

TOWN OF RYE – BOARD OF ADJUSTMENT

Wednesday, November 2, 2022

7:00 p.m. – Rye Town Hall

Members Present: Patrick Driscoll, Jenn Madden, Chris Piela, John Tuttle, Chair Shawn Crapo

Also Present on behalf of the Town: Planning/Zoning Administrator Kim Reed

I. CALL TO ORDER

Chair Crapo called the meeting to order at 7:03 p.m. and led the Pledge of Allegiance. Members of the board were introduced and Chair Crapo explained meeting protocols.

Chair Crapo acknowledged a request by abutting neighbors for a rehearing of the application by the Reaney's at 720 Brackett Road. He explained the typical timeline and process of rehearing an application. He also explained that this request was made close enough to the meeting that the board and other abutting neighbors wouldn't have had adequate time to review the request or receive legal notice. Considering these factors, Chair Crapo suggested that the board suspend the order of decision on the 691 Brackett Road relief from the previous month so the board can adequately review the request. Member Madden noted that she had recused herself from this application. The board discussed the actions they could take and their effect on the Reaneys.

Motion by Patrick Driscoll to suspend the relief granted to 691 Brackett Road at the October 5, 2022 meeting. Seconded by Chris Piela. All in favor.

*Note: Member Madden recused herself from this application.

Continuations:

Motion by Chris Piela to continue the review of the October 5, 2022 and October 19, 2022 meeting notes until the December 7, 2022 meeting. Seconded by John Tuttle. All in favor.

Motion by Chris Piela to continue the application of Patrick McKenna for property owned and located at 139 Wentworth Road on the December 7, 2022 meeting. Seconded by John Tuttle. All in favor.

II. APPLICATIONS

1. **Joshua Adler for property owned and located at 16 Robin Road, Tax Map 20.2, Lot 112** requests a variance from §190-2.4.C(2) for a generator 17' from the side boundary where 20' is required. **Property is in the General Residence District. Case #51-2022.**

Joshua Adler presented his case. He explained that the proposed generator is a small backup generator for his family's home. He explained the footprint of the house, which limits the possible placement of such a generator to the side of the house nearest to the driveway. He asked if the board has any questions for which they'd like clarification. Member Piela asked if the generator is currently in place; he's been to the property and saw the proposed location. Mr. Adler confirmed that the generator is in place. Out of concern with the generator's proximity to the driveway, Vice Chair Driscoll asked if there are plans to put anything between the generator and the driveway. Mr. Adler explained that he hadn't planned to put anything between. Chair Crapo pointed out that additional relief would be needed if there were any additional structures planned for the space. Chair Crapo clarified that Joshua Adler is the owner and applicant, rather than Nicholas Tully of Seacoast Generator, who was listed in the denial letter. Mr. Adler confirmed that he is the owner and applicant. Vice Chair Driscoll asked if Mr. Adler had spoken to the closest abutting neighbor. Mr. Adler confirmed that he had spoken to the owner, and explained that the abutting property is a short-term rental which is mostly unoccupied in the winter.

Chair Crapo opened to the public for comments. Hearing no comments, he closed the public session at 7:20 p.m.

Planning/Zoning Administrator Reed noted that an abutting neighbor, Jonathan Murphy, came to the board to review the file and he was okay with the proposed plan.

Hearing no further comments from the board, Chair Crapo called for a vote on requested variances to §190-2.4.C(2) for a generator 17' from the side boundary where 20' is required.

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

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

2. **The spirit of the ordinance is observed:**

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

3. Substantial justice is done:

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

4. The values of surrounding properties are not diminished:

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

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

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

6. There is no fair and substantial relationship between the general purposes of the ordinance provision and the specific application of that provision to the property.

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

7. The proposed use is a reasonable one.

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

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

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

Motion by Patrick Driscoll to approve the application of Joshua Adler for property owned and located at 16 Robin Road, Tax Map 20.2, Lot 112 for a variance from §190-2.4.C(2) for a generator 17' from the side boundary where 20' is required. Seconded by Chris Piela. All in favor.

