

TOWN OF RYE – BOARD OF ADJUSTMENT

August 3, 2022

7:00 p.m. – Rye Public Library

Members Present: Acting Chair Patrick Driscoll, Jenn Madden, John Tuttle, Alternates Patricia Weathersby and Gregg Mikolaities

I. CALL TO ORDER

Acting Chair Driscoll called the meeting to order at 7:03 p.m. and led the pledge of allegiance.

II. BUSINESS

- **Minutes – July 6, 2022**

Motion by John Tuttle to approve the minutes of July 6, 2022. Seconded by Jenn Madden. All in favor.

Continuances:

Motion by John Tuttle to continue the application for 750 Brackett Road to the September 7th meeting. Seconded by Jenn Madden. All in favor.

Motion by Jenn Madden to continue the application for 691 Brackett Road to the September 7th meeting. Seconded by John Tuttle. All in favor.

III. APPLICATIONS

- 1. Peter & Christine Baldwin of 10 Crestview Drive, Exeter, NH for property owned and located at 163 Parsons Road, Tax Map 20, Lot 1 request Building Code waivers from §35-14.C(1) to replace an existing cesspool with a septic system with a distance 3.47' to bedrock/impermeable substratum where 6' is required; and from §35-14.C(2)/§35-14.D(1)(b) for septic system distance 2' to estimated seasonal highwater where 4' is required and 2' or less is a prohibited condition. **Property is in the General Residence District, Coastal Overlay. Case #34-2022.****

Attorney Monica Kieser, representing the applicants, spoke to the Board in regards to the proposal to replace an existing cesspool and replace with a septic system for the property located at 163 Parsons Road. The applicants requested building code waivers from §35-14.C(1) for the septic system to be 3.47' to bedrock and from §35-14.C(2)/§35-14.D(1)(b) for the system to be 2' to estimated seasonal highwater. If the system were to meet the regulations, the septic would

have to be a mounded system, which would have impacts. Those impact factors drove the design of the Biorock Septic System and the waivers being requested.

The Board reviewed the septic plans and proposal. There was discussion about the location of the proposed septic and whether there is a better location on the lot to site the system.

Peter Baldwin, applicant, spoke about the location and noted that the intent is to keep the system close to his home, in order to accommodate the neighbors by keeping it away from the property line. He also spoke about having a raised system and the impacts this would cause to the property. It was noted that the ledge on the property slopes and traps water. A raised system would create a dam effect. The design would have to go back to the architect in order to address mitigation for the trapped water. He expressed his concerns about the further collection and ponding of water.

There was discussion about the elevations and grading of the property and the existing home. After review and discussion, the Board agreed that it would be helpful to have more information from the septic engineer, in order to fully understand the proposal.

Motion by Patricia Weathersby to continue the application of Peter and Christine Baldwin for 163 Parsons Road to the September 7, 2022 meeting for more information. Seconded by John Tuttle. All in favor.

2. **Mark & Shauna Troy, Trustees of the Mark & Shauna Troy Family Trust for property owned and located at 919 Ocean Blvd, Tax Map 20.2, Lot 92 request variances from §190-6.3.B for reconstruction of a non-conforming structure; from §190-2.3.C(3) for a structure 17' from the front boundary where 30' is required; from §190-3.1.H(2)(a), (b) and (g) for surface alteration, a septic system 61.5' +/-; a leachfield 78' +/- and a house 20.6' +/- from the wetland where 100' is required; and a building code waiver from §35-14 to allow the bottom of the septic system to be 5' above the top of bedrock where 6' is required. Property is in the Business and General Residence Districts, Coastal Overlay and SFHA, Zone AO(3). Case #35a-2022.**
3. **Mark & Shauna Troy, Trustees of the Mark & Shauna Troy Family Trust for property owned and located at 919 Ocean Blvd., Tax Map 202, Lot 92 request a special exception from §190-3.1.G/§190-3.1.H(2)(f) for a driveway 60 +/- from the wetland boundary where 100' is required. Property is in the Business and General Residence Districts, Coastal Overlay and SFHA, Zone AO(3). Case #35b-2022.**

Attorney Derek Durbin, representing the applicants, presented the application for the reconstruction of a non-conforming structure. The existing home was originally built as a seasonal cottage and was converted to a year-round residence many years ago. The home is in poor condition with a cracked foundation and it fails to meet safety code. The proposal is to demo the existing home and rebuild a new home with a smaller footprint. The Rye Conservation Commission conducted a site walk and had a favorable review of the proposal. The permeable

driveway, proposed stormwater management plan and improved home, will create better environmental conditions than what currently exists on the property.

