

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

**Wednesday, June 3, 2020
7:00 p.m. – via ZOOM**

***Members Present:* Chair Patricia Weathersby, Vice-Chair Shawn Crapo, Burt Dibble, Greg Mikolaities and Frank Drake**

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

I. CALL TO ORDER

Chair Weathersby called the meeting to order via Zoom teleconferencing at 7:00 p.m. and led the Pledge of Allegiance.

Statement by Patricia Weathersby:

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

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are providing public access to the meeting by telephone, with additional access possibilities by video and other electronic means. We are utilizing Zoom for this electronic meeting. All members of the board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by dialing in to the following phone number: 646-558-8656 or by clicking on the following website address: www.zoom.com ID #818-0072-5721 Password: 345561

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

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

Roll call attendance of members:

1. Patricia Weathersby
2. Shawn Crapo
3. Burt Dibble
4. Greg Mikolaities
5. Frank Drake
6. Charles Hoyt

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

II. BUSINESS

- **Approval of Meeting Minutes**
 - **April 15 2020**

Motion by Burt Dibble to approve the minutes of April 15, 2020 as amended. Seconded by Gregg Mikolaities.

Roll Call Vote: Shawn Crapo – Aye; Burt Dibble – Aye; Gregg Mikolaities – Aye; Charles Hoyt – Aye; Patricia Weathersby – Abstained

Motion passed.

- **May 6, 2020**

Motion by Burt Dibble to approve the minutes of May 6, 2020 with the amendments as discussed, including the correction, if necessary, to the word “deck”. Seconded by Gregg Mikolaities.

Roll Call Vote: Shawn Crapo – Aye; Burt Dibble – Aye; Gregg Mikolaities – Aye; Charles Hoyt – Abstained; Patricia Weathersby – Aye

Motion passed.

Continuance Request:

A request was received from Arthur Splaine for a continuance of his applications for 0 Spring Road (#’s 7 & 8 on the agenda).

Motion by Burt Dibble to continue applications number 7 and 8 to the July Zoning Board Meeting. Seconded by Patricia Weathersby.

Roll Call Vote: Patricia Weathersby – Aye; Shawn Crapo – Aye; Burt Dibble – Aye; Gregg Mikolaities – Yes; Charles Hoyt - Aye

Motion passed.

III. APPLICATIONS

Sitting for the following application: Patricia Weathersby, Shawn Crapo, Burt Dibble, Gregg Mikolaities, and Frank Drake

Charles Hoyt recused himself from the application.

- 1. Seacoast Apart-Hotels LLC for property owned and located at 741 Ocean Blvd, Tax Map 23.1, Lot 28** requests a special exception from §190-5.1.C for two signs; and also requests variances from §190-5.1.A(2) for two 2-sided signs totaling 68 sq. ft where 16 sq. ft. is permitted; from §190-5.0.A for 10 parking spaces 9' in width where 10' is required; from §190-5.0 C for 5 parking spaces in the front setback; and from §190-5.0 D for off street loading. **Property is in the Business, Coastal Overlay Districts. Case #12-2020.**

Chair Weathersby noted that it is her understanding that relief from §190-5.0 D for off-street loading is no longer being requested. She asked the applicant to address this first.

John Chagnon, Ambit Engineering, representing Seacoast Apart-Hotels LLC, stated that he is not an attorney; however, he is trying to help Doug Palardy out with this application. He continued that he does not believe 190-5.0 D is needed due to the use. It was included in the advertisement just in case. If the board disagrees and thinks a loading spot is needed for this use then it is on the notice.

Chair Weathersby asked if the loading will stay the same as the existing loading. She asked why it is felt it is not needed.

Mr. Chagnon replied that under the ordinance he does not believe this use requires a loading zone. It is a single-family residence and a ten-unit motel. He does not think motels are on the list of uses that require a loading zone.

Member Drake stated it is not up to the board or the applicant to decide if that was needed in the notice. It is up to the building inspector/zoning officer.

Chair Weathersby pointed out that it is in the notice and has been asked for. She continued that she does not have the building inspector's letter for this application, so she is not sure if the building inspector required it. The board is the final decision maker as to the interpretation of the ordinance and what variances are required.

Vice-Chair Crapo commented they are saying they don't think they need it and if it is withdrawn but it was needed, it will hold up their building permit and they will be back before the board again.

Chair Weathersby stated she did not see any information in the packet in regards to where the loading zone is located.

Mr. Chagnon stated the he does not have anything labeled in the packets. He would need some time to look at the specific letter from the building inspector. He thought the building inspector's letter used the word "may". Mr. Chagnon stated he looked at the zoning ordinance in regards to the way loading zones are required. He does not have the information in front of him and apologizes for not providing it in the

submitted information. Certainly, if there is a need to deliver supplies for the motel that could be done in the area that is not assigned as parking in front of the motel; immediately between the motel and Ocean Boulevard. There is room to drive up with a delivery van. It is not going to be a box truck or anything of that nature. There is no food service on this property.

Chair Weathersby asked if this is going to the planning board for site review.

Mr. Chagnon stated it does not require site plan approval, as he understands it. The applicant is allowed to add a certain square footage to the site without requiring site plan approval. Up to 400sf of pavement can be added to a site without requiring site plan approval. This proposal is adding about 206sf.

Chair Weathersby read §190-5.0 D, off street loading; *“In addition to the required off street parking spaces, usage shall be provided with adequate off-street loading spaces”*.

Vice-Chair Crapo asked what uses. Not every use needs it and how is that defined? Can they park in the middle of the driveway to off load? It really seems unclear what the requirement would be even if they were requesting this. They have parking spaces. If it is saying as long as a vehicle can get off the road to unload, does it have to be a designated area or can it be in the middle of the parking lot for fifteen minutes?

Member Drake stated that he was at the property recently and there was a lawn service vehicle on site. It was a truck with a good size trailer. The vehicle was off Ocean Boulevard in the front driveway, well off the street. There is plenty of room in the front of the property or close to the right-of-way. Most conceivable deliveries to this location will probably be okay.

Chair Weathersby commented it was noticed and requested initially. She suggested they proceed with the application. The applicant has asked for permission to not provide a separate space for off street loading. She suggested that they proceed as if it has been requested.

Chair Chagnon noted that he just looked at the ordinance. It says that “off-street loading shall be provided”. It doesn’t indicate the size or the requirement based on use. He thinks they can proceed with the caveat that the space would have to be noted on the plan if the discussion is that it is something that would be required.

Chair Weathersby stated that the variance relief has been requested, so they will proceed with that. The board will decide whether or not the off-street loading space is required. This can be addressed in the presentation. If the board decides it is needed, it will have to be shown on the plan. She asked Mr. Chagnon to proceed with his presentation.

Mr. Chagnon stated that Mr. Palardy’s plans are to repurpose the Pebble Cove Motel, which he purchased recently. He had a vision for the property and began to work towards that vision. Since he has been working on the project, he has become very aware of the restriction imposed by the Rye Zoning Ordinance and other code requirements. There have been different things submitted to the Zoning Board, but at this point it has been whittled down. All the applicant has before the board is his current desire for the property. Some of the proposed ideas exceed some of the allowable things before the ordinance. That is why people come before the board. They have visions of what they want that might not quite meet the ordinance.

Mr. Chagnon continued that the application is an upgrade and remodeling of the existing site. Doug Palardy, Seacoast Apart-Hotels, wants to do a few things at the site. The proposal is;

- to add 206sf of paving to create three new parking spaces;
- remove some existing pavement;
- replace the existing signage;
- construct a raised walkway at the office;
- add and expand to the pool deck;
- remove some of the existing site features; and
- remodel the building.

In order to do this, relief would be needed from 190.5.1 C and 190-5.1.A(2) for a variance for two two-sided signs totaling 68sf where 16sf is permitted and a special exception is required. The applicant desires to replace the existing signs with two signs. The existing freestanding Pebble Cove sign will be replaced with a sign that is in line with what was on the property in the past; the historic Surf Haven Motel sign. (Pictures of the sign have been provided in the board's packets.) It was noted that in the exhibit showing the historic sign there was a second story on the old Surf Haven Motel in the front. This was something Mr. Palardy had brought forward at one time; however, he is not proposing to recreate that addition in this application any more. The sign that is being proposed for this project is very similar in size to the historic sign. The sign has some illumination. The second sign is a building mounted sign. Exhibit E shows there is existing face mounted lettering on the building. This lettering would be removed in favor of the building mounted placard sign. The area of the two proposed signs are very similar to the locations now. From the perspective of square footage, the applicant is not asking for an enlargement, rather a new sign that is easier to see from the road that provides more signalization as to where the motel office is located.