Vote: 5-0 (P. Driscoll; J. Madden; C. Piela; J. Tuttle; S. Crapo)

2. **Patrick McKenna for property owned and located at 139 Wentworth Road, Tax Map 24, Lot 32 requests variances from §190-3.1H(2)(a),(b), (g) for construction of a new deck 28' and stairs 8' from the wetland where 100' is required; and from §190-3.1H(2)(a),(b), (g) for a septic tank 22' and a leachfield 5' from the wetland where 100' is required. Property is in the Single Residence District. Case #52-2022.**

- *Continued to the December meeting (see motion above)*

3. **Sandra Wadsworth for property owned and located at 239 Wallis Road, Tax Map 19, Lot 17 requests variances from §190-3.1H(2)(a), (g) for a propane storage tank 17.8' from the wetland buffer where 75' is required. Property is in the Single Residence District. Case #53-2022.**

Attorney Richard Rousseau, representing the applicant, presented the proposal for 239 Wallis Road for an underground propane storage tank to replace the current tank. The proposed new tank would be in the same location with the same footprint and volume as the previous tank, which is cracked and unsafe to use. The propane tank provides all essential service to the home. The RCC conducted a site walk on the property, approved of the project, and provided the board with a letter of support. Referring to the site map, Attorney Rousseau pointed out that there isn't another practical spot due to the increase of wetland setbacks over time and replacing the underground tank is the least invasive replacement option. He offered to answer any of the board's questions.

Chair Crapo, noting that the topic of relief is not before the board tonight, mentioned that the RCC observed a fire pit on the property that may or may not meet the fire codes. Attorney Rousseau explained his understanding that the applicant has not been using the fire pit.

Hearing no further questions from the board, Chair Crapo opened to the public for comments.

Sally King, a member of the Rye Conservation Commission, explained that the project is very straightforward; the tank would be in the same place and of the same size as the previous tank. The RCC met with a building inspector who, as Attorney Rousseau mentioned, agreed that there

is no better place on the property to put it. Ms. King also explained the assessment of the applicant's fire pit.

Vice Chair Driscoll asked Ms. King about clarification needed for a mini-excavator to complete the project and asked if a silt sock would be necessary. Ms. King explained the use of the mini-excavator and confirmed yes, a silt sock should be used.

Chair Crapo asked if anyone else would like to speak to the matter. Hearing no further comments, he closed to the public at 7:28 p.m.

Chair Crapo and Vice Chair Driscoll discussed the possibility of a condition set forth for the applicant to use a silt sock and mini-excavator during construction.

Member Piela wondered if this project would fall within §190-6.3B, so that a variance isn't needed. Chair Crapo noted that the project's proximity to the wetlands does qualify it for this variance request.

Vice Chair Driscoll outlined the proposed condition: use an excavator as small as possible to facilitate the job and use some silt sock at the edge of the wetlands where needed.

Hearing the proposed condition, Chair Crapo called for a vote on requested variances to §190-3.1H(2)(a), (g) for a propane storage tank 17.8' from the wetland buffer where 75' is required.

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

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

2. The spirit of the ordinance is observed:

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

3. Substantial justice is done:

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes

John Tuttle – Yes
Shawn Crapo – Yes

4. The values of surrounding properties are not diminished:

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

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

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

6. There is no fair and substantial relationship between the general purposes of the ordinance provision and the specific application of that provision to the property.

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

7. The proposed use is a reasonable one.

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

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

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

Motion by Patrick Driscoll to approve the application of Sandra Wadsworth for property owned and located at 239 Wallis Road for variances from §190-3.1H(2)(a), (g) for a propane storage tank 17.8' from the wetland buffer where 75' is required, with two conditions:

- **A silt sock shall be used at the edge of the wetland where needed.**
- **The applicant shall use the smallest machine capable of successfully completing the project.**

Seconded by Jenn Madden. All in favor.

Vote: 5-0 (P. Driscoll; J. Madden; C. Piela; J. Tuttle; S. Crapo)

Lawrence L. Tierney & Mary R. Tierney Revocable Trusts, Leonard & Mary Tierney, Trustees for property owned and located at 1 Cable Road, Tax Map 5.3, Lot 43 requests an amendment from Condition #2 of the November 4, 2020 conditional approval for the relief granted for variances from §190-2.3C(5) and 3.4D/E for lot coverage of 25.7% for the pervious driveway to be installed no later than November 2, 2024. The property is in the Single Residence District. Case #54-2022.

