

TOWN OF RYE – BOARD OF ADJUSTMENT

Wednesday, January 4, 2023

7:00 p.m. – Rye Town Hall

Members Present: Vice-Chair Patrick Driscoll, Chris Piela, Chair Shawn Crapo, Jenn Madden, John Tuttle, Sandra Chororos

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

I. CALL TO ORDER

Chair Crapo led the Pledge of Allegiance and called the meeting to order at 7:02 p.m. He explained that the board has several requests to continue applications to the February 1, 2023 meeting; namely, applications listed 6, 7, 9, and 10 on the agenda.

Motion by Chris Piela to continue applications 6, 7, 9, and 10 to the February 1, 2023 meeting, Seconded by Patrick Driscoll. Vote: 5-0 (P. Driscoll, C. Piela, S. Crapo, J. Madden, J. Tuttle)

II. BUSINESS

Approval of Minutes - December 7, 2022

- Member Chororos asked if names should be listed for who is sitting for each application. The board determined that voting members' names should be noted for each vote for this meeting and all subsequent meetings.
- Member Piela made a correction to “Member” on page 13.

Motion by Chris Piela to approve the December 7, 2022 meeting minutes as amended and proposed to be amended. Seconded by John Tuttle. Vote: 6-0 (C. Piela, S. Crapo, J. Madden, J. Tuttle, S. Chororos, P. Driscoll)

III. APPLICATIONS

Chair Crapo reviewed procedures for the hearing of applications.

Chair Crapo explained that at their previous meeting, the board suspended the relief previously granted to the Reaneys, but when they reconvened the board did not release that relief.

Motion by John Tuttle to remove the suspension of the Reaney’s previously granted relief. Seconded by Chris Piela. Vote: 5-0 (P. Driscoll, C. Piela, S. Crapo, J. Tuttle, S. Chororos)
Abstained: Jenn Madden

- 1. Robert Lang on behalf of Tucker D. Allard & Mary Coppinger 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**

Having no person present to present the application, the board discussed what course of action to take.

Motion by Chris Piela to continue the application of Robert Lang on behalf of Tucker D. Allard & Mary Coppinger for property owned and located at 457 Central Road to the February 1, 2023 meeting. Seconded by Jenn Madden. Vote: 5-0 (P. Driscoll, C. Piela, S. Crapo, J. Madden, J. Tuttle)

- 2. Matthew & Marlena Wrobel for property owned and located at 30 Acorn Acres, Tax Map 16, Lot 97** requests variances from §190-2.3.C.3 for a front entry 25.1' and garage 17.2' where 40' is required; from §190-2.3.C.5 for lot coverage 15.5 % where 15% is allowed; from §190-6.3.A for renovation and expansion of non-conforming structure. **Property is in the Single Residence District. Case #58-2022.**

Attorney Tim Phoenix, representing the applicant, presented the proposal. He explained the property's dimensions and the applicant's challenge in officially establishing a common lot line between their property and the abutting property, owned by Ms. Miles. Attorney Phoenix explained the process that takes place when a lot line can't be determined. He explained that for a number of reasons there has been continued dispute between the neighbors' assessment of the lot line and that an agreement hasn't been reached. Attorney Phoenix, in response to a letter from Ms. Miles, addressed the property's 3-bedroom layout, septic system, and lot coverage. In her letter, Ms. Miles stated that the Wrobels' property has 5-6 bedrooms. Attorney Phoenix explained that this assessment is not correct and in reviewing the ordinance related to a non-conforming structure, there is no additional relief needed. Also in response to Ms. Miles' claim that the septic tank doesn't correspond with the approved plan, Attorney Phoenix explained that the septic tank is permitted and has been installed since 2018.

Henry Boyd of Millenium Engineering, who surveyed the property, arrived at the meeting at 7:20 p.m.

Member Madden asked if there was a 2018 septic plan available. Attorney Phoenix explained that the most recent state-issued plan is from 2007. Member Madden reviewed the plan and assessed that the septic system is not too close to the lot line.

Chair Crapo pointed out that Ms. Miles' letter references the Building Inspector's denial letter, which stated that the placement of the septic tank does not correspond with the approved septic plan from 2018.

Mr. Wrobel clarified that when he purchased the property in 2018 the leach field was replaced, but the septic tank was not.

Attorney Phoenix pointed out the slope of the property, which wouldn't cause runoff in the direction of Ms. Miles' property, as well as the location of a catch basin. He also noted that each of the plan sets is stamped.

Referring to Ms. Miles' concern regarding the preservation of the side and rear setbacks, Member Madden asked if they are 40' setbacks.

Attorney Phoenix explained that he and Mr. Marsden agree that this is all frontage, there is no rear, and the only relief needed is in the front. He also pointed out that, despite Ms. Miles' concerns, the dwelling coverage is compliant.