The applicant is also requesting relief from 190-5.0.A for ten parking spaces that are 9ft in width where 10ft is the required size. (Mr. Chagnon presented the variance application plans, dated 5-25-20, on the screen for review. This plan was also provided in the board's packet.) Mr. Chagnon pointed out the 206sf of additional pavement that will be added to allow three parking spaces to be created. Above that, there is a side slope area to the pool deck that is not conducive for parking. There is an existing pool and cabana with the pavement circling around. The pavement ends around the end of the motel. The distance north/south is fixed by the location of the existing pavement. Some pavement is being removed because it is not needed. Right now, the pavement goes up to the edge of the pool deck as it exists, which is approximately 30ft wide. He noted that it is a very haphazard situation where there are some concrete bumpers, which are positioned next to the concrete walk along the front, where the motel rooms start. People come up and park angled toward the building facing the front entrance of the unit. Mr. Palardy is proposing to recreate the parking area to make it a lot safer.

Mr. Chagnon continued that the proposal is to add to the pool deck, based on the fact that there is barely enough room to walk around the deck. Additionally, it gives a 28ft isle which is wider than the required 24ft and more than the 20ft that the fire department wants. That is a much safer isle. Mr. Chagnon noted that the pool deck does not impact the request for parking. It is the north/south dimensioning. He continued that on the north side, the existing pavement is being cut back a bit, but it will allow for seven parking spaces 9ft wide by 20ft deep with a 28ft isle. The Rye requirement is 10ft wide by 18ft parking. The 7ft is not able to be added because pavement would need to be added to an area that is within the wetland buffer. He commented that what is being provided is just as safe. There is additional isle width for the car to get into the space safely. This is a ten-unit motel so ten parking spaces are needed. By adding the additional pavement for the three parking spaces, that requirement will be met. He pointed out

that currently there is parking in the front with concrete bumpers. People park their cars front in first at this area. Those spaces will be made safer by relocating them so people can pull in and pull out facing the street as they exit. The only space that will remain as it does now (backing out), is the employee space which is part of the parking space requirements; one per unit plus one per employee. Mr. Chagnon stated that it is felt that asking for the reduction to 9ft., given the extended isle width and parking depth, makes it just as safe for people to park. Also, parking is being moved to the other side where it will not conflict with the fire truck access, which is definitely much safer. This plan was reviewed by the Fire Chief and he wants to be sure the fire truck can drive right up to the last unit, in case of any emergency.

The applicant is also requesting a variance to 190-5.0 C for parking within the front setback. Parking currently exists in the front setback and parking is being created in the front setback. It is felt that this is safer than the current parking in the front setback, as it affords people the opportunity to back up and turn around to face the road. (He pointed out an area on the plan that can be delineated as a loading space.) He commented that this is a space that a delivery truck can access and turn around so it will be facing the road as it leaves. He stated that the proposed changes go along with the upgrading of the motel to current standards.

Mr. Chagnon stated that some comments were received from Paul Simbliaris through Attorney Derek Durbin. He would like to address the comments as part of the presentation. There were a number of concerns expressed by this abutter. One is the illuminated sign. His biggest concern was the size of the sign. Mr. Chagnon stated that the size of the sign is not much different from what is there now. A nonconforming sign is being replaced which could be repainted with a sign similar in size. The applicant wants this new sign to call attention to his business. It is throwback to what was there in the past. It is something that would have been seen in this area at one point in time. The lighting in the sign is minimal and will not shine on the abutter's property. The second concern was about the width of the parking spaces. Mr. Chagnon reiterated it is a north/south space issue. The intent is to not push the parking into the buffer zone. That is why it is designed the way that it is, plus it is much safer. Mr. Simbliaris brought up the pool deck. Mr. Chagnon pointed out that he prepared an exhibit for the pool deck so it can be discussed more if the board would like. Lastly, Mr. Simbliaris has concerns about his view. Mr. Chagnon noted that he superimposed on one of the plans Mr. Simbliaris' home. The home has a second story with a deck. He prepared an exhibit that shows blue lines which represent potential view from the corner of the deck. The upper line on the plan, intersects with the roof overhang of the Pebble Cove Motel. The roof overhang would be higher than the sign. (He pointed out the Simbliaris home on the plan, which is the first home on Pollock Drive on the left. He also pointed out the blue lines on the plan representing the viewshed from the corner of the upper deck.) He commented that the proposed sign is not taller than the existing sign and it is in the exact same location. This is not a situation where the applicant is suddenly blocking the entire view the abutter has. Mr. Simbliaris does not have a view easement, so other uses of this lot could put structures closer to the front left corner of the lot, which would be more within the view. The applicant does not believe that the replacement of the sign will have a significant impact on the abutter's view.

Chair Weathersby stated that the request is for signs of 68sf. It is her understanding that the 68sf is for both signs. There is a smaller sign of 12sf and the larger sign is 56sf. She asked Mr. Chagnon if this is correct.

Mr. Chagnon confirmed.

Chair Weathersby opened to the board for questions.

Referring to the sign that says “office”, Member Drake asked if this is 12sf.

Mr. Chagnon confirmed. The sign is 3ft wide and 4ft tall.

Member Drake stated that when the calculations were done for the existing sign, it seems the posts were used in the calculations. He believes the calculations should be just for the sign itself.

Mr. Chagnon noted the sign calculation is based on the sign and does not include the posts.

Member Drake commented that Exhibit A indicates otherwise.

Mr. Chagnon replied that in that case the posts are exterior, so the space that it occupies was being looked at rather than the sign itself.

Member Drake asked for clarification on if the space, including the posts, was used.

Mr. Chagnon replied that yes it includes the posts.

Doug Palardy, Seacoast Apart-Hotels, noted that he is the one who did the dimensions on the original sign for Mr. Chagnon. He was under the assumption that posts would be included. In his mind the area that the sign would be taking up on site included the posts.

Member Drake asked if there is any green space between the proposed new parking spaces in the front and the boulevard.

Mr. Chagnon replied no. The boulevard pavement is very wide at the entrance. He commented that they are only paving on the property coming away from the boulevard to create the spaces. It leaves the opportunity to put in some yellow striping. That could be upgraded to bollards if the board felt it was needed for safety.

Member Mikolaities asked if the Fire Chief requested signage or a no parking fire lane along the front where the parking is located now. He continued that just before the board starts deliberation, he has two real life examples of this sign; one is Yoken’s. He asked how this would be the same or different from the Yoken’s sign. He noted that he sits about a quarter of a mile from Petey’s and the sign is on all night long. It lights up Route 1A, the marsh and his house all night long. He would like information on the timing of the lighting, hours of operation and more details on what is being proposed.

Mr. Palardy explained that when he met with the Fire Department there was not a request to put fire zone signs in. He commented that he would be happy to do them. Secondly, the sign in terms of historic compatibility to the date of the motel, which was built in 1956, could be compared to Yoken’s. The Yoken’s sign is bigger in scale and is much more of a presence, but it is the 50’s era that he is going for. He continued that when he met before the Planning Board the sign was actually 12ft tall, which is taller than what is proposed now. It was pretty unanimous that they were in favor of the sign and liked the historic element that he is trying to return to the property. One of the items that was discussed is the fact

that the sign would be turned off completely from 11 p.m. to 5 a.m. daily. The sign would not be lit after 11:00 p.m. at night.

Vice-Chair Crapo asked why the sign shown in Exhibit E is needed. This is 30ft away from the 50's retro sign with both signs having the name of the business. In reality, if it is intended to identify the office, there could be a small sign that just says "office". He is not sure that a sign that just says "office" would even count towards square footage. The "office" sign could be off the end of the building and it would eliminate 10sf of sign need. He does not see the need for it. He is not going to be able to support the second sign.