Eric Weinrieb, Altus Engineering, spoke to the Board in regards to the engineering aspects of the proposal. The proposed home is being moved back on the lot and will sit 20.6' from the wetland and will be 17' from the front boundary. A DES Shoreland Permit is needed for the work to be done on the property. Anything that is done on this property will require variances because of how much of the property is impacted by the wetlands. The proposal also involves the removal of the existing driveway with the installation of a new permeable driveway, which will be located 60' from the wetland boundary. A new septic system is proposed to be 61.5' from the wetland with a leachfield at 78', which is as far away from the wetlands as possible. The stormwater management plan reduces the overall site impervious from 8.3% to 5.7%. The building coverage impervious is being reduced from 5.1% to 4.3%. Mr. Weinrieb noted that the flood hazard zone (AO3) encompasses the entire building. He also noted that the applicants are accepting of all RCC recommendations, except for the removal of all invasives on the lot; however, they have committed to the area around the house.

The Board reviewed the plans and proposal.

Danna Truslow, representing Rye Conservation Commission, spoke in regards to the invasives on the property; specifically, the invasives bordering the pond at the back of the property.

Mr. Weinrieb confirmed that the applicants are committed to removing the invasives in that area.

There was some discussion about the importance of the pervious areas being installed and maintained to remain pervious; such as, the pervious pavers for the driveway.

It was noted by Attorney Durbin that they did not receive any negative feedback from the abutters in regards to the proposal.

Acting Chair Driscoll opened to the public for comments. Hearing none, the public hearing was closed at 8:11 p.m. for board deliberation. The Board supported the proposal. There was discussion about possible conditions: 1) Pervious pavers for the driveway to be installed by a certified licensed engineer and remain permeable throughout the life of the driveway; 2) adherence to the recommendations of the Rye Conservation Commission letter dated July 5, 2022, except for #4; and 3) applicant to remove invasive plants near pond.

Acting Chair Driscoll called for a vote on variances to §190-6.3.B; §190-2.3.C(3); and §190-3.1.H(2)(a), (b) and (g):

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

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes

John Tuttle – Yes
Patrick Driscoll – Yes

2) The spirit of the ordinance is observed?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

3) Substantial justice is done?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

4) The values of surrounding properties are not diminished?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

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

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – 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?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

7) The proposed use is a reasonable one?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

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

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

Motion by John Tuttle to approve the application of Mark and Shauna Troy for property owned and located at 919 Ocean Boulevard for variances to §190-6.3.B for reconstruction of a non-conforming structure; from §190-2.3.C(3) for a structure 17' from the front boundary where 30' is required; from §190-3.1.H(2)(a), (b) and (g) for surface alteration, a septic system 61.5' +/-; a leachfield 78' +/- and a house 20.6' +/- from the wetland where 100' is required, with the conditions:

- 1) The pervious pavers for the driveway to be installed by a certified licensed engineer and remain permeable throughout the life of the driveway;**
- 2) Adherence to the recommendations of the Rye Conservation Commission letter dated July 5, 2022, except for #4; and**
- 3) Applicant to remove invasive plants bordering the pond.**

Seconded by Patricia Weathersby. All in favor.

Acting Chair Driscoll called for a vote on requested relief to Building Code §35-14:

- Would enforcement of the specific provisions do manifest injustice and be contrary to the spirit and purpose of the Building Code and public interest?**

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

Motion by John Tuttle to approve the request of Mark and Shauna Troy for 919 Ocean Boulevard for relief from Building Code §35-14 to allow the bottom of the septic system to be 5' above the top of bedrock where 6' is required. Seconded by Patricia Weathersby. All in favor.