Referring to Exhibit A in the Variance Plan, Chair Crapo pointed out the lower lefthand corner of the building envelope, a note stating that the front setback equal to abutter 30.3'. He asked if that is the setback for the property, despite the requirement of a 40' setback.

Mr. Boyd and Attorney Phoenix discussed the setback requirements with Chair Crapo.

Mr. Boyd outlined a plan to address water runoff.

Attorney Phoenix spoke to each one of the variance requirements as they relate to this proposal.

Mr. Wrobel explained that he has spoken with four abutting neighbors, and one non-abutting neighbor, who all approve of the proposal. Mr. Wrobel stated that he's not spoken with Ms. Miles.

Speaking to Attorney Phoenix, Chair Crapo asked if he'd spoken with the Department of Public Works for their approval of the new curb cut. Attorney Phoenix stated that he had not. Mr. Boyd stated that Mr. Marsden directed him to go to the Zoning Board prior to meeting with the Department of Public Works.

Chair Crapo explained the importance of approval from DPW prior to presenting a proposal to the Zoning Board. He suggested the board consider it as a condition of approval. Mr. Boyd explained why he believes DPW approval is likely.

Chair Crapo noted concerns Ms. Miles stated in her letter; namely, her concern that the applicant would be taking a portion of her property. Chair Crapo stated that any relief granted at this meeting would not make a decision on that lot line. Chair Crapo clarified that no relief is needed for the rear setback, and even if Ms. Miles' survey prevails, the nearest corner of the house to the lot line holds a 20' setback.

Mr. Boyd explained the reason for the dual boundary lines - 44:23

There are three parties that can determine where a property line is in the state of New Hampshire: a licensed land surveyor, a judge, or two parties. If the property line cannot be

established by a surveyor, a boundary line agreement process must ensue. He explained that the survey that created all four lots was done before there was licensure in the State of New Hampshire. The intent of the survey was to create four 15,000-square-foot lots. He continued to explain the ambiguity and decades-long confusion regarding lot lines in this area. Mr. Boyd pointed out that, because there is a dispute over the property line, he doesn't hold the authority from the state of New Hampshire to state where the line should be. He explained that the proper course is to cordially come to a consensus between neighbors, which he believes Mr. Wrobel has done. He pointed out that even if Ms. Miles' lot line prevails, the 20' setback remains.

Chair Crapo discussed Ms. Miles stated concerns.

Mr. Boyd explained that this plan and the proposed lot line are conservative.

Vice-Chair Driscoll noted that the plans don't detail soffits or wall thickness and asked Mr. Boyd if he was comfortable with those plans as written.

Mr. Boyd responded yes and explained a more detailed plan. Mr. Boyd and Vice-Chair Driscoll discussed the plan as well as a catch basin and runoff plan.

Member Madden, referring to a concern in Ms. Miles' letter, asked about the applicant's previous application to the Zoning Board. The board discussed Mr. Wrobel's previous application in September 2020 and deemed that it was a procedural denial.

Chair Crapo opened to the public at 7:52 p.m. Hearing no comments, he closed the public session at 7:53 p.m.

Member Madden noted that the property is not a four-bedroom home.

Member Piela discussed his concerns regarding runoff and pointed out details of the proposed plan that may improve drainage on the property.

Referring to photos of the property, Chair Crapo agreed with Member Piela's assessment and explained that, considering the slope, it would be unlikely for the runoff to reach Ms. Miles' property.

Member Piela stated that the proposal, if approved, should have a condition in place for the driveway. Chair Crapo agreed.

Chair Crapo called for a vote on requested variances from §190-2.3.C.3 for a front entry 25.1' and garage 17.2' where 40' is required; from §190-2.3.C.5 for lot coverage 15.5 % where 15% is allowed; from §190-6.3.A for renovation and expansion of non-conforming structure.

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

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

2. The spirit of the ordinance is observed:

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

3. Substantial justice is done:

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

4. The values of surrounding properties are not diminished:

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

- 7. The proposed use is a reasonable one.**

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

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

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

Motion by Chris Piela to approve the application of Matthew & Marlena Wrobel for property owned and located at 30 Acorn Acres, Tax Map 16, Lot 97 for variances from §190-2.3.C.3 for a front entry 25.1' and garage 17.2' where 40' is required; from §190-2.3.C.5 for lot coverage 15.5 % where 15% is allowed; from §190-6.3.A for renovation and expansion of a non-conforming structure as presented with the condition that the Department of Public Works approve the driveway in the new location. Seconded by Jenn Madden.