Mr. Palardy explained that there is a residence on the property over to the left of the pool. Historically in the past, people have tried to go into the house thinking this was the check-in office. This was his thinking, in terms of having a second sign, and the fact that there is already this large lettering on the building. The intent is for clear directional signage.

Regarding the parking, Vice-Chair Crapo stated that he has trouble shortening the width of the spaces. There was a trend for a while that parking spaces were being reduced, but that same trend followed the fact that vehicles were getting smaller. He thinks that trend has reversed. Bigger vehicles are more prevalent and are becoming wider. He pointed out that there is not a huge turning radius to get into those tight spaces. It seems it is going to be too tight for cars to get in and out. He asked why the existing pavement that is being removed cannot be left, so it would take care of the half a space that is needed for the parking spaces.

Mr. Palardy stated the planning on the paving and the parking is really a life safety issue. It creates a pathway that gives sufficient amount of space for the fire truck to get down there. Currently, everyone just parks in front of the rooms. With the cars parked in front of the rooms at an angle, the fire truck would not be able to get down the length of the motel. This will solve that life safety issue.

Referring to the seven spots to the rear left, Vice-Chair Crapo commented that if those spots were 10ft wide, 7ft more would be needed. There is already 4ft or 5ft of pavement that is proposed to be removed. In reality, it could be 2ft wider to have the 10ft spaces, so everyone could pull in and out safely at a better radius.

Mr. Chagnon explained the concrete walk comes up the face of the motel and then turns left along the back unit 10. The cut line lines up with the concrete walk. Additional pavement would be in the way for that last car backing up. Additionally, there would be more pavement in the buffer. With a 28ft isles, the car would be able to be lined up, without being at risk of hitting any other cars. He thinks this is adequate, given those circumstances.

Chair Weathersby commented that it is her understanding that 9ft is not unheard of. There are a number of towns that have ordinances that say 9ft. She asked Mr. Chagnon how typical a 9ft space is, as compared to 10ft.

Mr. Chagnon replied that in terms of town regulations, at least half to three-quarters have 9ft spaces. The Portsmouth standard is 8.5ft.

Regarding the signs, Chair Weathersby asked if the small sign will also be turned off between 11:00 p.m. and 5:00 a.m.

Mr. Palardy replied there is no illumination on that sign.

Chair Weathersby asked if there is any requirement to have a handicap parking space on the property.

Mr. Chagnon stated he does not believe so.

Regarding the large sign, Chair Weathersby asked how bright the back lighting would be.

Mr. Palardy replied that the lights that currently exist on the sign, which are ground mounted, pointing up, are not LED and are lit all night long, are of more brightness than what he would plan for this sign. He reiterated it is going to be turned off at night and will be placed on a timer. The intent is to be able to have the sign lit without large bulbs pointing at it. The lightbulbs will be the lowest watt possible.

Vice-Chair Crapo asked if the lights on the sign can be dimmed. He noted that the LED watt is different than a regular bulb in a lamp. A 1.5-watt LED could potentially be severely bright.

Mr. Palardy stated the he believes that LEDs have the dimmable option. If the sign is approved, he is happy to follow any lighting maximum the board may want to impose on the sign. He commented that it can also be dimmable and there could be a site walk to figure out what dim level would be acceptable.

Chair Weathersby stated her concern is how brightly it will glow. There is a requirement that the lighting cannot glare on abutting properties or on public streets. The illumination is the big issue. She would be more comfortable with some maximum brightness level measured in lumens; however, she does not know what that would be. There would need to be some sort of expert to say what would satisfy the ordinance. If this is approved, it can be conditioned or it could be continued to the next meeting to simply insert that level.

Hearing no further questions from the board at this time, Chair Weathersby opened to the public and asked Attorney Durbin to speak in regards to the application.

Attorney Derek Durbin, representing Paul Simbliaris at 10 Pollock Drive, noted that his client's property is located across from the subject property to the west and he is a director abutter. He continued that some of the concerns of his client have been vetted by the board already. The biggest concern associated with the application is the large sign being proposed for the property. He commented that it was calculated at 56sf; however, he calculated it at 56.5sf. Either way, it is about 3.5 times larger than what is permitted by the ordinance. There was some testimony that the existing sign is about 50sf so this is almost like an in-kind replacement of a non-conforming structure. In looking at the sign, there are also two columns that are detached that run along the side of the sign. He believes these are intended to be part of the signage itself and part of the branding being conveyed to the public. He is not sure the applicant can separate those two columns from the square footage. In adding the two columns in, it would be somewhere about 79 to 79.5sf, which would be five times what is permitted by the ordinance. That would raise a procedural concern with respect to that particular variance being sought. This is a great opportunity for the board, with the rebranding of the property, to require something that is slightly more conforming with the ordinance than what exists. He pointed out there are no signs like this in that immediate area. This is abutted directly by residential property. People will pass by the sign on a daily basis. This is a unique situation. The goal of the ordinance for a 16sf

aggregate sign in the business district was to clearly limit the amount and size of business signage. Aside from the size and square footage of the signage, his client is also concerned about the illumination. He commented there is no easement for a view in this case, but that is not really the main point. His client is going to see the sign, regardless of any testimony to the contrary. The concern is the projection of light into his client's home and also the surrounding area. The applicant has stated that he would put a limitation on the hours of illumination from 11:00 p.m. to 5 a.m. He does not think this is going to work with a residential neighborhood directly abutting this property. If the board were going to entertain an illuminated sign of this nature, he thinks it should be something that shuts down closer to 9:00 p.m. The other concern that his client has is that there is really no idea of what the projection of light, or glare, is going to be from the sign. Attorney Durbin noted that he has not been involved with any case before a municipality for an illuminated sign where there was not some sort of concrete evidence or demonstration of what that would be. This is what is really driving his client's concern. Overall, he would argue that the sign is out of character with the surrounding area. He does not see how an argument can be made that it is conforming or within the spirit of the ordinance. For those arguments, he would submit to the board that the proposed signage for the property fails all of the variance criteria, as presented. He noted that the other concern in the letter was related to the expansion of the pool deck. He is not going to elaborate on this because that is not in the purview of the board at this time. His client is concerned about what the proposed use for the expanded pool deck would be. If the applicant has any intention of expanding the use of that part of the property, he hopes that they would know to go through site plan review. It is his client's hope that the board denies the variance or continue the application for further discussion on the signage issue.

Chair Weathersby asked if anyone would like to speak in favor of the application. Hearing none, she opened to anyone who would like to speak in opposition or neutrally to the property.

John Murtagh, 33 Pollock Drive, stated that some people say the sign is historical; however, it was only up for 17 years. The history is that the signage and lighting that is there now is more appropriate for a property surrounded by residences. He does not think a sign that looks like the Yoken's sign is going to be appropriate in an area that is all residential. In regards to the expanded deck, he asked if that is going to be landscaped similar to the way it is now, which is pretty much blocked off from the Pollock Drive side. One of the neighbors' concerns is this is not going to have someone on site managing the property. This is going to be online renting and it could be rented out to a large group. There is a concern about how much impact that would have. What has been there now for quite a few years, in terms of signage and intensity, has been pretty unobtrusive.

No further comments from the public were heard. Chair Weathersby noted there have been two items of correspondence received. The first letter is from Phil Winslow who lives nowhere near this application. Mr. Winslow is a member of the select board; however, he is not writing on their behalf. He is writing individually. Chair Weathersby stated it is her belief that he lacks standing to comment. As much as she respects Mr. Winslow, she thinks his email to the group should be disregarded for lack of standing. Another letter is from Linda and Nicholas Toumpas who live at 10 Bass Drive, which is about a half mile away. The letter does not indicate a reason as to why they would have standing to comment. Unless another member feels differently, she feels they do not have standing and their submission should be disregarded, as well.

Vice-Chair Crapo stated that he feels differently because of the nature of this sign. People come down Odiorne's Point and enter the Rye stretch of Route 1A via this corridor. He feels it has a farther-reaching impact than just the abutting properties. It sets a tone with its stylistic choice and size. If this is approved,

there will be other businesses that will want similar, larger, updated signs. He thinks the sign has farther reach beyond the represented neighborhood because it acts as the gateway to the Town.

