

TOWN OF RYE – BOARD OF ADJUSTMENT

Wednesday, March 1, 2023

7:00 p.m. – Rye Town Hall

Members Present: Gregg Mikolities, Sandra Chororos, Chair Shawn Crapo, Jenn Madden, John Tuttle

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

I. CALL TO ORDER

Chair Crapo led the Pledge of Allegiance, called the meeting to order at 7:02 p.m., and explained meeting procedures. He discussed the increased number of continuations and encouraged applicants to be sure that packets are complete prior to their presentation to the board.

Continuations

Motion by John Tuttle to continue applications 1, 3, 4, 5, 6, 9, and 10 to the April 5, 2023 meeting. Seconded by Jenn Madden.

Vote 5-0 (G. Mikolities, S. Chororos, S. Crapo, J. Madden, J. Tuttle)

II. BUSINESS

Chair Crapo thanked Member Madden for her service and contributions, acknowledging that she's stepping down from her role on the Zoning Board.

Approval of Minutes - January 19, 2023

Motion by John Tuttle to approve the January 19, 2023 minutes as presented. Seconded by Sandra Chororos.

Vote 3-0 (S. Chororos, S. Crapo, J. Tuttle)

Abstained: G. Mikolities, J. Madden

Approval of Minutes - February 1, 2023

- Correction to page 19: The RCC believes that an 85% or greater survival rate of the planted vegetation after one (1) Year is sufficient.
- The board discussed Member Tuttle's record of the meeting as compared with the minutes that were taken and agreed that the board's intent was captured correctly.

Motion by John Tuttle to approve the February 1, 2023 as amended. Seconded by Gregg Mikolities.

Vote 5-0 (G. Mikolities, S. Chororos, S. Crapo, J. Madden, J. Tuttle)

Motion by John Tuttle to renominate Gregg Mikolities to a 3-year position as an Alternate Member. Seconded by Sandra Chororos.

Vote 4-0 (S. Chororos, S. Crapo, J. Madden, J. Tuttle)

Abstained: G. Mikolities

III. APPLICATIONS

1. **Tudor & Pauline Simeonov, Aleph LLC owners of 720 Brackett Road, Tax Map 17, Lot 65 request an Administrative Appeal from the Building Inspector's letter dated November 22, 2022, for address 691 Brackett Rd, Tax Map 17, Lot 34 per §190-5.7B and §202, Attachment 5, Appendix E as it relates to a driveway. Properties are in the Single Residence District. Case #10-2023.**

Application continued to the April 5, 2023 meeting (see motion above).

2. **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 nonconforming. Property is in the Single Residence District. Case #04-2023.**

Attorney Tim Phoenix of Hoefle, Phoenix, Gormley & Roberts, PLLC, representing the applicants, noted the attendance of **Paul Cavanaugh**, applicant, and **Peter Stoddard**, via Zoom. After the previous board meeting, Attorney Phoenix felt that the board didn't take issue with the application but would like further explanation, particularly regarding the septic line and its proximity to the garage. Attorney Phoenix explained that he'd spoken with Member Mikolities after the previous board meeting to clarify what information was needed and consulted with Mr. Stoddard, who provided updated plans. Attorney Phoenix pointed out a change in location of the shed at the request of the Rye Conservation Commission. In response to a question from Chair Crapo, Attorney Phoenix explained that he doesn't believe the new shed location would require any relief. In response to Chair Crapo's inquiry, **Attorney Monica Kieser** explained that the proposed location of the shed is 12.4' to the rear lot line; currently the shed is 9.8' to the rear lot line. Chair Crapo stated that it's cleaner to add that relief, and it wouldn't cause a notice issue. Attorney Phoenix agreed, Attorney Kieser stated that the relief needed would be for §190-2.3C1.