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

- 3. Patrick & Jenny Donnelly for property owned and located at 5 Whitehorse Drive, Tax Map 11, Lot 15-2 request variances from §190-3.1.F to restore disturbed wetland; from §190-3.1.H(1)(c) and §190-3.1.H(2)(a), (e), (g) to permit wetland buffer restoration and a swimming pool with pervious paver and related amenities 69' north 71' south from the wetland where 100' is required. Property is in the Single Residence District and Wetland Conservation District. Case #59-2022.**

Attorney Tim Phoenix, representing the applicant, introduced himself, Henry Boyd of Millenium Engineering, and Mark West of West Environmental, each of whom worked on

the presented project. Attorney Phoenix also noted that **Susan McFarland was present on behalf of the Rye Conservation Commission.**

Attorney Phoenix explained that the property is a seven-acre lot and that the required 100' wetland setback would overlap in such a way that there would be no way to make improvements to the lot without requesting a variance. Attorney Phoenix proposed a plan to utilize a 75' setback. He noted that Mr. West worked with the DES and RCC to create a better-protected wetland and referenced a letter from the RCC dated December 5, 2022.

Attorney Phoenix explained that the RCC requested 3-5 acres of the lot to be deeded. With the help of Mr. Boyd, it was discovered that it was problematic not to leave 5 acres for septic; instead, it was agreed upon to deed Parcel A (2 acres) and place a conservation easement on one acre. Attorney Phoenix worked with Ms. McFarland and Ms. Oliver to draft an easement and deed, subject to getting relief from the board.

Mr. West explained the state of the wetland buffer and the proposed restoration plan.

Attorney Phoenix also noted a gravel driveway which will also be restored.

Attorney Phoenix presented copies of the November 18, 2022 NHDES letter which found the overall progress of the restoration satisfactory, which supports what Mr. West has presented.

Attorney Phoenix described the relief needed and reviewed each of the variance criteria as it relates to this proposal.

Vice-Chair Driscoll pointed out that it's noted in the letter that for seasonal pools, excess water will be pumped out by a water company and hauled away, but it's not in any of the recommendations.

Chair Crapo explained that the December 5, 2022 letter from the Rye Conservation Commission has a list of conditions and the December 28th letter states that the RCC is not in a position to make a recommendation. Member Piela pointed out that the letter was dated December 28, 2021.

Mr. West explained that the request for a 75' setback was the recommendation of the RCC on the initial site walk.

The board discussed the Rye Conservation Commission's recommendations in their December 5, 2022 letter.

Attorney Phoenix explained that the RCC requested access to the property once per year in order to inspect the site, to which the Donnellys agreed.

Susan McFarland, Chair of the Rye Conservation Commission, expressed that the Donnellys have worked exceedingly hard to make this work. She explained that the Donnellys hired someone to clear-cut their backyard, which initiated the wetlands issue. She explained that the access granted in the negotiation process.

Member Driscoll asked if the RCC agrees with the inclusion of excess water in the recommendations. Ms. McFarland agreed that this is fine. She expressed that she'd like the recommendations to be word-for-word.

Chair Crapo expressed that it's not ideal for land to be destroyed in order to be repaired.

Chair Crapo invited any member of the public to speak to the proposal. Hearing no comments, the public session was closed at 8:26 p.m.

Chair Crapo noted that the board is considering a condition of adopting the recommendations enumerated in the body of the December 5, 2022 letter from the Rye Conservation Commission.

Member Piela expressed his agreement with Chair Crapo's concern regarding the damage to the property in order to improve it. He also recalled that the original development of this property created a large ordeal. He wondered if there was any information regarding utilization written in the deed.

Chair Crapo reopened to the public.

In response to Member Piela's question, Mr. West described his understanding of the original development as it related to tree removal, wetland buffers, deed restrictions, individual site plans, and conservation easements. Mr. West explained that the applicant wasn't provided with the maps to understand the property's history in this regard.

Mr. Boyd applauded the RCC's work on this project but expressed the importance of landowners investigating any restrictions that may be laid out within the deed.

Chair Crapo reclosed to the public at 8:31 p.m.

The board deliberated.

Member Piela noted that he felt swayed by the donation of land to the RCC, but otherwise may not lean in favor of approval.

Chair Crapo expressed why the offered donation of land did not sway him toward granting approval.

Vice-Chair Driscoll pointed out that the donation of land doesn't fit within the variance requirements.

Chair Crapo noted that it was creative to use a 75' reference, but the pool relief is within two 100' buffers, which is a significant ask. He also noted that the board has approved variances for other pools with conditions, so it's not entirely unique.

Vice-Chair Driscoll explained that it's difficult to evaluate the proposal without seeing what the property was like prior to the tree removal. It could be argued that the site will be healthier after these changes are made; he explained why this detail sways him in favor of approval.

Chair Crapo discussed the RCC's typical conditions and how they may apply to this property.