Member Drake stated he concurs with Chair Weathersby's interpretation.

Chair Weathersby stated there has to be a limit. It can't be to anyone in Rye or people on their way to Hampton. She noted that she respects those people and have read their comments, but she does not see how their position individually is any different than someone who lives on the Rye/North Hampton border or next to Wallis Sands Beach. She asked if any other board member would like to speak to the standing issue. Hearing no comments, she polled the board in regard to the issue of standing for Mr. Winslow and Linda and Nicholas Toumpas.

Patricia Weathersby – No standing; Burt Dibble – No standing; Shawn Crapo – No standing; Frank Drake – no standing; Gregg Mikolaities – no standing

Chair Weathersby asked for further comments concerning the application.

Judy Smith, 733 Ocean Blvd, commented that she is really excited about the plan. She likes the old 60's vibe and it will be exciting to see how it develops. She commented that she has some questions but is not sure if the questions have to be limited to what is being presented at this meeting.

Chair Weathersby replied that questions can be asked regarding the variance requests.

Mrs. Smith stated she does not really have any questions about the signage because her house is on the opposite side. She has a question about the loading zone. During rainstorms, the entire front of the motel, as well as the property between the motel, her house and driveway, is completely flooded. With regards to the parking and loading zone, how is the flooding going to be dealt with when it does happen? If the motel is at full capacity and there is a need for a loading zone, where would those guests be able to park.

Mr. Palardy stated this is something that he has been working on with the State and DOT. Historically, the drain that goes out to the ocean continues to get clogged up and needs a cover on it to allow the water to exit. He has been trying within his power to get a cover put on that draining system. He has been making a few calls and has started that process, as he would like to have that situation eliminated. In terms of delivery, there will be very few. All cleaning supplies are purchased from BJ's and he delivers them to the properties. There will not be regular deliveries. He does not see a need for having large deliveries. He would like to think the loading zone would not be necessary.

Martin Smith, 733 Ocean Blvd, stated the drainage is a bigger issue that is going to require a bigger answer than what was just given. He has tried to get the State to do something numerous times, has made several calls and met them in this area. DOT has plenty to do and this is not at the top of their list. He commented that many cars are travelling fast down the street and running into four or five inches of standing water, which is very dangerous. Someone is going to get hurt. This situation needs to be looked into a little deeper.

Sandra Dombrowski, 39 Pollock Drive, commented that she thought there were a total of 15 parking places in the application. She only heard talk of 10 parking spaces. She asked if the number of parking spaces are being reduced.

Mr. Chagnon noted there are 13 total parking spaces. There are two for the single-family residence, one space for each unit of the motel and one employee. He pointed out that 5 parking spaces are within the front setback.

Mrs. Smith asked how abutters are notified.

Chair Weathersby explained that all abutters, which are properties that touch this property, will receive notice by certified mail.

Mrs. Smith noted that they have never received any certified letters.

Chair Weathersby replied that it is her understanding that she is not a direct abutter.

Mrs. Smith commented that her property is right next door.

Mr. Palardy stated the he believes the issue is because of the paper street that divides the motel property from the abutting property. He continued that he has an application submitted to planning to combine the lots. He is assuming that notification was not made because it is a separate lot that divides the two properties.

Mrs. Smith asked that she be notified in the future.

Chair Weathersby stated it is her understanding that this development concerns two lots; 23.1-28 and 23-5. The second one being the former paper street. Those are separate lots. The Smiths live on the other side of the former paper street. It is not technically an abutter to the motel property, which is why the Smiths are not considered an abutter. As part of this process, those lots would be combined and then the Smith's property would be an abutter. If any of this is approved, it would be conditioned upon those lots being combined. Speaking to Mr. Chagnon, Chair Weathersby asked if he has anything else to add.

Mr. Chagnon stated he does not have anything else to add. He thinks the issue about the sign illumination just needs a standard set that will need to be met, which could be part of a proposed motion.

Chair Weathersby asked Mr. Chagnon if he has a suggestion for some sort of limit.

Mr. Chagnon explained that when an ordinance says that lights should not shine on to abutting properties, it usually means 0ft candles at a 3ft height at the property line. It is something that could be physically measured once the sign is up. Someone would stand at the property line and measure the light intensity. The applicant will have to conform to that section of the ordinance. They are not asking for relief from light illumination.

Vice-Chair Crapo asked if this is for business signs, parking lot illumination or landscape lighting. This is a road sign that is supposed to direct people into the property, so, they are hoping that it will be seen from stopping distance away.

Mr. Chagnon explained the illumination is usually a cone with a parking lot light. This is a little different because it is a vertical sign. The light will be seen further in advance coming upon it and will diminish farther away. It will still meet the standard of not shining or spilling out from the property line.

Member Mikolaities asked if there are any moving, fluttering, blinking or flashing lights proposed.

Mr. Palardy confirmed there are no blinking or moving lights.

Member Dibble asked if the proposed sign is fundamentally about the same size as the existing sign.

Mr. Chagnon stated that counting the posts with the existing sign was measured at 57" at the base. The new sign has a base of 48" and a top of 68". The average of those is 52". The sign that exists now, up to the top of the curve, was measured at 128" and the proposed sign is 118". Generally, it is the same size.

Member Dibble commented that posts aside, the area of the new sign is somewhat smaller than what exists.

Mr. Palardy replied that is correct. He noted that when the existing sign was measured, the side posts were included because it represented coverage area and creates a presence. He continued that the replacement sign will be closer to grade, which will lower the top of the sign, from what currently exists, by about 10".

Referring to Exhibit A and B in the board's packets, Vice-Chair Crapo stated that it can be seen that the existing sign with the posts has some air space at the bottom and around each sign, which is not there with the proposed sign to the same degree. He thinks visually it is going to be much larger. He noted that Exhibit A shows air that can be seen through the sign. He is not sure of the exact dimensions, of the "Pebble Cove" and "No Vacancy" signs; however, he guarantees that to scale, they are much smaller than the proposed sign.

Hearing no further comments from the applicant or the board, Chair Weathersby closed the public hearing at 9:03 p.m. She asked the board how they are feeling about the 10 parking spaces being 9' in width versus Rye's requirement of 10' in width.

Member Drake commented that he had no problem with the 9' spaces.

Vice-Chair Crapo stated that he does not think they provide adequate turning for vehicles. Most people are driving trucks and SUV's. He does not support the smaller spaces. He questions, based on what Mr. Palardy had said, whether the three front spaces trigger site review. He had said the planning board was just talking about the sign and the existing spaces. Those weren't existing spaces.

In regards to the width of the parking spaces, Member Dibble stated he takes Mr. Chagnon's observations about things around the neighborhood. There are places that have smaller slots and places that have bigger slots. He does not consider himself to be a turning radius engineer. If this is in the mid-range of what exists in the adjacent communities, he is comfortable with that.

Member Mikolaities stated that Vice-Chair Crapo is right. Those are small spaces and tough turning radiuses; however, the use is for 10 units with a low turnover and low volume. He does not have a concern. He pointed out that he may have a problem if it was for a different use. He is more concerned about the property not having anyone on site controlling the parking. There may need to be a condition of approval that proper signage be required, so people are not parking along the frontage.

Chair Weathersby stated she does not have a problem with the 9' spaces. This is fairly typical in many other communities. People in the rear spaces will be going really slow. With the front spaces, there is space between the spaces and the front edge of pavement. In regards to the loading zone, Chair Weathersby stated that based on the testimony, there will only be quick drop-offs of things. She does not see that a vehicle will

be parked for long and it will probably pull up right in front. She does not have a problem with waiving the requirement for having a designated loading zone. She asked the board their thoughts about the loading zone.

Member Drake stated that per the applicant's narrative, he does not think they would need to have a delineated loading zone.

Vice-Chair Crapo stated he just read D, addressing off-street parking, and it is sort of unclear. In how this moves forward is based on how it is interpreted. It is fairly well demonstrated that there is enough pavement and room for deliveries to occur off-street. If it is interpreted that they need one painted designated area, and they have to put it on pavement in one area, then they will need a variance from that. In reality, he does not think it would be appropriate. Someone may need to service the pool and may need to park in a different area. The UPS driver might need to park in a different area. From a safety standpoint and to satisfy the zoning, he thinks they have plenty of space to satisfy, without a variance, the fact that D says they need to be able to have deliveries off-street. If D is interpreted that a designated area is needed, part of their argument is there is no one real place to designate.