Acting Chair Driscoll called for a vote for a special exception to §190-3.1.G/§190-3.1.H(2)(f):

- **Is it neither injurious nor detrimental to the neighborhood?**
Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes
- **Is it in harmony with the general purpose and intent of the zoning ordinance and is in accordance with the general and specific rules contained within the zoning ordinance?**

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

Motion by Patricia Weathersby to approve the request of Mark and Shauna Troy for 919 Ocean Boulevard for a Special Exception to §190-3.1.G/§190-3.1.H(2)(f) for a driveway 60+/- from the wetland boundary where 100' is required. Seconded by Gregg Mikolaities. All in favor.

4. **Matthew & Natasha Goyette for property owned and located at 750 Brackett Road, Tax Map 17, Lot 66 request variances from §190-6.3.A/B for expansion of a structure on a non-conforming lot; and from §190-3.1.H(2)(g) for an addition on an existing footprint 55' from the wetlands. Property is in the Single Residence District. Case #36-2022.**
- *Continued to the September 7, 2022 meeting (see motion above).*
5. **Alissa Bournival of 59 Woodland Rd., N. Hampton, NH for property owned and located at 271 Harbor Rd., Tax Map 8, Lot 50 requests an administrative appeal from the building inspector's June 20, 2022 denial of a septic system. Property is in the Single Residence District. Case #37a-2022.**

Attorney Chris Mulligan, representing the applicant, presented the request for an administrative appeal from the building inspector's June 20, 2022 denial of a septic system for the property located at 271 Harbor Road.

Motion by Patricia Weathersby to deny the request of Alissa Bournival for 271 Harbor Road for an Administrative Appeal from the building inspector's June 20, 2022 denial of a septic system. Seconded by Gregg Mikolaities. All in favor.

6. **Alissa Bournival of 59 Woodland Rd., N. Hampton, NH for property owned and located at 271 Harbor Rd., Tax Map 8, Lot 50 requests a variance from §190-**

3.1.H(2)(a), (b) and (g) for a septic system within the 75' wetlands buffer and building code relief from §35-14 from a system meeting new construction standards. **Property is in the Single Residence District. Case #37b-2022.**

Attorney Chris Mulligan presented the variance request from Alissa Bournival for variances to site a new septic system within the 75' wetlands buffer, along with the building code relief request from a system meeting new construction standards.

The Board reviewed the proposed septic plans. The application was opened to the public for comments and questions. Hearing none, the public session was closed at 8:52 p.m.

Acting Chair Driscoll called for a vote for variances to §190-3.1.H(2)(a), (b) and (g):

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

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

2) The spirit of the ordinance is observed?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

3) Substantial justice is done?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

4) The values of surrounding properties are not diminished?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

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

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – 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?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

7) The proposed use is a reasonable one?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

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

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

Acting Chair Driscoll called for a vote on requested relief to Building Code §35-14:

- **Would enforcement of the specific provisions do manifest injustice and be contrary to the spirit and purpose of the Building Code and public interest?**

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

Motion by John Tuttle to approve the application of Alissa Bournival for property located at 919 Ocean Boulevard for variances to §190-3.1.H(2)(a), (b) and (g) for a septic system within the 75' wetlands buffer and building code relief from §35-14 from a system meeting new construction standards. Seconded by Jenn Madden. All in favor.

- 7. Christopher & Susan Reaney for property owned and located at 691 Brackett Road, Tax Map 17, Lot 34 request a special exception from §190-3.1.G(2)/3.1.H.2(f) for a driveway 38.4' from the wetland where 75' is required. Property is in the Single Residence District and Wetland Conservation Overlay District. Case #38a-2022.**
 - *Continued to the September 7, 2022 meeting (see motion above).*
- 8. Christopher & Susan Reaney for property owned and located at 691 Brackett Road, Tax Map 17, Lot 34 request variances from §190-3.1.H(2)(a), (f) and (g) for a barn 31.6', a deck 30.7', a retaining wall 69.2', a garage 57.9', a pervious driveway 38.4' and an impervious walkway 68.4' from the wetland and removal of one tree where 75' is required; and from §190-6.3.A for expansion of a barn. Property is in the Single Residence District and Wetland Conservation Overlay District. Case #38b-2022.**
 - *Continued to the September 7, 2022 meeting (see motion above).*
- 9. Porter Family Trust, James & Jessica Porter, Trustees for property owned and located at 5 Park Ridge Ave., Tax Map 17.3, Lot 18 request variances from §190-6.3.A for expansion of the house; from §190-2.4.C(5) & §190-3.4.E for dwelling coverage 19.4% where 15% is allowed and from lot coverage of 43.9% where 30% is allowed; from §190-2.4.C(3) for a walkway 9.3' and house second floor 18.5' from the front boundary where 30' is required; from §190-2.4.C(2) for right side second floor 9.6' and left pervious patio 14.8' from the side boundaries where 20' is required; from §190-2.4.C(1) for the second floor 12.5' from the rear boundary where 17.5' is required. Property is in the General Residence and Coastal Overlay District. Case #39-2022.**