Member Madden reopened to the public to ask when the setback was changed from 50' to 75'.

Planning/Zoning Administrator Reed pointed out that the information is in the distributed Proposed Zoning Amendments packet in section 3.1B -she supposed that it would have been 2015 or 2016.

Vice Chair Driscoll asked the RCC for the details of the pool fence, which is the structure closest to the wetlands.

Attorney Phoenix made note of the ordinance where the wetland buffer distances are described as well as the years in which it was amended. Planning/Zoning Administrator Reed pointed out that the board members have all of that information.

Hearing no further comments, Chair Crapo closed to the public at 8:38 p.m.

The board discussed a proposed condition to adopt the recommendations as stated in the RCC's letter dated December 5, 2022.

Chair Crapo called for a vote on requested variances from §190-3.1.H(1)(c) and §190-3.1.H(2)(a), (e), (g) to permit wetland buffer restoration and a swimming pool with pervious paver and related amenities 69' north 71' south from the wetland where 100' is required.

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

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

2. The spirit of the ordinance is observed:

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

3. Substantial justice is done:

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

4. The values of surrounding properties are not diminished:

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

7. The proposed use is a reasonable one.

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

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

Patrick Driscoll – Yes
Chris Piela – Yes

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

Motion by Patrick Driscoll to grant the request Patrick & Jenny Donnelly for property owned and located at 5 Whitehorse Drive as submitted and presented with the addition of abiding by the RCC recommendations in the December 5, 2022 letter, including points one through ten, with the two additional points of making sure that the pool filter system will have a cartridge filter and for seasonal pool closings excess water will be pumped out by a water company and hauled away. Seconded by Chris Piela.

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

- 4. Darin Pope for property owned and located at 105 Perkins Road, Tax Map 5.2, Lot 15** request a variance from §190-2.4.C(2) for a generator 18' +/- from the side boundary where 20' is required and a propane tank with 5' trench 10' +/- from the side boundary where 20' is required. **Property is in the General Residence District. Case #01-2023.**

Darin Pope, the applicant, explained his proposed plan to install a generator and propane tank. He noted that he's spoken with the neighbor who would be affected by the project, who has no issue with it.

The board discussed the dimensions of the lot.

Member Tuttle asked if Mr. Pope planned to move the propane tank. Mr. Pope explained that the plan includes two new propane tanks next to the generator, and the current propane tank will remain where it is on the Maple Avenue side.

Chair Crapo clarified that the generator needs relief. Mr. Pope confirmed.

Mr. Pope explained that the original denial letter didn't mention the propane tanks, but there was a follow-up that did mention the propane tanks.

Planning/Zoning Administrator Reed explained that propane tanks need relief if they're above ground. If the tank is underground, no relief is needed.

In clarifying the relief needed, Chair Crapo asked if there was a denial letter issued after the October 27, 2022 letter. Planning/Zoning Administrator Reed and Mr. Pope responded that there was not. Chair Crapo pointed out that the propane tanks were not named in the denial letter. Mr. Pope agreed that they were not, but that the propane tanks were included in his application on the meeting agenda.

The board determined that the generator would require relief, but the propane tanks do not.

Chair Crapo opened to the public. Hearing no comments, the public session was closed at 8:52 p.m.

The board discussed the application and how to amend the application to reflect that no relief is required for the propane tanks.

Chair Crapo called for a vote on requested variances from §190-2.4.C(2) for a generator 18' +/- from the side boundary where 20' is required.

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

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

2. The spirit of the ordinance is observed:

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

3. Substantial justice is done:

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

4. The values of surrounding properties are not diminished:

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

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

- 7. The proposed use is a reasonable one.**

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

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

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

Motion by Patrick Driscoll to grant the variance requests for property owned and located at 105 Perkins Road, Tax Map 5.2, Lot 15 request a variance from §190-2.4.C(2) for a generator 18' +/- from the side boundary where 20' is required. Seconded by Chris Piela.

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

- 5. Tate & Foss/Sotheby's International Realty on behalf of Airfield Village at Rye, LLC for property owned and located at 190 Lafayette Road, Tax Map 10, Lot 16 requests variances from §190-5.1.A(3), §190-5.2.F(1)(c), §190- and from §190-5.1.F(2), §190-5.2.H.(1)(2) and §190-2.11(C)(3) for a 32 square foot off-premises sign advertising new homes being constructed at the Village at Rye Place off Airfield drive where 25 square feet is the maximum and off-premises signs are prohibited. Property is in the Commercial, Aquifer Protection Overlay, and Multi-Family Dwelling Overlay Districts. Case #02-2023.**

Chair Crapo noted that an additional “§190-” is listed among variances in the application. Planning/Zoning Administrator Reed clarified that it’s a typo.