Chair Weathersby read the ordinance regarding off-street loading; 190-5.0 D. She stated that she reads this as needing one or more spaces for off-street loading. She is okay with granting the variance that they don't need to designate it.

Vice-Chair Crapo stated he would be comfortable with granting the variance with a condition that all deliveries and service vehicles must park off-street.

Chair Weathersby commented this might clog the driveway access and fire access.

Member Dibble stated that he thinks Section D, regarding loading spaces, is vague. It does not say it has to be any particular space. Delivery vehicles are pulling up adjacent to properties all the time and oftentimes, they overlap into the roadway. Usually, the trucks are gone within a couple of minutes. There has been credible testimony that there really won't be any deliveries at this property. The owner of the property may bring things over once in a while. He does not think a provision needs to be made for loading spaces. How that relates to the need for the variance itself is not clear to him. It does not sound like there is a need for the variance, but he does not know what it would mean if the board denies the variance. He would defer to the board's interpretation on those details.

Speaking to Mr. Chagnon, Member Mikolaities asked if a highway access permit is needed.

Mr. Chagnon replied that they are not doing any work in the right-of-way and there is an existing opening. A driveway permit is not needed.

Mr. Mikolaities stated there is enough pavement there that he is comfortable with Mr. Palardy's testimony. There is plenty of room between the employee parking and travel lane for someone to pull off to the side. He does not have a concern.

Chair Weathersby asked the board how they feel about the size of the signs and the illumination issue. She would like to share two pieces of information with the board. She noted that Portsmouth's Zoning Ordinance requires that signs not be illuminated between 11 p.m. and 6 a.m., except; signs may be illuminated during the operation of a use or activity that is open to customers or the public for not more than one hour after the

activity seizes. In this case, they are offering 11 p.m. to 5 a.m. Portsmouth also has illumination standards and 3ft above grade is what they use for external illuminated signs. Light source for external illumination of a sign shall be mounted and shielded, so said light source is not visible 3ft above grade at the lot line. The lighting shall be confined to the area of the sign. Portsmouth has a restriction on external illumination of 50ft candles as measured on the sign face and internal illumination of 5,000 nits, during daylight hours, and 500 nits, between dusk and dawn, as measured on the sign face. She pointed out that there is an illumination standard that other towns have.

Chair Weathersby stated that she was trying to get a sense of what a sign that is 56sf looks like. She noted that a couple of properties down from her house is Hoyt's Lodges. She asked the Hoyts if they knew how large their sign was and they did not but allowed her to measure the sign. The sign itself, without the posts, was roughly 7ft by 7.2ft.; roughly 50sf not including the posts. In her mind, this is relatively equivalent, if the posts are going to be included, which the sign ordinance is terribly vague on that piece. She commented that she wanted to share what she had done to get a sense of the sign impact. The Hoyt's Lodge sign is lit from lights shining up to it externally. She asked the board members their thoughts on the signs and illumination.

In regards to the second sign, 3x4, Member Drake stated it does not seem to merit a special exception.

Chair Weathersby clarified there are two signs. One sign is allowed. Having a second sign, whichever one is considered to be the second, is what the special exception is for.

Member Drake stated he does not think it meets the criteria for needing a second sign under a special exception. He pointed out the neighborhood is not what it used to be in 1956. He guesses they may be grandfathered in to have the Exhibit A sign situation. He is not sure. However, the office can be dealt with in some other way than a 3x4 sign. He would not be voting for the second sign, as it has been presented.

Chair Weathersby commented that they will talk about the second sign first; the 3x4 sign that goes over the office door.

Vice-Chair Crapo stated that he feels it is unnecessary. There are other ways to designate the office.

Member Dibble stated he is in agreement that this sign could be flat against the building just fine.

Member Mikolaities stated he is okay with the smaller sign. The testimony was that the sign was not going to be lit. If it was half the size, he would be okay with that.

Chair Weathersby stated that her feeling on the second sign is that it is basically replacing the "Pebble Cove" lettering at the top, which is actually much larger. It could probably be a smaller sign; however, she feels as though it is replacing something that is a fair amount larger. She does not have a problem with the second sign. In regards to the big sign, she does not have a problem with the size of the sign, now that she has gotten her head around what that looks like. She has a problem with the internal illumination. She is pleased that the owner is willing to have it off for some period. She would probably extend that past 5:00 a.m. to about 6:00 or 7:00 a.m. She wants to be sure it is not a glowing UFO looking sort of thing. It is a little large and because of that she wants to be sure it is not this glowing thing in the middle of the night. She would definitely want some kind of restriction on the brightness. She is struggling with how to do that. If this is approved, she thinks they would have to not issue the final decision until there is guidance. This one variance may need to be continued for clarification on how to put some metric around the number of lumens.

Member Drake stated that he gets the retro intent; however, the sign is too “in your face”. A sign is supposed to attract attention to a business, but this is too much for him. He does not think the spirit and intent is met. It is not compatible with the way the neighborhood has developed. This is not 1960. This is now valuable property across the street from the shore. He thinks the sign is out of character with the neighborhood.

Member Dibble commented he has some agreement with Member Drake that it is out of character with the neighborhood. The sign does have some historic significance. Driving down to Rye Harbor, some of the signage gets pretty obtrusive. It feels to him that in some way they may be penalizing this applicant by having him hold to a stricter standard. He is persuaded by the retro quality of the project. He does not have negative feelings about the character of the sign. He thinks the lighting problem can be solved by requiring the sign to be lit by overhead fixtures shining downward, so they don't shine off the property. The brightness of the sign can be dealt with by a condition that it not be obtrusive to the adjacent properties and the roadway. That would put it in the hands of the building department. If someone complains the sign is too bright, the building department can make an appraisal. He does not think the board should not be creating building code by determining exactly what criteria the lighting has to meet; not to mention the fact that the board does not even know what those numbers are. He thinks this could be conditioned to not be obtrusive to the roadway and the abutters, and it be lighted from above. He does not oppose the sign, but feels it needs to be conditioned.

Member Mikolaities commented he likes the sign and the design. He just does not like that sign and the design in that location. That is a straightaway, so there is pretty good visibility. Signage is to attract people. There are not a lot of competing businesses. In looking at the ordinance of 16sf for Business and 25sf for Commercial. He could be convinced with 25sf for the top part and 6sf on the bottom. That is 32sf., which is half of what they are looking for. Lighting is a problem, as this is a residential neighborhood. He gets the whole sign and branding thing; however, he does not get it there.

Speaking to the board, Chair Weathersby asked if they want to go through the criteria for the variances and special exception.

Member Drake stated there has been a lot of conversation about the lighting. As this is proposed tonight, no one has any idea about what the impact would be. This should be a caution to this board.

Chair Weathersby replied the board is going to vote on what the applicant has requested, unless there is some sort of anonymity on a condition that would be satisfactory.

Vice-Chair Crapo stated that size wise, he was thinking it was way too big until the analogy was made to Hoyt's Lodges. However, that is about the only positive he sees with it. He fears that the internal lighting and the LED lighting will prove to be way to honky-tonk when it is actually constructed. If the sign was externally lit, the owner could still get his point across and it could be toned down when needed. Even if the illumination does not spill to the property line it could still be obnoxious and change the character of the neighborhood.

Chair Weathersby pointed out that she would have preferred for the board to have actual numbers on how bright it is going to be; perhaps being directed to an example. However, the board does not have that information, so they have to go with what they have.

Chair Weathersby called for a vote on the special exception to have two signs on the property:

1) Is it neither injurious nor detrimental to the neighborhood?

Frank Drake – No; Shawn Crapo – No; Burt Dibble – No; Gregg Mikolaities – No; Patricia Weathersby - Yes

2) Is it in harmony with the general purpose and intent of the zoning ordinance and in accordance with the general and specific rules contained within the zoning ordinance?