Attorney Phoenix presented Mr. Stoddard's updated plans, including contours to show grade elevations, a note regarding the survey, and a stamp in response to questions by the board at the

previous meeting. Attorney Phoenix pointed out the inclusion of existing and proposed elevations in response to Members Mikolities and Driscoll's questions. He also addressed Chair Crapo's concerns regarding the placement of the septic tank approximately 1.5' from the proposed garage. He also noted the RCC's letter of support with the removal of the shed.

Explaining that she was not present for this application at the previous meeting, Member Chororos asked for clarification regarding the sump pump and approval of the RCC's vegetative buffer. Attorney Kieser discussed the planting plan and **Suzanne McFarland**, Chair of the RCC explained that the applicant would need to present a planting plan before they start.

Chair Crapo reviewed #5 of the RCC's proposed conditions and the board discussed the planting plan with Attorneys Kieser and Phoenix. Attorney Phoenix stated they agree to provide a detailed planting plan for the RCC's review and approval before they plant. He also agreed to all other RCC proposed conditions. The board discussed the language in the RCC's proposed condition #8 with Attorney Phoenix and clarified that the proposed shed would be more compliant than it is currently.

Member Chororos noted that the second parking space is not depicted on the plan. Attorney Phoenix explained the nuance in the placement of the parking spaces.

Chair Crapo opened to the public at 7:30 p.m.

Susan Shepcaro, Rye Conservation Commission, explained that the RCC supports the moving of the shed, as requested. She explained that the current shed is nearly sitting in the wetland.

Speaking to Planning/Zoning Administrator Reed, Chair Crapo discussed the variance required for the placement of the shed, given that it's in the buffer.

Attorney Kieser explained that it would be cleanest not to add rear setback or wetland buffer relief; rather, include as a condition of approval that the existing shed will be moved to the new location.

Chair Crapo explained that it's cleaner to grant the relief because the variance runs with the land. In the event that the shed needs replacement, it could remain in the same location.

Attorney Kieser noted that wetland buffer relief has already been requested in the list of wetland buffer items, the board could include a shed 10 feet from the wetland.

Planning/Zoning Administrator Reed agreed and stated that it's §190-3.1.H(2)(a)(g)

Chair Crapo closed the public session at 7:33 p.m.

Member Chororos commented that the project is thoughtful, improves the conditions by reducing impervious coverage, incorporates stormwater management and a vegetative buffer.

Chair Crapo agreed and suggested that the board vote upon the application as a package with the addition of the shed with the anticipation that the RCC's recommendations will be added as a condition.

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

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

4. The spirit of the ordinance is observed:

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

5. Substantial justice is done:

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

6. The values of surrounding properties are not diminished:

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

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

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes

John Tuttle – Yes
Shawn Crapo – Yes

8. 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.

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

9. The proposed use is a reasonable one.

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

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

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

Motion by John Tuttle to approve the application of Paul & Kathleen Cavanaugh for property owned and located at 100 Brackett Road, Tax Map 22, Lot 93 for 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; from §190-3.1.H(2)(a)(g) for an attached garage 29.5' and a shed 10' from the wetland where 100' is required; 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 nonconforming; and from §190-2.3.C(1) for a shed no closer than 11' measured from the drip edge from the rear boundary where 30' is required with the conditions from the Rye Conservation Commission's January 25, 2023 letter. Conditions include 1, 2, 3, 5, 6, 7, 9, and that invasive plants currently on the property in the wetland buffer should be removed, including but not limited to bittersweet, barberry, multiflora rose and autumn olive. If such plants are located in the buffer they must be removed by best practices to preserve the wetland buffer.

In response to Attorney Phoenix's question regarding the removal of plants in the buffer, Chair Crapo discussed his understanding of the condition and opened to the public at 7:38 p.m.

Attorney Kieser expressed her concern regarding the use of hand tools, noting that the project will require excavation.

Member Tuttle amended his motion to remove the requirement of hand tools, and to state that best practices to preserve the wetland buffer are required.

Chair Crapo closed to the public at 7:39 p.m. and asked Member Tuttle for clarification regarding the 10' from the wetland. Member Tuttle explained that the 10' dimension came from the survey provided.