Patricia Weathersby, the realtor representing Tate & Foss/Sotheby’s International Realty, explained that Tate & Foss is the listing agent for Airfield Village, a 40-home development. She described the development and their proposal for a non-temporary, off-premise sign to provide information about the development as well as a directional arrow. The proposed sign would be placed at 190 Lafayette Road, a property owned by Planche Real Estate, LLC, which is currently vacant. Ms. Weathersby described the proposed sign, the surrounding area, and the property’s setbacks.

Ms. Weathersby explained that the owner of the property has requested when Tate & Foss remove their sign, they would like to utilize the infrastructure to advertise.

Chair Crapo suggested using language that would allow for a temporary off-premise sign, which could then be transferred to the property owner and become an on-premise sign.

Ms. Weathersby clarified what she is requesting: once Tate & Foss is finished, the sign will stay but the image will change and could be used for advertising.

Member Madden asked for clarification on the difference between “non-temporary” and “permanent” signage. Ms. Weathersby explained that there is no difference and clarified that they’re asking for a permanent sign, as requested by the property owner.

Ms. Weathersby explained that two variances were misquoted in her application and stated that §190-5.2.F(1)(c) and §190-5.2.H.(1)(2) are not necessary as she is not asking for a temporary sign.

Ms. Weathersby clarified which variances are being requested: §190-5.1.A(3) for a sign that is 32 square feet instead of 25 square feet; §190-5.1.F(2) for an off-premises sign where no off-premises signs are permitted; §190-2.11(C)(3) for a sign in the front yard setback.

Ms. Weathersby described the size of the lot, the off-premises signage in the area, the benefits of such a sign, and the challenges faced without the installation of such a sign directing people toward this new development. She also noted that the abutter is essentially the applicant and takes no issue with the proposal. She clarified that the sign would not be illuminated.

Chair Crapo discussed the applicant’s intentions with the curb; Ms. Weathersby commented that the curb would either need to be replaced or removed, she also described small plantings to be included but clarified that no structural changes, such as stone walls, would be made.

Chair Crapo spoke with Planning/Zoning Administrator Reed about a sign ordinance; it was determined that it would not affect this application.

Member Chororos asked for clarification regarding the property owner's intention with the sign. Ms. Weathersby explained that he would like the proposed sign to be permanent so that he can continue to use it to advertise businesses and properties in the future.

Ms. Weathersby suggested that the board could limit it to only advertising the Village at Rye Place, a business at 190 Lafayette Road, or 6 Airfield Way.

The board discussed possible conditions to prevent such a sign from becoming a billboard that could be rented.

Chair Crapo opened to the public. Hearing no comments, he closed to the public at 9:17 p.m.

Chair Crapo expressed that the applicant should stay within the current outside dimensions.

Vice-Chair Driscoll requested that no illumination shall be pointed at or on the sign. Chair Crapo noted that there are already regulations in place to speak to that.

The board discussed illumination and determined that illumination in this case is prohibited.

Chair Crapo called for a vote on requested variances from §190-5.1.A(3), §190-5.1.F(2), and §190-2.11(C)(3) for a 32 square-foot off-premises sign advertising new homes being constructed at the Village at Rye Place off Airfield drive where 25 square feet is the maximum and off-premises signs are prohibited.

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

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

2. The spirit of the ordinance is observed:

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

3. Substantial justice is done:

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

Shawn Crapo – Yes

4. The values of surrounding properties are not diminished:

Patrick Driscoll – Yes

Chris Piela – Yes

Jenn Madden – 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

Chris Piela – Yes

Jenn Madden – 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

Chris Piela – Yes

Jenn Madden – Yes

John Tuttle – Yes

Shawn Crapo – Yes

7. The proposed use is a reasonable one.

Patrick Driscoll – Yes

Chris Piela – Yes

Jenn Madden – Yes

John Tuttle – Yes

Shawn Crapo – Yes

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

Patrick Driscoll – Yes

Chris Piela – Yes

Jenn Madden – Yes

John Tuttle – Yes

Shawn Crapo – Yes

Motion by Chris Piela to approve the application of Tate & Foss/Sotheby's International Realty on behalf of Airfield Village at Rye, LLC for property owned and located at 190 Lafayette Road, Tax Map 10, Lot 16 for variances from §190-5.1.A(3), §190-5.1.F(2), and §190-2.11(C)(3) with the following conditions:

- **The sign may advertise The Village at Rye Place, a business located at 6 Airfield Drive, or a business located at 190 Lafayette Road.**
- **Renovations to the base area must be within the current outside dimensions +/- one foot.**
- **No illumination.**
- **The sign is to be eight feet in height, and four feet wide, with the total height not to exceed ten feet from the existing grade.**

Seconded by Patrick Driscoll.