Attorney Monica Kieser, representing the applicants, spoke to the Board in regards to the proposal for 5 Parkridge Avenue for expansion of the existing home.

Eric Weinrieb, Altus Engineering, explained the proposal for the home expansion, along with the addition of a walkway and the replacement of the existing driveway with permeable pavers. The existing deck is being eliminated and replaced with a permeable patio. Mr. Weinrieb reviewed the drainage plan for the proposal.

The Board reviewed the plan. After a few questions from the Board, Attorney Kieser reviewed the criteria for granting the variances.

Acting Chair Driscoll opened to the public for comments. Hearing none, the public session was closed at 9:32 p.m. for board deliberation. The Board agreed the proposal was reasonable,

thoughtful and a good use of space. They also agreed the proposal was consistent with the neighborhood. It was noted that a condition that the pervious pavers be installed and maintained to remain pervious would be important for this case.

Acting Chair Driscoll called for a vote for variances to §190-6.3.A; §190-2.4.C(5); §190-3.4.E; §190-2.4.C(3); §190-2.4.C(2); §190-2.4.C(1):

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

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

2) The spirit of the ordinance is observed?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

3) Substantial justice is done?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

4) The values of surrounding properties are not diminished?

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

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

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes

Patrick Driscoll – 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?**

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

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

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

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

Gregg Mikolaities – Yes
Patricia Weathersby – Yes
Jenn Madden – Yes
John Tuttle – Yes
Patrick Driscoll – Yes

Motion by John Tuttle to approve the application of James and Jessica Porter for property owned and located at 5 Park Ridge Avenue for variances requested from §190-6.3.A for expansion of the house; from §190-2.4.C(5) & §190-3.4.E for dwelling coverage 19.4% where 15% is allowed and from lot coverage of 43.9% where 30% is allowed; from §190-2.4.C(3) for a walkway 9.3' and house second floor 18.5' from the front boundary where 30' is required; from §190-2.4.C(2) for right side second floor 9.6' and left pervious patio 14.8' from the side boundaries where 20' is required; from §190-2.4.C(1) for the second floor 12.5' from the rear boundary where 17.5' is required; with the condition that the pervious pavers are to be installed and maintained as pervious.

Seconded by Jenn Madden. All in favor.

ADJOURNMENT

Motion by John Tuttle to adjourn at 9:41 p.m. Seconded by Jenn Madden. All in favor.

Respectfully Submitted, Dyana F Ledger

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Mark & Shauna Troy, Trustees of the Mark & Shauna Troy Family Trust

Property: 919 Ocean Blvd, Tax Map 20.2, Lot 92
Property is in the General Residence and Coastal Overlay Districts and SFHA, Zone AO(3)

Application case: Cases #35-2022

Date of decision: 08-03-2022

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

- §190-6.3B for reconstruction of a non-conforming structure;
- §190-2.3.C(3) for a structure 17' from the front boundary; and
- §190-3.1.H(2)(a), (b) and (g) for surface alteration, a septic system 61.5'+/-; a leachfield 78' +/- and a house 20.6'+/- from the wetland

The Board voted 5-0 to approve relief from the following section of the Rye Building Code:

- §35-14 to allow the bottom of the septic system to be 5' above the top of bedrock

The Board voted 5-0 to grant a special exception pursuant to the following sections of the Rye Zoning Ordinance:

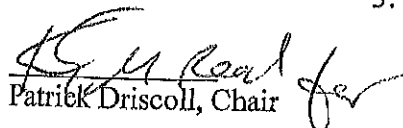
- §190-3.1.G/§190-3.1.H(2)(f) for a driveway 60'+/- from the wetland

Each of the above variances and special exception were granted conditioned upon satisfaction of the following:

1. Pervious pavers to be installed by a certified licensed engineer and remain permeable throughout life of driveway;
2. The conditions per the Rye Conservation Commission letter dated July 5, 2022 be adhered to:
 - a. The edge of the riprap, as described above, to be planted with native plants, bushes, grasses and trees to a depth of not less than 5 ft.
 - b. This planted area will not be mowed or weed whacked. Mulch used within an area being restored shall be natural straw or

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.