Motion seconded by Sandra Chororos.

Vote 5-0 (G. Mikolities, S. Chororos, S. Crapo, J. Madden, J. Tuttle)

3. **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 the Single Residence District. Case #55-2022.**

Application continued to the April 5, 2023 meeting (see motion above).

4. **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 the April 5, 2023 meeting (see motion above).

5. **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/deck 9' from the rear boundary where 25' is required; from §190-2.4.C(3) for steps and a paver pad 17.5'; a bioretention pond +/- 2 ft from Jenness Avenue and +/- 6 ft from Surf Lane; 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, 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 the April 5, 2023 meeting (see motion above).

6. **Leigh & Darren D'Andrea for property owned and located at 0 Jenness Avenue, Tax Map 8.4, Lot 48 request special exceptions pursuant to §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 the April 5, 2023 meeting (see motion above).

6. **Rannie Webster Foundation d/b/a Webster at Rye for property owned and located at 795 Washington Road, Tax Map 11, Lots 52 & 6 request a two-year extension of the Special Exceptions granted on March 6, 2019 and extension granted February 3, 2021. Property is in the Single Residence District. Case #11-2023.**

Chair Crapo asked how the application could be extended if the extension lapsed on February 3rd. Planning/Zoning Administrator Reed explained that the application was submitted prior to the deadline. Attorney Phoenix commented that the original is from March 6, 2019 and was extended for two years from the date of the original, not February 3rd. Chair Crapo asked for clarification of the dates and deadlines.

Attorney Tim Phoenix of Hoefle, Phoenix, Gormley & Roberts on behalf of the applicant, introduced the former Executive Director of Webster at Rye and board members including **Nancy Clayburg** of Portsmouth, **Linda Toumpas** of Rye, and **Charles Riopel** of Rye.

Attorney Phoenix reviewed a notice of decision from March 6, 2019 where the applicant was granted a special exception that would expire after two years. He also presented a notice of decision from October 20, 2020 where the Planning Board approved the site development plan. Attorney Phoenix noted that they were only three months away from the expiration of the first variance by the time they got through the Planning Board approvals. He also explained that in January 2021 the applicant asked for the original extension to April 20, 2023. On February 3, 2021 the ZBA granted a two year extension.

Attorney Phoenix asked that the board permit another extension considering the circumstances, including Covid and its affect on nursing homes. He also responded to concerns addressed in a letter written by Zoning Board member Chris Piela. Attorney Phoenix spoke to each of the concerns, outlined the timeline and aim of the project, and acknowledged concerns brought to light by neighbors, particularly a February 17, 2023 letter from Mary Harb.

Chair Crapo stated that he did not attend the presentation and asked for pardon if he asked questions that have already been answered, but he'd like those answers on the record. He summarized that Rannie Webster left a will and gave land with conditions for a very specific purpose, and the charitable trust fund's governing body, the state, oversees it. Chair Crapo explained that he doesn't want to extend this application only to have it challenged and overturned. He asked what analysis has been done to make sure these adjustments are in keeping with the land that was granted and ability to make changes in the first place. He stated his concern that partnering with this other firm was contrary to that. He felt concerned that someone may challenge the viability of this going forward because it's ultimately being taken over by another entity without calling it a takeover. He asked about the legality of moving forward under the limits that have been placed upon this for years.

Tom Argue of 6 Kimberly Drive, North Hampton, longstanding CEO and Administrator of Webster at Rye, asked Chair Crapo if his question is regarding the appropriateness of the affiliation with Silverstone.

Chair Crapo responded yes and asked if, as this project shifts into another business model, the plan is still in keeping with the restrictions from the original granting of the deed.