Attorney Monica Kaiser, representing the applicant, introduced Alex Ross, who completed the technical work, and Ron Houghton, the builder involved in the project. Attorney Kaiser explained that it was the applicant's hope that they could resolve this administratively as the stipulation is laid out in the memorandum. She pointed out that the board has given them approval in more than one circumstance in the past, most recently in 2020 which included relief from coverage requirements through pervious driveway. She explained that the neighbor's new renovation has increased vehicle traffic over the surface of that pervious driveway to the extent that it is no longer pervious and may need to be replaced. The applicant was seeking a temporary certificate of occupancy (CO), but was told that those are no longer issued, which required the applicant to return to the board. Attorney Kaiser clarified that they are not seeking to change the coverage, only to delay installation of the pervious paver driveway until the date specified.

Member Piela clarified that nothing from the original application is being modified. Attorney Kaiser confirmed that all plans remain the same. She noted that they'd run into issues concerning utility poles that will require some modifications on the site, but they won't result in modifications to the relief that was previously granted. The builder was directed to get a driveway permit and was told that the driveway had to be moved. She noted that the old driveway is partially on another lot, but there is a defined easement on the lot, and if the driveway location is moved, then the easement would also need to be relocated. She summarized that the previously were granted relief for 25.7%, which is what the driveway will be.

Chair Crapo asked if the applicant could continue with installation, but protect the driveway with matting or road plates. Mr. Ross pointed out the location of the neighbor's construction and the location of the driveway and explained that the frequent traffic will damage the driveway. He explained they looked into protective mats, which would offer some protection, but would still result in some damage. Attorney Kaiser pointed out the damage would be caused not only by the

frequency of the vehicles, but by the weight of them. Vice Chair Driscoll asked how the proposed deadline came to be. Attorney Kaiser explained that it's two years from today's date, which seemed like a reasonable time frame for the builder involved.

Chair Crapo considered the various pathways to approving the application, whether that could be an amendment of the conditions or an extension of the variance relief. He agreed that the temporary CO would make the most sense, though this is a sensitive application as much of it relies upon the permeability of a functioning driveway.

Acknowledging that the application process could become delayed, Chair Crapo asked about the status of the proposed driveway. Attorney Kaiser explained that the lot coverage was 48% the last time the applicant came before the board. Chair Crapo explained his concern that a delay in the construction of a pervious driveway could cause the additional runoff that the driveway was supposed to protect against. He asked what could be done in the meantime, until the driveway is built. Mr. Ross pointed to the plan from two years ago with the existing conditions. He explained that the driveway is gravel, as it has been for 57 years. The applicant would like it to remain gravel until the pervious pavers can be installed. Attorney Kaiser pointed out that there is stormwater management around the new house and pointed to page four of Mr. Ross' plans where infiltration trenches and stone drip edges are detailed. Vice Chair Driscoll asked if all of that is currently installed. Mr. Ross and Mr. Houghton confirmed.

Vice Chair Driscoll asked if there is an abutter who is most affected by the existing driveway runoff and, if so, is there some way to divert the water during that time frame. Mr. Ross stated that they could build infiltration trenches. Chair Crapo asked if there would be enough space to include infiltration trenches. Mr. Houghton stated that he's been granted permission to move the driveway and explained the design. Attorney Kaiser explained that the design allows the access point to fall fully on the applicant's lot. Chair Crapo clarified that moving the driveway clears up the encroachment on the Sullivan property; he asked if this is the same part as the easement. Attorney Kaiser explained where the easement falls.

Chair Crapo explained that this sounds like reasonable relief, but wanted to be sure they addressed all of the ways in which this application may be impacted should the board grant the relief as it's written. The board discussed the verbiage of variance requirements; specifically, the meaning of "substantial completion". The board also discussed the process of issuing a certificate of occupancy.

Attorney Kaiser addressed the RCC's original request for native plantings and explained the applicant's process in adhering to that request. Chair Crapo asked if any additional relief would be needed for the removal of the existing bluestone patio. Attorney Kaiser clarified that no relief would be needed.

Len Tierney explained the original thought to delay installation of the driveway, which was spurred by his neighbor's construction which would ultimately damage any pavers that were installed.