Frank Drake – No; Shawn Crapo – No; Burt Dibble – No; Gregg Mikolaities – No; Patricia Weathersby - Yes

Chair Weathersby called for a vote on variance 190.5.1 A(2) for signs totaling 68sf where 16ft is permitted;

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

Frank Drake – No
Shawn Crapo – No
Burt Dibble – No
Gregg Mikolaities – No
Patricia Weathersby - No

2) The spirit of the ordinance is observed?

Frank Drake – No
Shawn Crapo – No
Burt Dibble – No
Gregg Mikolaities – No
Patricia Weathersby - No

3) Substantial justice is done?

Frank Drake – No
Shawn Crapo – No
Burt Dibble – No
Gregg Mikolaities – No
Patricia Weathersby - No

4) The values of surrounding properties are not diminished?

Frank Drake – No
Shawn Crapo – No
Burt Dibble – No
Gregg Mikolaities - No
Patricia Weathersby - No

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

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes

Gregg Mikolaities - No
Patricia Weathersby - 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?

Frank Drake – No
Shawn Crapo – No
Burt Dibble – No
Gregg Mikolaities - No
Patricia Weathersby - No

7) The purposed use is a reasonable one?

Frank Drake – No
Shawn Crapo – No
Burt Dibble – No
Gregg Mikolaities - No
Patricia Weathersby - No

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

Frank Drake – No
Shawn Crapo – No
Burt Dibble – No
Gregg Mikolaities - No
Patricia Weathersby - No

Chair Weathersby called for a vote on variance 190.5.0 A for ten parking spaces 9ft in width where 10ft is required:

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

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby – Yes

2) The spirit of the ordinance is observed?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby – Yes

3) Substantial justice is done?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities – Yes

Patricia Weathersby - Yes

4) The values of surrounding properties are not diminished?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

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

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - 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?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

7) The purposed use is a reasonable one?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

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

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

Chair Weathersby called for a vote on variance to §190-5.0 C for 5 parking spaces in the front setback:

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

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby – Yes

2) The spirit of the ordinance is observed?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby – Yes

3) Substantial justice is done?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby - Yes

4) The values of surrounding properties are not diminished?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

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

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - 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?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

7) The purposed use is a reasonable one?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

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

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

Chair Weathersby called for a vote on variance to §190-5.0 C for parking spaces to be within the front setback:

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

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby – Yes

2) The spirit of the ordinance is observed?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby – Yes

3) Substantial justice is done?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby - Yes

4) The values of surrounding properties are not diminished?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

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

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby – 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?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

7) The purposed use is a reasonable one?

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

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

Frank Drake – Yes
Shawn Crapo – No
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

Chair Weathersby called for a vote on variance to §190-5.0 D to not be required to have an off-street loading space(s):

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

Frank Drake – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby – Yes

2) The spirit of the ordinance is observed?

Frank Drake – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby – Yes

3) Substantial justice is done?

Frank Drake – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby - Yes

4) The values of surrounding properties are not diminished?

Frank Drake – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

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

Frank Drake – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - 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?

Frank Drake – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

7) The purposed use is a reasonable one?

Frank Drake – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

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

Frank Drake – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

Motion by Patricia Weathersby to deny the special exception from Section 5.1.C for two signs; deny the variance from 5.1.A(2) for two two-sided signs totaling 68sf; and grant the variance from 5.0.A for ten parking spaces 9ft in width; grant the variance from 5.0.C for parking in the front setback...

In regards to the parking, Vice-Chair Crapo noted that there were 5 parking spaces in the old submission. The plan that was being discussed this evening had 3 spaces, plus the employee space.

Chair Weathersby agreed that it has 4 spaces in the Ocean Boulevard front setback. The motion will be to grant the 4 spaces in the front setback. She asked Mr. Chagnon if he agrees with this.

Mr. Chagnon explained that he asked for 3 because he thought the others were grandfathered, but it would be appropriate to put 4 in the motion.

Chair Weathersby withdrew her original motion.

Motion by Patricia Weathersby to deny the request for a special exception from 5.1.C for two signs and deny the variances from 5.1.A(2) for the signs totaling 68 s.f. Seconded by Frank Drake.

Roll Call: Frank Drake – Yes; Shawn Crapo – Yes; Burt Dibble – Yes; Gregg Mikolaities – Yes; Patricia Weathersby – Yes

Motion passed.

Motion by Patricia Weathersby to grant the variance to 5.0.A for the parking spaces to be 9ft in width. Seconded by Burt Dibble.

Roll Call: Frank Drake – Yes; Shawn Crapo – No; Burt Dibble – Yes; Gregg Mikolaities – Yes; Patricia Weathersby – Yes

Motion passed.

Motion by Patricia Weathersby to grant the variance to 5.0.C for four parking spaces, three in the front and one employee space, within the front setback; and to grant a variance to 5.0.D to not have a designated off-street loading space(s). Seconded by Frank Drake

Roll Call: Frank Drake – Yes; Shawn Crapo – No; Burt Dibble – Yes; Gregg Mikolaities – Yes; Patricia Weathersby – Yes

Motion passed.

At 9:57 p.m., the board discussed if they should move forward with another case for the evening, given the time. It was agreed to take one more case at this meeting.

The meeting was recessed at 9:58 p.m. and reconvened at 10:03 p.m.

Note: Frank Drake was unseated for the remainder of the meeting and Charles Hoyt was seated.

The board discussed whether a second meeting should be scheduled for June to catch up on some of the cases. A second meeting on June 17th was agreed to.

Motion by Patricia Weathersby to continue the applications for 21 Carbee Drive, 80 Sagamore Road, 705 Brackett Road and 0 Spring Road to the next scheduled meeting of the Rye Zoning Board of Adjustment. Seconded by Burt Dibble.

Roll Call: Gregg Mikolaities – Yes; Burt Dibble – Yes; Shawn Crapo – Yes; Charles Hoyt – Yes; Patricia Weathersby – Yes

Motion passed.

- 2. Eric Cummings & Cheryll Lloren for property owned and located at 40 Brackett Road, Tax Map 22, Lot 90** request variances from §190-6.3 for 2nd floor expansion of a non-conforming structure; from §190-2.3.C(3) for stairs with a front setback of 18.4' and a porch with a front setback of 21.3' where 40' is required; from §190-3.1.H(2)(a), §190-3.1.H(2)(b) and §190-3.1.H(2) (g) for surface alteration <5', a leach field 28.9' and a septic tank 32.5' from fresh water wetlands where 75' is required and for a leach field 93.1' from a tidal wetlands where 100' is required. They also request relief from the Building Code §35-14.B(2)(a) for a septic field 28.9' and a tank 32.5' from fresh water wetlands where 75' is required; and from §35-14.D(1)(a) for surface alteration <5', leach field 28.9' and a septic tank 32.5' from fresh water wetlands where 75' is required and for a leach field 93.1' from tidal wetland where 100' is required.
- Property is in the Single Residence, Coastal Overlay Districts. Case #14-2020.**

Attorney Tim Phoenix, representing the applicant, presented the application for the property at 40 Brackett Road. He shared the plans on the screen with the group for their review. He explained the lot is 16,793sf. There is an existing small home with a footprint of 1,105sf. It is a two-bedroom home covering 6.6% of the lot. The overall impervious coverage is 1,677sf or 10% of the lot. The existing home is an older home with an ancient septic. (He pointed out the location for the existing septic on the plans. He also pointed out the tidal wetland buffer and the buffer for the freshwater wetland.) He commented that really nothing can be done on this lot without wetland buffer relief. The area that is out of the buffer has ledge and the septic system would be too close to the existing water line, which is not feasible. The front of the existing house is about 22ft from the lot line. There is another 5ft to the roadway. Attorney Phoenix stated that the only real change to the main house is the addition of the farmer's porch, which has a setback of 18.4ft to the stairs, where the existing stairs were 22ft, and 21.4 to the porch, where the small deck was 24.6ft. The septic setback from the marsh is 93ft, where 100ft is required. To do the slope after the septic system is in, brings it within 5ft. The tank is 32.5ft and the field is 28.9. There is really no other place to put a septic system on the lot without relief. Also, there is no expansion of the building that can be done without relief. (He presented architectural drawings and photos of the house on the screen for the board to review.) He noted that the house is a two-bedroom house all on the first floor. The proposal is to redo the house with two dormers on the second floor for the bedrooms to be upstairs. He stated the applicants are proposing a modest expansion, by using the existing space, for making the home more livable with the dormers and the farmers porch to dress it up. The septic system cannot go anywhere on the property that is not within the wetland buffer.