Mr. Argue explained the affiliation between Webster and Silverstone. He noted that a part of the process included a meeting with Diane Quinlan, Director of Charitable Trusts at the Department of Justice, who reviewed the will of Rannie Webster. He explained that any time an additional level of service has been offered at Webster, their approval was obtained. He noted that article 40 of Rannie Webster's will states her desire to provide a home for frail or elderly people who are in need of a home in or near Rye, New Hampshire. Mr. Argue explained that the original approval from the ZBA was for an embellishment of the original level of care that was there, and the license for nursing home care would remain the same. He added that he doesn't see any grounds for the affiliation being challenged. The reason for the public visioning session was to gather feedback from the public, and the session held at the Rye Public Library was overseen by the Director of Charitable Trusts. He added that the mortgage is through HUD, who has scrutinized the affiliation for which there have been several high-priced attorneys involved.

Chair Crapo commented that the record of that meeting is not a part of the record of this meeting.

Mr. Argue described the financial reasons for the choice to partner with Silverstone, noting that senior healthcare providers locally and nationwide have been hit hardest by the pandemic. Demographic trends increase in the number of people 80 years and older who will be in need of nursing homes and assisted living care. He explained that there have been an increased number of requests for private rooms, of which Webster currently has a limited number. Mr. Argue also emphasized the importance of modernizing the facility and the benefit Webster at Rye has and will continue to provide to the community.

Chair Crapo noted that construction can take awhile, and stated that the applicant couldn't wait two years and then break ground. He added that according to Michael Donovan's terms, the work must be substantially complete before the end of the two years. Mr. Argue commented that the work must be substantially started, to which Chair Crapo disagreed. Planning/Zoning Administrator Reed checked the language of the Donovan Rule as the board discussed the matter. Attorney Phoenix consulted the ordinance and read it to the board.

Chair Crapo explained his concern about the delay in beginning construction and, speaking to Attorney Phoenix, asked if you were to have to apply now, considering the changes to the March ballot, would any of the relief be changed. Attorney Phoenix responded that to the best of his knowledge, no.

Speaking to Mr. Argue, Member Chororos asked what the expansion of single rooms would look like; would the structure become much more sizable? Mr. Argue explained that it would be an addition of 21 private rooms to the rear of the building, which does not impact any of the setbacks or wetland buffers.

Members of the board who were not present for the applicant's previous request asked clarifying questions regarding the project. Attorney Phoenix explained that the plans are on file. He explained that the primary changes for which a special exception is needed is for the use of the 21 additional rooms and changes to and/or additional septic system locations to accommodate the increased use. The addition is to the rear and out to the left side, where the septic systems are. Mr. Argue clarified the location of the extension and the reasons behind the planned location, including a no-build easement.

Chair Crapo noted Exhibit One for the benefit of board members who weren't present for previous meetings.

Member Madden noted several changes within the community since the applicant's first approval. She also asked about the applicant's standing with the Planning Board.

Mr. Argue explained that they will need to return to the Planning Board, where they have an application presently pending for an extension, which they will address at their March meeting.

Speaking to Member Madden, Chair Crapo referred to the list and explained that the traffic study showed that the project would add only six vehicles to Washington Road during its peak traffic hour and that Washington Road will operate at low capacity at all times through 2030 with the addition fully occupied. Referring to the increased number of businesses and residences at the end of Washington Road, Member Madden noted that there's a reason exceptions in variances lapse. She also noted that if the board denies the request to extend, it's not a denial of the special exception, and asked if the applicant could reapply.

Attorney Phoenix explained: yes, they could reapply for this or another project.

Mr. Argue noted the significant financial investment made in bringing the application to this point.

Chair Crapo asked if it's feasible that this could transpire considering that residents would be living at a construction site.

Mr. Argue explained that, generally, the residents enjoyed having a view of the construction process and that the facility is willing to accommodate any residents who may wish to change rooms during the construction phase. He explained that the project is in a location that likely will not be visible from many residents' rooms.

Member Mikolities asked where the applicant stands with state permits after four years, and wondered if any of the state-issued permits are now expired.