The board discussed the processes required to approve this application. Noting that there were other perspectives to be heard, Chair Crapo opened to the public.

Mr. Sullivan explained that he came before the board two years ago to explain that there is a right-of-way across his property, at which point he presented the plot plan that was approved by the zoning board. Mr. Sullivan summarized an interaction he had with a surveyor who explained Mr. Tierney's driveway plan. Chair Crapo showed Mr. Sullivan the property map and pointed out the property lines. Mr. Ross pointed out the existing lot lines. Mr. Sullivan pointed out where the stakes had been placed and expressed concern that they were on his property.

Mr. Tierney explained that the last time he came before the board, the Sullivan's were upset that Mr. Tierney was going to park cars on the right-of-way. He explained the placement of the current driveway is such that both neighbors cross onto the others' property at various times. Chair Crapo clarified that Mr. Tierney's proposed plan would place none of the driveway on the Sullivan's land.

Vice Chair Driscoll asked for clarification on the stake Mr. Sullivan had pointed out. Mr. Ross stated that, based upon several previous surveys as well as his own, he feels confident that the placement of the stake is accurate.

Chair Crapo explained that the topic of lot lines is not before the board this evening; rather, the request for relief to delay installation of the pervious pavers until the completion of Mr. Kane's construction.

Mr. Sullivan explained that he doesn't have any issue with that, but has concerns that the driveway will cut into his property. Chair Crapo pointed out the proposed driveway on the map, and explained that the proposal is not to move the driveway into an area where it wasn't proposed before; however, the physical location of the ownership markers are potentially in an area closer to Mr. Sullivan than he'd thought. Mr. Sullivan reiterated that he doesn't take issue with the driveway, but the stake that was put in on his property. Chair Crapo clarified that if the survey is correct, then it's not on Mr. Sullivan's property. Attorney Kaiser asked if Mr. Sullivan brought his lot map, which he did. Mr. Ross pointed out the lot lines on the tax map, but Planning/Zoning Administrator Reed stated that tax maps aren't always accurate, they would need a licensed surveyor.

Mr. Sullivan presented his lot map. Chair Crapo explained the only difference he observed between Mr. Sullivan's map and Mr. Tierney's map is Mr. Tierney's map shows the two lots combined, which makes the area appear larger. Mr. Ross and Attorney Kaiser determined that the dimensions of the two maps are the same; Mr. Sullivan's map reflects when the land was divided between two parcels.

Chair Crapo asked if Mr. Sullivan has any issue with Mr. Tierney's application to delay installation of the driveway. Mr. Sullivan said he doesn't have any issue with that. Mr. Tierney added that he would fix the Sullivan's property where people had previously been parking. Chair Crapo requested that the Tierneys coordinate with the Sullivans on that matter.

Attorney Kaiser asked Mr. Ross about the timeline for the shifting of the driveway. Mr. Ross explained the percentage of completion and the items they're still waiting to complete. He estimated that the driveway plan could be ready to implement in a matter of weeks.

Chair Crapo asked Planning/Zoning Administrator Reed whether another variance would be needed if the location of the driveway is moved closer to the lot line. She explained that she's been in contact with Jason Rucker, who believes this is not a Planning or Zoning Board issue in need of review; it could be taken care of internally. She also noted that she agrees with Member Madden on the topic of an occupancy permit. She believes the building inspector is tying the variances to an occupancy permit, which they couldn't get and is the reason for their return to the board. Chair Crapo asked if they need a CO from Chuck to legally occupy it, Ms. Reed confirmed. Member Madden suggested they use the existing driveway to get the occupancy permit, set a condition on the 2024 completion of the pervious driveway, and in the meantime install the infiltration trench.

Ms. Ross noted that Chuck is looking for the board to give the building department permission to issue a temporary CO with the condition that the driveway will be installed within a certain amount of time. Vice Chair Driscoll stated that Chuck's policy is not to issue any temporary COs; he explained that this seems like a reasonable request and that the board needs to find a way to word this. He also expressed his hesitation to delay the project further than necessary. Attorney Kaiser read an email from Chuck regarding the issuance of temporary COs. The board discussed the potential verbiage of a condition to granting the amendment. Vice Chair Driscoll expressed that the board should simplify the process as much as possible so that all involved can move forward; he suggested that the driveway should be built, "within two years after the CO is granted, no later than 11/2/2024, whichever is sooner." Chair Crapo suggested they add, "upon completing the remainder of the relief, the property is considered eligible for a CO".