Attorney Phoenix reviewed the criteria for granting the variances.

- The variances are not contrary to the public interest and the spirit of the ordinance is observed. The test is whether granting the variances will unduly and to a marked degree conflict with the ordinance such that it violates the basic zoning objectives. It is pretty clear that the spirit of the ordinance is met. The porch cannot be put on without the variances. The septic system cannot be put in without the variances. The septic will be a new state-of-the-art system and will be replacing an antiquated system. The underlying test, under spirit of the ordinance and public interest, is whether granting the variances would alter the essential character of the locality or threaten the public health, safety or welfare. It is clear that it does not alter the essential character of the locality to put in a replacement septic system. It does not alter the essential character of the locality to put a small farmers porch on the front of the house. For the same reasons, the variances do not threaten the public health, safety or welfare. The house will be brought up to current code and will be made to look much better. The new septic system will be a great public health benefit.

- Granting the variances will not diminish surrounding property values. There is an existing home that needs work. The owners are willing to do that work and make the house look a lot better. All of the improvements will make everything better on the lot and will not diminish surrounding property values.
- Special conditions exist that distinguish the property from others in the area. The whole lot is in one or more buffers. Nothing can be done without being in the buffer. The existing house is a certain distance from the road, so nothing can be done without being in the front setback.
- No fair and substantial relationship exists between the public purposes of the ordinance and its application in this instance. Wetland buffers are to protect the wetland. That has to be balanced against the property owners' constitutional right to use their property. An antiquated septic system is being replaced with a State approved system. The application was also brought before the Conservation Commission who toured the site. They have no objection to the proposal, as long as certain conditions are met. The property owners are willing to meet all those conditions, which include a native planting area along the area where the septic system is closest to the wetland. The purpose of setbacks is to provide adequate air, light, space, area for stormwater, sight distances, etc. Because there is roughly 20ft to the lot line and another few feet to the travelled road, granting the porch variance is not going to violate that requirement.
- The proposed use is reasonable. This is a residential use in a residential zone, which is reasonable.
- Substantial justice will be done by granting the variance. If there is no benefit to the public that would outweigh the hardship to the applicant, this factor is satisfied. Any loss to the applicant, not outweighed by gain to the public, is an injustice. Because the improvements are in the only place they can go, and the property is being made both environmentally and esthetically more pleasing, there is certainly no harm to the public. There is no benefit to the general public in denying the variances; however, it would prohibit the owners from upgrading their home, making it more livable and providing an up-to-date septic system.

The board did not have any questions for Attorney Phoenix.

Chair Weathersby asked Mike Garvan if he would like to speak on this application on behalf of the Conservation Commission.

Mike Garvan, RCC Member, stated that the commission thinks this is a good project and are in favor. An old septic is being replaced with a state-of-the-art new one. It is a unique lot that is basically all within the buffer. A planting plan has been prepared that will border the wetlands, as the lawn, at this time, goes right to the wetland.

Attorney Phoenix pointed out that C-2 of Exhibit A lists the buffer area plantings and shows the planting area, which is next to the septic system. (The plan was presented on the screen for the board's review.)

Mr. Garvan commented that the Conservation Commission would like to see the planting area extended a little further along the wetland lawn boundary.

Eric Cummings, applicant, confirmed that he would be agreeable to extending the planting area along the full length of the lawn.

Chair Weathersby noted that the recommendations of the Conservation Commission are that the planting plan be followed and completed by end of September; there be no tree cutting in the buffer or wetland;

and the debris in the wetland and wetland buffer be removed. She asked Mr. Garvan if there is a date that would be appropriate for removing the debris.

Mr. Garvan replied that the commission would like to see that done by the completion of the project.

Chair Weathersby opened to the public for comments or questions. Hearing no further comments, she closed the public hearing at 10:34 p.m.

Member Dibble noted that there was no sign on the property; however, he was still able to find the location. He stated that what is proposed is going to improve the appearance of the property significantly. It will improve a very unhappy impact on wetlands that has been there for a long time. He is pleased this is being done. There is nothing that can be done about the proximity to the wetlands. He does not find the modest increase in the footprint, by adding the farmers porch, to be an issue. The home is in keeping with what is found along this road. It will fit in with the neighborhood nicely. He is in favor of the project.

Chair Weathersby reopened the public hearing. She commented that it was disappointing not to see a sign. There are no abutters present. She asked if there have been any conversations with the neighbors.

Mr. Cummings commented that he spoke to the neighbors. No one had any negative comments.

Attorney Phoenix noted that the sign was posted, but the application was originally for May. He is not sure what happened after it was posted.

Vice-Chair Crapo stated that this is a reasonable upgrade to a dilapidated property that is close to the wetlands.

No other comments were heard from the board.

Chair Weathersby called for a vote on all variances requested:

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

Charles Hoyt -Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby – Yes

2) The spirit of the ordinance is observed?

Charles Hoyt - Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby – Yes

3) Substantial justice is done?

Charles Hoyt - Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities – Yes
Patricia Weathersby - Yes

4) The values of surrounding properties are not diminished?

Charles Hoyt – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

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

Charles Hoyt – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

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

Charles Hoyt – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

7) The purposed use is a reasonable one?

Charles Hoyt – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

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

Charles Hoyt – Yes
Shawn Crapo – Yes
Burt Dibble – Yes
Gregg Mikolaities - Yes
Patricia Weathersby - Yes

Chair Weathersby called for a vote on building code waivers:

- **Would enforcement of those building code sections do manifest injustice and would be contrary to the spirit and purpose of the building code and public interest?**

Charles Hoyt – Yes; Shawn Crapo – Yes; Burt Dibble – Yes; Gregg Mikolaities – Yes; Patricia Weathersby – Yes

Motion by Patricia Weathersby to grant the variances and building code waiver request as advertised with the conditions that the planting plan on Sheet C-2 is followed and completed; the back boundary is planted and vegetated by the end of September 2020; no tree cutting to occur in the buffer or the wetland; and the debris in the wetland buffer is removed on or before the completion of the project. Seconded by Burt Dibble.

Roll Call: Charles Hoyt – Yes; Shawn Crapo – Yes; Burt Dibble – Yes; Gregg Mikolaities – Yes; Patricia Weathersby – Yes

Motion passed.

- 3. William & Nanci Perocchi, Trustees Perocchi Family Trust of Pebble Beach, CA for property owned and located at 21 Carbee Drive, Tax Map 8.4, Lot 104 request variances from §190-6.3.B for demolition of existing structure and replace with new; from §190-2.3.C(3) for a house with a front yard setback of 18.7' where 34.8' is required; from §190-3.4.E and §190-2.3.C(5) for impervious dwelling coverage of 19.5% where 15% is required, for total impervious coverage of 25.7% where 15% is required; and from §190-5.1.C for parking in the front yard setback. Property is in the Single Residence and Coastal Overlay Districts and SFHA, Zone X, AO1 and VE (17). Case #15-2020.**
 - Continued to the next BOA meeting.
- 4. James Broom for property owned and located at 80 Sagamore Road, Tax Map 22, Lot 31 requests a Special Exception pursuant to §190-3.1. G (2) for a driveway in the wetlands buffer. Property is in the Single Family, Business District and Coastal Overlay Districts. Case #16a-2020.**
 - Continued to the next BOA Meeting.
- 5. James Broom for property owned and located at 80 Sagamore Road, Tax Map 22, Lot 31 requests variances from §190-2.2M for a lot with upland soils of 19,758s.f. where 44,000s.f. is required; from §190-2.2N for access to the lot with frontage on Sagamore Road of 134.96' where 150' required and on Stoneridge Road of 149.91' where 200' is required; from §190-2.3C(3) for a house with a front setback (Stoneridge) of 29.2' where 40' is required; from §190-2.3C(6) for area per lot in the single residence district of 5,240 s.f. where 66,000 is required; from §190-2.11.C(6) for area per lot in the business district of 14,975 s.f. where 44,000 s.f. is required; from §190-3.1.H(2)(a) for 9,413 s.f. of surface alteration within the wetlands buffer; from §190-6.3 demolition of an existing structure and replacement with new; from §190-3.1H(2)(a)(g) for a retaining wall 10.8' from the wetlands where 75' is required. The applicant requests a waiver from §35-35-14.C (1) for a septic system 4.12' to restrictive layer where 6' to restrictive layer is required. Property is in the Single Family, Business District and Coastal Overlay Districts. Case #16b-2020.**
 - Continued to the next BOA meeting.