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

- 6. Wentworth by the Sea Country Club for property owned and located at 60 Wentworth Road, Tax Map 24, Lot 61-26 requests variances from §190-2.3.C(2) for 32 parking spaces in or partly in the 20' side setback and from §190-5.0.C for 7 off-street parking spaces within or partly within the 10' lot line setback. Property is in the Single Residence District. Case #03-2023.**

Application continued to February 2, 2023 meeting (see motion above)

- 7. Paul & Kathleen Cavanaugh for property owned and located at 100 Brackett Road, Tax Map 22, Lot 93 request variances from §190-2.3.C(2) for a new home with a second floor located 12.2' from the side boundary where 20' is required (existing ground floor is 12.2'); from §190-3.1.H(2)(a)(g) for an attached garage 29.5' from the wetland where 100' is required (existing is 4'); from §190-5.0.C for 1 off-street parking space slightly in the front yard area where that is prohibited; and from §190-6.3.B where the replacement of all nonconforming parts of the structure are in the same location or less non-conforming. Property is in the Single Residence District. Case #04-2023.**

Application continued to February 2, 2023 meeting (see motion above)

- 8. Steven & Nicole Gable for property owned and located at 238 Parsons Road, Tax Map 19, Lot 130 request variances from §190-3.1.H(2)(a)(g) for a deck/steps 86.4' from the wetland (existing is 89'-92') and a garage 75' from the wetland (existing is 75') where 100' is required; and from §190-6.3.A for an expansion of a nonconforming structure. Property is in the General Residence District. Case #05-2023.**

Attorney Monica Kaiser from Hoefle, Phoenix, Gormley, and Roberts, on behalf of the applicant, introduced herself, Nicole Gable, and Steve Riker of Ambit Engineering, who's done the wetland-related work. Attorney Kaiser provided supplemental materials to the board.

Attorney Kaiser presented Exhibit A and noted that the Existing Conditions Plan shows what's there currently. She explained the proposed changes that would require relief, as well as the plans that do not. She particularly pointed out the architectural and the first page of Exhibit C to show the one-story ranch, where the proposed second floor would be placed as well as the ornamental dormers.

In discussing the existing wetlands, Attorney Kaiser explained that the Existing Conditions Plan was completed by Doucet Survey and summarized the survey as well as the proposal for the deck.

Reviewing Exhibit A, Member Piela asked about a component on the North West side of the deck in the Existing Conditions Plan. Attorney Kaiser explained that it's steps or a walkway that will be removed from the wetland buffer.

Attorney Kaiser reviewed Exhibit E and explained that instead of a screen porch, deck, and stairs, it will become a screen porch converted to a four-season living space.

Member Tuttle asked about what appears to be an outdoor shower on the lefthand side of the deck in the architectural plans. Ms. Gable responded that it's a rinsing station that was discussed in the initial plans but isn't a part of their final plan.

Vice-Chair Driscoll asked if the wetland buffer on the architectural plans is accurate. Mr. Riker confirmed.

Attorney Kaiser explained the expansion in the wetland buffer and pointed out the floor plan in Exhibit C, where there is decking, a mudroom, and a decorative feature on the garage that will be added. She explained that the focus of the relief is on the deck area in the wetland buffer.

Vice-Chair Driscoll asked if there are any issues with the Rye Conservation Commission recommendations.

Attorney Kaiser explained that there are no issues with the RCC's December 28, 2022, which is nearly identical to their letter dated August 8, 2022, except for a change in wording for condition number one.

Member Piela asked about the oil-fill cap on Exhibit A. He pointed out that it appears to be on the outside wall of the enclosed porch. Ms. Gable explained that they removed the oil tank when they switched to propane. She showed the location of the propane tanks.

Attorney Kaiser explained a disagreement with the RCC regarding the placement of the leach field. She explained that Mr. Riker brought the matter to the Select Board. Mr. Riker explained the communications he's had with the Select Board and the RCC.

Chair Crapo asked for clarification as to whether the leach field is on town land. Mr. Riker stated that the leach field is not on town land. Attorney Kaiser explained that there was a disturbance to town land during the installation of the leach field, which has been remedied. She also clarified that the vent is on the applicant's land. Attorney Kaiser explained that they agree with and have adopted all conditions listed in the RCC's December 28, 2022 letter.

Attorney Kaiser reviewed each of the variance criteria as it relates to this proposal.

Chair Crapo opened to the public.

Suzanne McFarland, Chair of the Rye Conservation Commission, presented a photo of the property to the board. She pointed out the property stake and the downward-sloping fill.

Mr. and Mrs. Gable have spoken with three of their neighbors about their renovation, who had no issues regarding the project.