Sally King, representing the Rye Conservation Commission, stated that the board hadn't addressed the RCC's letter with conditions. She explained that in the RCC's experience Chuck, the building inspector, hasn't issued a CO if plantings aren't done. There was discussion of the RCC's original recommendations and the applicant's progress in meeting those recommendations. Vice Chair Driscoll suggested that they add condition #5 to #2.

Chair Crapo closed to the public at 8:38 p.m.

Noting the conditions previously outlined by Vice Chair Driscoll, Chair Crapo called for a vote.

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

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

2. The spirit of the ordinance is observed:

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

3. Substantial justice is done:

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

4. The values of surrounding properties are not diminished:

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

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

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

6. There is no fair and substantial relationship between the general purposes of the ordinance provision and the specific application of that provision to the property.

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

7. The proposed use is a reasonable one.

Patrick Driscoll – Yes

Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

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

Patrick Driscoll – Yes
Jenn Madden – Yes
Chris Piela – Yes
John Tuttle – Yes
Shawn Crapo – Yes

Motion by Patrick Driscoll to approve the application of Leonard & Mary Tierney, Trustees for property owned and located at 1 Cable Road, to modify the decision from November 4, 2020 to extend conditions 2-5, which need to be completed within two years from the issuance of the certificate of occupancy or November 2, 2024, whichever is sooner. Seconded by Chris Piela. All in favor.

Vote: 5-0 (P. Driscoll; J. Madden; C. Piela; J. Tuttle; S. Crapo)

5. Robert Lang on behalf of Tucker D. Allard & Mary Coppinger of 25 Charlton Street, Apt. 501, Everett, MA for property owned and located at 457 Central Road request a variance from §190-5.0.C for a driveway 6' where 10' is required and from §190-2.3.C(2) for a shed 12' from the side boundary where 20' is required. The property is in Single Residence District. Case #55-2022.

Robert Lang of Stratham, New Hampshire and Tucker Allard presented the case to the board. Mr. Lang explained that the current driveway is unsafe to back out of and they're unable to place the driveway on the other side of the house because there is very little room. He stated that the only place to build is on the left hand side of the house. He also explained that the applicant would like to renovate the garage, which is currently unusable, into living space. Mr. Allard clarified that he no longer lives in Everett, he lives on Central Road. He explained the danger that the current driveway presents and his intention to renovate the garage space to support his growing family. Vice Chair Driscoll agreed that the applicant's home is placed at a dangerous intersection, but asked for clarification as to how this plan would be safer, considering that the driveway would then be closer to the road. Mr. Lang explained that this plan would allow for a turnaround so that the car could pull out, rather than back out. Mr. Allard noted that they're at 12% pervious where 15% is allowed. He added that they have a permit in place to finish the temporary driveway, but planned to meet with the board prior to beginning that work. Member Madden clarified that the temporary driveway on the side of the house is the location of the proposed permanent driveway. Mr. Allard confirmed. Vice Chair Driscoll asked how far from the property line the new driveway would fall; the board found that the distance is 6'. Member Madden noted that she doesn't see a turnaround. Mr. Allard and Mr. Lang explained the dimensions of the turnaround area. Member Madden asked if this plan would impact a leach field. Mr. Allard explained that they have a septic tank located by the back garage door, but he

doesn't know where the leach field is. Chair Crapo expressed the importance of knowing where the leach field and piping is prior to building the driveway, and asked Mr. Lang if Jason had approved this plan. Mr. Lang confirmed. Planning/Zoning Administrator Reed noted that the application would need to go before the Planning Board on November 8th, and if the Zoning Board would like to condition the applicant upon knowing where the leach field is and add it to the Planning Board's agenda.

Chair Crapo asked if the shed is a garage, Mr. Lang explained that it would only be used as a shed. Member Piela asked if the intention is to park cars outside in the rear of the building. Mr. Allard confirmed. Member Piela asked for clarification of the driveway design. Mr. Allard explained the design. Chair Crapo stated that they would need a clearer plan for the driveway.

