, it is very esthetically pleasing and there is support from the neighbors.
- ***Special conditions exist that distinguish the property from others in the area.*** Because of the narrow building envelope and the fact that the house already is where it is, any additions or expansion of any kind have to go where they are. There is really no way to do that without some kind of side line relief. There is a benefit overall by removing the two sheds, including one that encroaches across the line, and by creating a permeable driveway which reduces impervious surface on the site.
- ***There is no fair and substantial relationship between the general public purposes of the ordinance and its application in this instance.*** Side setbacks exist in order to have adequate air, light, separation from neighbors, stormwater, etc. Given the location of the house and the support of the neighbors, there is no reason to provide that limit under the ordinance. Similarly, the coverage of 16.5% is over 15%, but starting with a lot that is 6,000+sf, a percent in a half doesn't add a whole lot more to the footprint. The overall coverage is significantly reduced, which is going to help with stormwater management. In regards to the parking, it is really not changing. The location and size of the driveway area is the same as it has been. There is no reason to require the full width, full length, and 10' from the sideline when it really can't be done.
- ***The proposed use is reasonable.*** It is a residential use in a residential zone.
- ***Substantial justice is done by granting the variance.*** If there is no benefit to the public that is outweighed by the hardship to the applicant, this factor is satisfied. Any loss to the applicant not outweighed by a gain to the general public is an injustice. The livability is being improved. There is support from the neighbors. The shed sidelines are being cleaned up. Impervious coverage is significantly being reduced and it will be fully to-code and more esthetically pleasing. There is no harm to the public from granting these variances, yet denial of the variances would deny the applicant and her family of some modest tasteful additions and the ability to convert the cottage into something that is livable in the 21<sup>st</sup> Century.

Chair Crapo opened to the Board for questions.

Member Driscoll stated that he wanted to confirm on the architect's plans that the height of the proposed structure is 26'6". He thinks Ambit was just covering themselves by saying the maximum structure height of 35'. He wants to make sure it is 26'6".

**Jen Ramsey, Architect**, confirmed it is 26'6".

Member Driscoll asked if there has been any work done on the stormwater management plan. It looks like a flat lot with neighbors close on both sides. This will be needed as a condition of the building permit. If there was any information, it would be interesting to hear.

**Paul Doberstein, Ambit Engineering**, replied they have not dug into it too deep. They have not been able to do any soil testing because of the time of year. He is confident there are not going to be any issues with stormwater.

Member Driscoll asked what the proposed shed is going to be used for.

Ms. Ramsey commented the shed will be used for storage; gardening tools, bicycles and lawn chairs.

Member Driscoll noted the building plans were really easy to read. Having the existing and proposed laid out, made it really easy to see what is trying to be accomplished with the build. It seems like this is very straightforward.

Chair Crapo agreed.

Member Dibble stated that it seems the new building is going to shed about the same water as the old building. He did not hear any concerns from the abutters that water has been an issue, so he is reassured in that regard. As he has said about property developments in other neighborhoods and this neighborhood in particular, there are places in Rye that have a very unique quality of neighborhood about them. He always has a concern that any development in these neighborhoods be in accord with what is there. The fact that the abutters all support this project reassures him on that view.

Acting Chair Crapo opened to the public for comments.

**Maryellen Driscoll, applicant**, stated that she appreciates what Member Dibble had to say about the neighborhood. She grew up in this neighborhood. Her family has owned a home directly behind this property since the 1950's. It was important to her to create a design that respected the integrity of a beach community. She tried to keep the design understated, yet utilitarian at the same time.

Hearing no further comments, Chair Crapo close the public hearing at 7:50 p.m.

Member Piela stated that he drove by the neighborhood. He thinks the proposed plan is in keeping with the neighborhood and is fitting. The design will look nice in that neighborhood. He has no issues with the proposal.

Member Mikolaities commented he is fine with the proposal and agrees with what everyone has said so far. He likes the scale of the home and thinks they have done a nice job. He appreciates that they have reduced the impervious. They have done a nice job with that lot.

Member Driscoll stated he is in favor of the application. He cannot think of any conditions that he would add. It seems like a reasonable proposal to him.

Chair Crapo noted the building department will still have them do a stormwater management plan. He continued that he has worked on three abutting properties over the years. This section

of that neighborhood is kind of the higher, elevation wise, and everything goes downhill towards the ocean and the north as well. With the layout of this lot, as opposed to the abutters, he does not see stormwater presenting much of an issue. Almost every home in that area has a shed to store beach apparatus. He thinks it is reasonable and it is in keeping with the look and spirit of the tightknit neighborhood. He is in favor of the proposal.