Vice-Chair Driscoll expressed that he has no issues with drainage on the property but asked Mr. Riker if there is anything preventing the storage of building materials such as a silt sock. He asked if that could be included in the next set. Mr. Riker explained that they got similar feedback from DES, who approved the plan, and agreed that a note could be added in the future.

Chair Crapo asked that the plan be amended to reflect that and update the propane tank location. Attorney Kaiser explained that it's reflected in the architectural but not in the site plans.

Vice-Chair Driscoll explained that a rinse station can't have four sides.

Chair Crapo closed the public session at 10:08 p.m.

Member Madden noted that the RCC should revise their letter for the file to be accurate. Chair Crapo explained that they can reference the presented letter for the conditions.

Attorney Kaiser reiterated that they agree with all of the RCC conditions and they are complete.

Chair Crapo closed to the public at 10:09 p.m.

Vice-Chair Driscoll stated that he didn't see a need for additional conditions and would prefer if this application were approved as presented.

Chair Crapo called for a vote on requested variances from §190-3.1.H(2)(a)(g) for a deck/steps 86.4' from the wetland (existing is 89'-92') and a garage 75' from the wetland (existing is 75') where 100' is required; and from §190-6.3.A for an expansion of a nonconforming structure.

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

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

2. The spirit of the ordinance is observed:

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

Shawn Crapo – Yes

3. Substantial justice is done:

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

4. The values of surrounding properties are not diminished:

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

7. The proposed use is a reasonable one.

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

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

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

Motion by Patrick Driscoll to approve the requested variances for property owned and located at 238 Parsons Road as advertised and presented including the conditions stated on the December 28, 2022 letter from the Rye Conservation Commission, points 1-7. Seconded by Chris Piela.

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

- 9. Leigh & Darren D’Andrea for property owned and located at 0 Jenness Avenue, Tax Map 8.4, Lot 48** request variances from §190-2.4.C(1) for an overhang 23.7’, chimney 21.9’, steps 21’, retaining wall 15.3’, and patio 9’ from the rear boundary where 25’ is required; from §190-2.4.C(3) for steps 17.5’ and a paver pad 17.5’ from the front yard boundary where 23.5’ for Jenness Avenue and 8’ for Surf Lane is required; from §190-3.1.F, H(2)(a)(e)(f)(g) for tree removal, a foot wash 3.3’, house 5.3’, steps 13’, and driveway 20’ from the wetland where 75’ is required; from §190-3.4.E for 17% dwelling coverage where 15% is required; from §190-6.1.A and from §190-6.1.B(1)(2), (C) for a 9,998 square foot lot area with 200’ of frontage on a nonconforming lot; and from §190-5.0C for off-street parking spaces within the front setback where that is prohibited. **Property is in the General Residence and Coastal Overlay Districts, and SFHA Zone AE(8). Case #06a-2023.**

Application continued to February 2, 2023 meeting (see motion above)

- 10. Leigh & Darren D’Andrea for property owned and located at 0 Jenness Avenue, Tax Map 8.4, Lot 48** request special exceptions from §190-3.1.G(2) for a driveway located in the wetland buffer; and from §190-3.4.C to develop a vacant coastal lot in accordance with Criteria §190-3.4.C(1)-C(8). **Property is in the General Residence and Coastal Overlay Districts, and SFHA Zone AE(8). Case #06b-2023.**

Application continued to February 2, 2023 meeting (see motion above)

Motion by Patrick Driscoll to adjourn at 10:11 p.m. Seconded by Chris Piela. All in favor.

Respectfully Submitted,
Emilie Durgin

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner:

Patrick & Jenny Donnelly

Property:

5 Whitehorse Drive, Tax Map 11, Lot 15-2
Property is in the Single Residence District and Wetland Conservation District

Application case:

Case #59-2022

Date of decision:

1-04-2023

Decision:

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

- §190-3.1.F to restore work within the wetlands;
- §190-3.1.H(1) for work within the wetlands buffer; and
- §190-3.1.H(2)(a),(e), (g) for a pool 69' on north side and 71' on the south side within the 100' and 75' wetland buffers.

These variances were granted with the following conditions from the Rye Conservation Commission letter dated 12-5-2022:

1. 2.16 acres granted in fee to the Rye Conservation Commission pursuant to the plan titled "Proposed Lot Line Adjustment and Conservation Easement at 5 Whitehorse Drive" dated 10-14-2022 which shows Parcel A., 2.16 acres to be granted to Rye Conservation Commission.

2. 0.84-acre proposal conservation easement granted to Rye Conservation Commission pursuant to the plan titled "Proposed Lot Line Adjustment and Conservation Easement at 5 Whitehorse Drive" dated 10-14-2022.

3. The easement line and the deeded property line to be mounted.

4. Access permitted, with notice, for annual pedestrian monitoring of both the 2.16-acre parcel and the 0.84-acre easement.