- equivalent non-toxic, non-seedbearing organic material, in accordance with Env-Wt 307.12(d).
- c. The Rye Conservation Commission will approve the planting plan prior to installation.
 - d. Approximately one half of the front lawn area will be 'low mow' and left natural. This being the lower portion near Ocean Boulevard.
 - e. The Rye Conservation Commission believes that an 85% or greater survival rate of the planted vegetation adequate.
3. Applicant to remove invasive plants near pond.


Patrick Driscoll, Chair

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

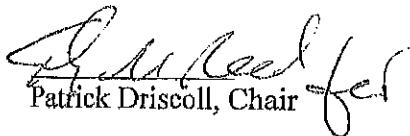
Applicant/Owner: Peter & Christine Baldwin of 10 Crestview Drive, Exeter, NH

Property: 163 Parsons Road, Tax Map 20, Lot 1
Property is in the General Residence and Coastal Overlay Districts

Application case: Cases #34-2022

Date of decision: 08-03-2022

Decision: The Board voted 5 to 0 to continue the application to the September 7, 2022 meeting date.


Patrick Driscoll, Chair

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: Alissa Bournival of 59 Woodland Rd, N. Hampton, NH

Property: 271 Harbor Rd, Tax Map 8, Lot 50
Property is in the Single Residence District.

Application case: Cases #37-2022

Date of decision: 08-03-2022

Decision: The Board voted 5-0 to deny the request for Administrative Appeal from the building inspector's June 20, 2022 denial of a septic system.

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

- §190-3.1.H(2),(a), (b) and (g) for a septic system within the 75' wetlands buffer

The Board voted 5-0 to approve relief from the following section of the Rye Building Code:

- §35-14 from a system meeting new construction standards


Patrick Driscoll, Chair

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

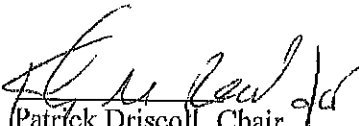
Applicant/Owner: Matthew & Natasha Goyette

Property: 750 Brackett Road, Tax Map 17, Lot 66
Property is in the Single Residence District

Application case: Cases #36-2022

Date of decision: 08-03-2022

Decision: The Board voted 5 to 0 to continue the application to the September 7, 2022 meeting date.


(Patrick Driscoll, Chair)

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: Porter Family Trust, James & Jessica Porter, Trustees

Property: 5 Park Ridge Avenue, Tax Map 17.3, Lot 18
Property is in the General Residence and Coastal Overlay Districts

Application case: Cases #39-2022

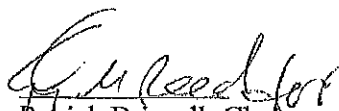
Date of decision: 08-03-2022

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

- §190-6.3.A for expansion of the house;
- §190-2.4.C(5)& §190-3.4.E for dwelling coverage 19.4% and from lot coverage of 43.9%;
- §190-2.4.C(3) for a walkway 9.3' and house second floor 18.5' from the front boundary;
- §190-2.4.C(2) for right side second floor 9.6' and left pervious patio 14.8' from the side boundaries;
- §190-2.4.C(1) for the second floor 12.5' from the rear boundary

Each of the above variances and special exception were granted conditioned upon satisfaction of the following:

1. Pervious pavers to be installed by a certified licensed engineer and remain permeable throughout life of walkway/driveway.


Patrick Driscoll, Chair

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:

Christopher & Susan Reaney

Property:

691 Brackett Road, Tax Map 17, Lot 34
Property is in the Single Residence and Wetland Conservation Overlay
Districts

Application case:

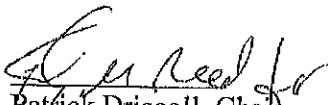
Cases #38-2022

Date of decision:

08-03-2022

Decision:

The Board voted 5 to 0 to continue the application to the September 7,
2022 meeting date.


Patrick Driscoll, Chair

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.