The board suggested that Mr. Allard and Mr. Lang continue this application with the Planning Board. In the meantime, they should clarify the design of the driveway, find the distance between the proposed driveway to the lot line, locate the septic tank and leach field, and define what will be done with the current driveway space. Member Piela added that it would benefit the applicant to get a letter of support from the neighbors. Chair Crapo noted that there's nothing keeping the applicant from parking vehicles in the rear of their property, but they needed to be within the dimensional requirements in relation to the lot lines. Member Madden suggested to the applicant that they look into what's needed to present this case to the Planning Board. Chair Crapo reiterated this recommendation and suggested that they work with Planning/Zoning Administrator Reed to prepare for their application to the Planning Board. The board clarified to the applicant what information they should obtain before they come before the board again. Member Madden added that the applicant should find the distance from the road to the lot line.

Motion by Patrick Driscoll to continue the application of Robert Lang on behalf of Tucker D. Allard & Mary Coppinger for property owned and located at 457 Central Road for a variance from §190-5.0.C for a driveway 6' where 10' is required and from §190-2.3.C(2) for a shed 12' from the side boundary where 20' is required. Seconded by Jenn Madden. All in favor.

Motion by Chris Piela to adjourn at 8:59 p.m. Seconded by Jenn Madden. All in favor.

Respectfully Submitted,
Emilie Durgin

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:

11-02-2022

Decision:

The Board voted 5-0-0 to suspend the relief granted on 10-05-2022 for further review and to be taken into consideration on 12-07-2022.


Shawn Crapo, 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: Joshua Alder

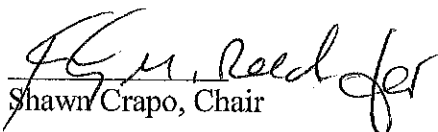
Property: 16 Robin Road, Tax Map 20.2, Lot 112
Properties are in the General Residence District.

Application case: Cases #51-2022

Date of decision: 11-02-2022

Decision: The Board voted 5-0 to grant a variance from the following section of the Rye Zoning Ordinance as written and presented.

- §190-2.4.C(2) for a generator 17' from the side boundary.


Shawn Crapo, 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:

Sandra Wadsworth

Property:

239 Wallis Road, Tax Map 19, Lot 17
Properties are in the General Residence District.

Application case:

Cases #53-2022

Date of decision:

11-02-2022


Decision:

The Board voted 5-0 to grant a variance from the following section of the Rye Zoning Ordinance as written and presented.

- §190-3.1H(2)(a), (g) for a propane storage tank 17.8' from the wetland buffer

The above variance was granted with the following conditions:

1. A silt sock used at the edge of the wetlands where needed.
2. Use smallest machine capable to finish/complete the project.


Shawn Crapo, 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:

Robert Lang, Applicant
Tucker D. Allard & Mary Coppinger, Owners

Property:

457 Central Road, Tax Map
Properties are in the Single Residence District.

Application case:

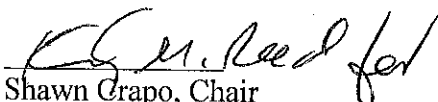
Cases #55-2022

Date of decision:

11-02-2022

Decision:

The Board voted 5-0 to continue the application to the December 7, 2022 meeting to allow the applicant to provide drawings with adequate distances to lot lines, turn-around and a plan that shows the removal of the existing parking/driveway.


Shawn Grapo, 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

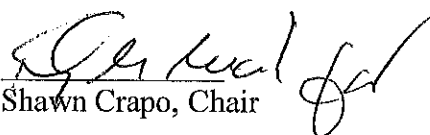
Applicant/Owner: Lawrence L. Tierney & Mary R. Tierney Revocable Trusts
Leonard & Mary Tierney, Trustees

Property: 1 Cable Road, Tax Map 5.3, Lot 43
Properties are in the General Residence District.

Application case: Cases #54-2022

Date of decision: 11-02-2022

Decision: The Board voted 5-0 to modify the decision granted 11-4-2020 to extend conditions 2-5 two years from the issuance of the CO or 11-2-2024 whichever is sooner.


Shawn Crapo, 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.