5. Construction for the pool may not begin until the Lot Line Adjustment is finalized.

6. Gravel driveway on the east side of the property to be removed and the area to be restored.

7. Fence to be added to the outside edge of the wetland restoration area.

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.

8. Native plantings to be installed along the fence areas outside the wetland restoration area. Plantings to be a mix of 3-4 gallon bushes, 5+ gallon trees and additional smaller native plantings.
9. Mulch used within an area being restored shall be natural straw or equivalent non-toxic, non-seedbearing organic material, in accordance with Env-Wt 307.12(d).
10. Gravel driveway to be restored to lawn after the project is completed.
11. The pool cartridge and when pool pumped down, in a manner in which the water is done properly and hauled away.


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: 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: 1-04-2023

Decision: The Board voted 5-0-0 to release the suspension of the relief granted on 10-05-2022.


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: Matthew & Marlena Wrobel

Property: 30 Acorn Acres, Tax Map 167, Lot 97
Property is in the Single Residence District.

Application case: Cases #58-2022

Date of decision: 01-04-2023

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

- §190-2.3.C.3 for a front entry 25.1' from the front boundary;
- §190-2.3.C.3 for a garage 17.2' from the front boundary;
- §190-2.3.C.5 for lot coverage of 15.5% where 15% is allowed; and
- §190-6.3.A for expansion of a non-conforming structure.

These variances and building code relief were granted with the following condition:

- The applicant received approval from DPW for driveway cut.


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:

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

Property:

457 Central Road, Tax Map
Property is in the Single Residence District.

Application case:

Case #55-2022

Date of decision:

01-04-2023

Decision:

The Board voted 5-0 to continue the application to the February 1, 2023 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 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:

Darin Pope

Property:

105 Perkins Road, Tax Map 11, Lot 15-2
Property is in the Single Residence District.

Application case:

Cases #01-2023

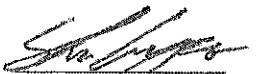
Date of decision:

01-04-2023

Decision:

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

- §190-2.4.C(2) for a generator 18' +/- 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: Tate & Foss/Sotheby's International Realty on behalf of Airfield Village at Rye, LLC

Owner: Planche Real Estate LLC

Property: 190 Lafayette Road, Tax Map 10, Lot 16
Property is in the Commercial, Aquifer Protection Overlay, and Multi-Family Dwelling Overlay Districts

Application case: Cases #02-2023

Date of decision: 01-04-2023

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

- §190-5.1.A(3) for a sign 32 square feet;
- §190-5.1.F(2) for an off premises sign; and
- §190-2.11(C)(3) for a 32 square foot off-premises sign 20' +/- from the front boundary (in the location of the existing signposts).

These variances were granted with the following conditions:

1. That the sign not to exceed 8' in height, 4' in width and not to exceed 10' in height from grade.
2. The sign shall not to be illuminated; and
3. The base renovation be no more than 1' +/- larger than the existing base in any direction.
4. The sign to advertise only the following:
Village at Rye Place (new development at 0 Airfield Drive)
Businesses located at 6 Airfield Drive
Businesses located at 190 Lafayette Road


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

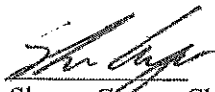
Applicant/Owner: Wentworth by the Sea Country Club, Inc.

Property: 60 Wentworth Road, Tax Map 24, Lot 61-26
Property is in the Single Residence District

Application case: Case #03-2023

Date of decision: 1-04-2023

Decision: The Board voted 5-0-0 to continue the application to the February 1, 2023 meeting.


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: Paul & Kathleen Cavanaugh

Property: 100 Brackett Road, Tax Map 22, Lot 93
Property is in the Single Residence District

Application case: Case #04-2023

Date of decision: 1-04-2023

Decision: The Board voted 5-0-0 to continue the application to the February 1, 2023 meeting.


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:

Steven & Nicole Gable

Property:

238 Parsons Road, Tax Map 19, Lot 130
Property is in the General Residence District

Application case:

Cases #05-2023

Date of decision:

01-04-2023

Decision:

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

- §190-3.1.H(2)(a)(g) for a deck/steps 86.4' from the wetland;
- §190-3.1.H(2)(a)(g) for a garage 75' from the wetland; and
- §190-6.3A for expansion of a non-conforming structure.


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: Leigh & Darren D'Andrea

Property: 0 Jenness Avenue, Tax Map 8.4, Lot 48
Property is in the General Residence and Coastal Overlay Districts, and
SFHA Zone AE(8).

Application case: Cases #06a-2023 and 06b-2023

Date of decision: 1-04-2023

Decision: The Board voted 5-0-0 to continue the application to the February 1, 2023
meeting.


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.