Mr. Argue commented that the septic plans and the alteration of terrain has been approved. In response to Member Mikolities question, he explained that Phase One, the garage plan laid out in February of 2021, has begun.

Attorney Phoenix stressed to the board and the public that they need no variances, and all variance requirements have been met.

Mr. Argue added that there were some conditions of approval to remain in compliance including required participation in a UNH Green Snow training program regarding salt application and a No Nitrogen Lawn Fertilization Program. Mr. Argue also explained that Robbie Woodburn, their Landscape Consultant, worked with the town-appointed engineer as well as Piscataqua Landscaping until everyone arrived at a consensus that the lawn-fertilization program was in compliance with the regulations. He added that they test groundwater wells annually, which Eric Wineburg has been involved with, and they clean and maintain stormwater detention areas in drainage ditches.

Member Mikolities asked if the project is designed and shovel-ready. Noting his 40 years of experience in this business, he commented that it's not common to break ground at this time; most people are waiting until Fall 2023 in hopes that prices stabilize. He explained that he supports the project, but he needs some convincing that the project is feasible. Member Chororos asked if Mr. Argue could also clarify what they will be requesting of the Planning Board.

In response to Member Chororos, Mr. Argue answered that they would request a two-year extension of the Planning Board. In response to Member Mikolities' questions regarding financing, Mr. Argue explained that Silverstone Senior Living has made a commitment to provide Webster with funding to get the project moving. Mr. Argue explained that many years ago he completed a portion of a project and unnecessarily spent \$150,000, from which he learned his lesson. He assured the board that they are prepared for this project, but they don't yet have the architectural design packet due to the cost. As soon as the project is approved, the CEO of Silverstone and the board of the Rannie Webster Foundation have committed to move ahead with this project before the end of this two-year period. He explained that the biggest obstacle aside from building costs are the nurse agency costs.

Member Madden asked if the wetland delineation has moved. The board discussed the wetland buffer line and wetland delineation.

Planning/Zoning Administrator Reed reported her findings regarding "Substantial Completion". Chair Crapo, speaking to Attorney Phoenix and Mr. Argue, asked if Silverstone is a non-profit group. Mr. Argue confirmed that Silverstone is a non-profit group and explained that Webster has had a contract with them for 10-12 years for Hunt at Home. He explained that they own two CCRC campuses in Nashua: The Huntington and Hunt Community; Mr. Argue discussed the benefits of working with them and their "CCRC Without Walls" approach.

Chair Crapo asked for confirmation that Oceanside is not affiliated in any way with this project.

Mr. Argue confirmed that Oceanside is not affiliated with this project. He explained that Oceanside is owned by Genesis, which is the largest chain in the country and frequently offloading properties.

Alluding to Member Madden's concerns regarding changes in the town, Chair Crapo explained his concern that an increased number of neighbors have shifted to working from home and so construction is likely to be more disruptive than it would have been four years ago.

Mr. Argue explained that they relocated one of the proposed sites for a leach field due to its close proximity to residences on Blueberry Lane and Mountainview Terrace.

Speaking to Chair Crapo and Member Mikolities, Member Madden asked if they were in the work-from-home environment now and deciding whether or not to grant the special exception, would that impact your decision.

Member Mikolities explained that he supported originally, and though he's struggling to remember all of the neighbors' concerns, he voted to approve the extension two years later. He explained his concern that three out of five board members haven't seen the plans and he has limited memory of the original application four years ago. He reiterated that he supports the idea of the project, but procedurally, he's struggling with what to do.

Member Madden commented that it's not ideal that some board members weren't present at the original approval, and she feels as though it's more of an issue of the time that has passed, and the rules and conditions that have changed. She also wondered if there is an alternative that won't create a precedent where the board is continuing to extend. She acknowledged that the applicant has spent a lot of money, but didn't see why that money would have to be spent again and what the added expense would be.

Mr. Argue commented that they would likely need a new traffic study, a new abutting property impact evaluation, and potentially other items, but certainly some of the project would be able to be used again.