6. **Joel & Lauren Feid for property owned and located at 705 Brackett Road, tax Map 17, Lot 34-02** requests a variance from §190-2.3. C.2 for a shed 3' from the side boundary line where 20' is required. **Property is in the Single Residence District. Case #17-2020.**
 - **Continued to the next BOA meeting.**
7. **Arthur Splaine of 77 Cable Road for property owned and located at 0 Spring Road, Tax Map 8, Lot 30** requests a special exception pursuant to §190-3.1.H(2) (f) and §190-3.1.G(2)(6) for a driveway 55.9' from wetlands buffer where 75' is required. **Property is in the Single Residence District. Case #18a-2020.**
 - **Continued to the next BOA meeting.**
8. **Arthur Splaine of 77 Cable Road for property owned and located at 0 Spring Road, Tax Map 8, Lot 30** requests variances from §190-3.1H(2)(a)(g) for a patio 50.5'; an AC unit 62.7'; a generator 62.'; a propane tank 65.4' and a house 56.3' from the wetlands buffer where 75' is required. Also requested is a waiver from RBC §35-14. D.(1)(c) to allow a septic system in soils where the existing distance is 3032 inches to a restrictive layer where 36 inches to impervious substratum is required. **Property is in the Single Residence District. Case #18b-2020.**
 - **Continued to the next BOA meeting.**

IV. OTHER BUSINESS

- **Resignation of Tim Durkin as an alternate member to the Board of Adjustment**

Chair Weathersby noted that a letter was received from Tim Durkin resigning his position as an alternate member to the board. She would like to formally accept the resignation and thank Mr. Durkin for his service. He was a full board member, went on to be an alternate and helped out with a number of applications, one of them being the Verizon application. She accepted Mr. Durkin's resignation and thanked him for his service.

Member Dibble stated that they accept his resignation with regret and commended his participation with the planning board.

Vice-Chair Crapo echoed those sentiments.

ADJOURNMENT

Motion by Shawn Crapo to adjourn at 10:46 p.m. Seconded by Burt Dibble.

**Roll Call: Burt Dibble – Yes; Shawn Crapo – Yes; Charles Hoyt – Yes; Gregg Mikolaities – Yes
Patricia Weathersby – Yes**

Motion passed.

Respectfully Submitted,
Dyana F. Ledger

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Arthur H. Splaine Revocable Trust, Arthur H. Splaine, Trustee

Property: 0 Spring Road
Property is in the Single Residence District

Application case: Case # 18-2020

Date of decision: June 3, 2020

Decision: The Board voted 5-0 to continue the application to the June 17, 2020 meeting.



Patricia Weathersby, 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

<u>Applicant/Owner:</u>	Seacoast Apart-Hotels, LLC
<u>Property:</u>	741 Ocean Blvd, Tax Map 23.1, Lot 28 Property is in the Business, Coastal Overlay and ‘ SFHA, Zone AE 9’
<u>Application case:</u>	Case # 12-2020
<u>Date of decision:</u>	June 3, 2020
<u>Decision:</u>	<p>The Board voted 5-0 to grant variances from the following sections of the Rye Zoning Ordinance:</p> <ul style="list-style-type: none">• §190-5.0. A for 10 parking spaces 9’ in width;• §190-5.0. C for 5 (of the above 10) parking spaces to be located in the front setback; and• §190-5.0. D for no designated off-street loading space. <p>The Board voted 5-0 to deny a variance from the following section of the Rye Zoning Ordinance:</p> <ul style="list-style-type: none">• §190-5.1. A (2) for the proposed two-sided sign. <p>The Board voted 5-0 to deny a special exception from the following section of the Rye Zoning Ordinance:</p> <ul style="list-style-type: none">• §190-5.1. A (2) for two signs on one lot. <p>Reasons for denial include:</p> <ol style="list-style-type: none">1. The proposed first (two-sided sign), proposed to be 56 sq. ft. +/- (forty sq. ft. larger than what is allowed in the zoning ordinance), was much larger than is necessary to advertise the business.2. The larger sign was to be illuminated by exterior LED bulbs and internal illumination but there was a lack of definitive information about the overall brightness of the sign during daylight and evening hours. Given its large size and potential brightness, Board members found that it was likely that light from the sign would glare on abutting properties or on public streets or create a glowing object so as to detract from the enjoyment of abutting residential properties.

3. Although the property owner agreed to limit the hours of illumination of the large sign from 5AM to 11PM, Board found that such limitation was insufficient to reduce the harm to neighboring properties.
4. The overall size and illumination of the large sign was unreasonable.
5. Values of surrounding properties would be diminished by the presence and operation of the proposed large illuminated sign.
6. The proposed second (two sided) sign on the lot, proposed to be 12 sq. ft. +/-, was of such a large size that it was injurious and detrimental to the neighborhood and not in keeping with the purpose and intent of the zoning ordinance. A smaller sign indicating the location of the office and/or name of the business would be sufficient to designate the business and office area.



Patricia Weathersby, 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: Eric Cummings & Cheryl Lloren
Property: 40 Brackett Road, Tax Map 22, Lot 90
Application case: Case # 14-2020
Date of decision: June 3, 2020

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

- §190-6.3 A for second floor expansion of a non-conforming structure;
- §190-2.3.C (3) for stairs with a front setback of 18.4';
- §190-2.3.C (3) for porch with a front setback of 21.3';
- §190-3.1 H(2)(a) for surface alteration <5' from fresh water wetlands;
- §190-3.1.H(2)(b) for a leach field 28.9' from fresh water wetlands;
- §190-3.1.H (2) (g) for a septic tank 32.5' from fresh water wetlands &
- §190-3.1.H (2) (g) for a leach field 93.1' from tidal wetlands.

The Board voted 5-0 to grant the waivers from the following sections of the Building Code:

- §35-14.B(2)(a) for a septic field 28.9' from fresh water wetlands;
- §35-14.B(2)(a) for a septic tank 32.5' from fresh water wetlands;
- §35-14.D(1)(a) for surface alteration <5' from fresh water wetlands;
- §35-14.D(1)(a) for a leach field 28.9' from fresh water wetlands;
- §35-14.D(1)(a) for a septic tank 32.5' from fresh water wetlands; and
- §35-14.D(1)(a) for a leach field 93.1' from tidal wetland.

Each variance and building code waiver was granted upon continued compliance with the following conditions:

1. The Plantings Plan (Variance Plan Dated March 2020 by Ambit Engineering, Sheet C-2) be followed and completed and the rear boundary be revegetated, each by September 30, 2020;
2. No tree cutting occurs in the wetlands and tidal areas or buffer zones;
3. All debris in the wetland buffer is removed by the end of construction.



Patricia Weathersby, 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: William & Nanci Perocchi, Trustees
Perocchi Family Trust of Pebble Beach, CA

Property: 21 Carbee Drive, Tax Map 8.4, Lot 104

Application case: Case # 15-2020

Date of decision: June 3, 2020

Decision: The Board voted 5-0 to continue the application to the June 17, 2020 meeting.



Patricia Weathersby, 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: Joel Feid

Property: 705 Brackett Road
Property is in the Single Residence District

Application case: Case # 17-2020

Date of decision: June 3, 2020

Decision: The Board voted 5-0 to continue the application to the June 17, 2020 meeting.



Patricia Weathersby, 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: James Broom

Property: 80 Sagamore Rd, Tax Map 22, lot 31
Property is in the Single Residence, Business & Coastal Overlay Districts

Application case: Case # 16-2020

Date of decision: June 3, 2020

Decision: The Board voted 5-0 to continue the application to the June 17, 2020 meeting.



Patricia Weathersby, 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.