Chair Crapo called for a vote on variances to 2.4C(3), 2.4C(2), 2.4C(3), 3.4(E) and 5.0A, C:

**1) Granting the variances is not contrary to the public interest?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**2) The spirit of the ordinance is observed?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**3) Substantial justice is done?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**4) The values of surrounding properties are not diminished?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**5) There are special conditions of the property that distinguish it from other properties in the area?**

Chris Piela - Yes  
Patrick Driscoll - Yes

Gregg Mikolaities - Yes  
Burt Dibble – Yes  
Shawn Crapo - Yes

- 6) **There is no fair and substantial relationship between the general purpose of the ordinance provision and the specific application of that provision to the property?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

- 7) **The purposed use is a reasonable one?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

- 8) **Therefore, literal enforcement of the ordinance would result in unnecessary hardship?**

Chris Piela - Yes  
Patrick Driscoll - Yes  
Gregg Mikolaities - Yes  
Burt Dibble - Yes  
Shawn Crapo - Yes

**Motion by Burt Dibble to approve the application of Maryellen Driscoll for property owned and located at 9 Surf Lane as advertised. Seconded by Patrick Driscoll.**

**Roll Call: Chris Piela – Yes; Patrick Driscoll – Yes; Gregg Mikolaities – Yes;  
Burt Dibble – Yes; Shawn Crapo – Yes**

**Motion passed**

### **Adjournment**

**Motion by Burt Dibble to adjourn at 8:00 p.m. Seconded by Chris Piela.**

**Roll Call: Chris Piela – Yes; Patrick Driscoll – Yes; Gregg Mikolaities – Yes;  
Burt Dibble – Yes; Shawn Crapo – Yes**

**Motion passed**

Respectfully Submitted; Dyana Ledger

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:** Nicole & Michael Callahan

**Property:** 1367 Ocean Blvd, Tax Map 17.4, Lot 16  
Property is in the General Residence, Coastal Overlay and SFHA Zone

**Application case:** Case #08-2021

**Date of decision:** March 3, 2021

**Decision:** The Board voted 5-0 continue the application to the April 7, 2021 meeting.

*Shawn Crapo*

Shawn Crapo, Vice-Chairman

**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.

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:** Drew Pierce of Seacoast Modular Homes, Inc. for the Kehas Family Living Trust

**Property:** 2257 Ocean Blvd, Tax Map 5.3, Lot 7  
Property is in the General Residence, Coastal Overlay and SFHA Zones

**Application case:** Case #04-2021

**Date of decision:** March 3, 2021

**Decision:** The Board voted 5-0 continue the application to the April 7, 2021 meeting.

*Shawn Crapo*

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**Shawn Crapo, Vice-Chairman**

**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.



# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:** 16 Wentworth Road SPE, LLC of 126 Daniel Street, STE 200,  
Portsmouth NH

**Property:** 16 Wentworth Road, Tax Map 26, Lot 18  
Property is in the Single Residence District, SFHA, Zone VE

**Application case:** Case #10-2021

**Date of decision:** March 3, 2021

**Decision:** The Board voted 5-0 continue the application to the April 7, 2021 meeting.

*Shawn Crapo*

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**Shawn Crapo, Vice-Chairman**

**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.

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:** Timothy G Carberry Revocable Trust, Christine Carberry Trustee

**Property:** 235 Parsons Road, Tax Map 19, Lot 104  
Property is in the General Residence, Coastal Overlay District

**Application case:** Case #09-2021

**Date of decision:** March 3, 2021

**Decision:** The Board voted 5-0 to grant a variance from the following section of the Rye Zoning Ordinance:

- §190-3.1.H.(2).(a)(g) for a generator 70' +/- from the wetlands buffer.

\_\_\_\_\_  
*Shawn Crapo*

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Shawn Crapo, Vice-Chairman

**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.

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:** Maryellen Driscoll of 497 McKinley Road, Palatine Bridge, NY

**Property:** 9 Surf Lane, Tax Map 8.4, Lot 72  
Property is in the General Residence, Coastal Overlay District

**Application case:** Case #11-2021

**Date of decision:** March 3, 2021

**Decision:** The Board voted 5-0 to grant variances from the following sections of the Rye Zoning Ordinance:

- §190-2.4C(3) ) for stairs 12.2' from the front boundary;
- §190-2.4C(2) for a house 9.6' from the left boundary;
- §190-2.4C(3) for a house 12.5' from the right boundary;
- §190-2.4C(3) for a shed 1.1' from the right boundary;
- §190-3.4(E) for dwelling coverage of 16.5%;
- §190-5.0A, 4' +/- from the property line
- §190-5.0A, C for parking width of 8'; and
- §190-6.3.A and B for expansion/destruction of a nonconforming structure.

\_\_\_\_ *Shawn Crapo*

\_\_\_\_\_  
Shawn Crapo, Vice-Chairman

**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.