Chair Crapo clarified the standard for an extension: that it is applied for in a timely fashion and for a good cause, which is what the board must decide upon; not the variance criteria or harm to the public. Chair Crapo explained that, if the board chooses to extend the application, he would like to see the plantings, which ordinarily would be the last to be put in, be one of the first items so that they can start establishing a buffer, which may aid in construction noise.

Mr. Argue believed that would be possible and explained that there are currently two rows of 20, 20 foot Arborvitae, that would be relocated due to septic field locations and replanted along the buffer line. He explained one of the Planning Board's requests that they never build on the front lawn, which they agreed and committed to. He also explained that the project won't be visible from the road.

Member Madden and Chair Crapo discussed the restrictions that were placed upon the application and the concerns of the abutting neighbors. Chair Crapo clarified that those restrictions would not change, but his suggestion to include plantings first would be added to those restrictions.

Member Madden noted that her concern, like Member Piela's, is not about what was approved or the merits of the application, but setting a precedent of extending an application twice. She noted the significant changes to traffic flow, wetlands, and the expiration of septic over the past four years.

Chair Crapo stated that the only thing the applicant must establish is good cause, and there is nothing in zoning that states you can only extend an application a certain number of times. He reiterated that every application is unique.

Chair Crapo opened to the public at 8:37 p.m.

Jim and Jeanne Moser, 6 Blueberry Lane, why does a two year rule exist if you aren't going to follow it? This is a new company potentially taking over a company; approve an extension that's handed over to a new outfit is totally out of line. Blue collar neighborhood and retirees, just appealing to the board as people. It's a small community and trying to keep it that way. Not against Webster; against continual expansion thinking it will solve their woes. The expansion also included a short-term care practice, which would increase the number of people coming and going, and wouldn't have been approved of in Mrs. Webster's bylaws. Helpless to continual

expansion, when will it stop and where is it going? He reiterated that Webster is a good neighbor and he fully supports their continuation as they are.

Mary Harb, 48 Mountainview Terrace, stated that she's the closest abutter to the property. She asked the board if they received her letter, which they did. She pointed out that the original plans that were created for the application are now nearly six years old and a lot has changed. Rye has had its share of water problems and this commercial property is right up against the wetlands. She added that she frequently works remotely as a teacher and currently looks out her window to forest, but her fear is that things that were promised in the past, which are now unkept, then she has no confidence that what she's hearing tonight is actually going to happen, particularly if the board doesn't get to look at the plans. She added that the plans for the extension for the rehab first came before the board, they had four septic and four leachfields. The next time they came back there was an additional leach field included; the abutters were told that would not be included but it was, and 50 feet from her property. She hoped that the board would do their due diligence and become very familiar with this whole operation. She added that only one bay has been added to the garage, and a few additional lines for parking, which is the extent of their work.

Member Madden asked for clarification of the septic. Ms. Harb explained that the additional leachfield wasn't installed, but changed to be included in the plans, and was claimed to be a mistake.

Mr. Argue explained the addition and eventual removal of the fifth leach field from the plans. Planning/Zoning Administrator explained that this was discussed with Ms. Harb at the Planning Board's site walk. Mrs. Harb agreed and explained that her point is that plans can change and she hopes that the board will go into this with eyes wide open.

Linda Toumpas, 10 Bass Drive, acknowledged that she is a board member at Webster at Rye, but she's speaking personally as a resident. She explained that her husband was in a bicycle accident two years ago and went to Webster for rehab for his broken hip. She commented that she didn't get the opportunity to see any double rooms, but that he wouldn't have chosen Webster if he'd had to share a room with someone. She spoke to the importance of providing single rooms for residents.

Planning/Zoning Administrator Reed asked Chair Crapo for a 5-minute recess in order to share the plans on the large screen. Chair Crapo agreed and the board took a 5-minute recess.

At the close of the recess, Chair Crapo shared that they were unable to achieve a screencast of the plans. He reiterated that the board will vote to extend the application for good cause, not on

the merits of the application. Chair Crapo confirmed that everyone in the public had a chance to speak.

Attorney Phoenix thanked the board and everyone in the public who spoke. He addressed the concern about the new affiliation, and explained that Webster would still remain autonomous with its own board of directors. He also explained that Skilled Rehab is not a new or changed service, Webster has provided that service for years.

Chair Crapo pointed out that the expansion wasn't only for nursing home care, and would increase the short-term rehab capacity.

Mr. Argue explained that the expansion would increase long-term care, skilled rehab, and private medicaid and medicare; the clientele Webster is currently serving.

Attorney Phoenix, addressing Ms. Harb's concerns that the plans would change, assured the board that the plans have not changed, the plans have been approved and would only change if they expired, which requires that they come back to the board, to the state, or to the Planning Board. He added that the building plans would have to be approved by the building department, and addressed the septic issue. Attorney Phoenix agreed with Chair Crapo that the only consideration of this application should be whether there is good cause for an extension. He also reiterated the reasons for the previous requests for extension.

Chair Crapo closed the public session at 9:02 p.m.

To the board, Chair Crapo reiterated that it's a narrow question: do they raise to the level of good cause to warrant the extension.

Member Chororos explained her issues with the application. She explained that special exceptions were never meant to be assets that you can extend indefinitely, and things have changed. She also noted that her questions regarding wetlands impact are still unanswered, and her vote for this application would be "no".

Speaking to Member Chororos, Chair Crapo pointed out that the items she referred to address the merits of the application, not good cause. He reiterated that the board is allowed to grant exceptions, and nowhere is a maximum number of exceptions listed. Chair Crapo noted that the original application was granted with conditions and if this extension were approved, he would like to add the condition that any of the plantings and other steps to mitigate construction noise that can be implemented, should be implemented and added to the project.

Member Madden, Chair Crapo, and Member Mikolities discussed the board's procedures in making decisions regarding the original application and additional conditions.

Member Mikolities observed that if the board doesn't have enough information regarding the wetlands, that would be a reason for denying the extension. He also pointed out that the applicant's permit will expire shortly.

The board discussed the impacts of an expired permit and information regarding the wetlands.

Chair Crapo noted that the board would need to decide whether there is good cause for extension, and he doubted that any judge would view Covid as an unreasonable cause for delay of construction. In many respects of the law, statutes of limitation extended them by law. Chair Crapo noted that there is legislation which allows those extensions.

Member Mikolities shared that he understands the delays due to Covid, but he struggles to understand their ability to complete; the plans aren't done, and it will take at least six months to create an architectural plan.

Chair Crapo noted the applicant's comment that the board could condition approval upon the understanding that they can't come back again; if the applicant were to come back to the board two years from now in need of another extension, the board would have a much more challenging time coming to a decision.

Member Mikolities commented that Chair Crapo's view of "Good Cause" is very narrow. He expressed that good cause could be related to changes in traffic, wetlands, noise, and state regulations. He expressed that he's struggling with the decision considering his support of their application the first two times as well as his concerns regarding their ability to complete the project.

Member Tuttle expressed that he understands both sides of the discussion, he understands the applicant's Covid and financial-related excuses, and their desire to keep up with local competitors by offering single rooms. He agreed with Member Mikolities' assessment and concern over the construction timeline.

Member Madden pointed out that it doesn't appear that the applicant has a construction schedule.

Chair Crapo pointed out that without the extension, they can't begin. If they have the extension and they can pull it off, then they can do it.

The board discussed the potential process if the applicant were to receive an extension and later discover that an element of their application, such as the wetlands, has changed.

Chair Crapo reminded the board that this is for the special exception, which has more to do with changing the use to add what they need.

Member Chororos shared that she is struggling with how much has changed over the past six years, especially regarding the wetlands. She stated that there is no explanation as to whether the wetlands have been addressed or understood.

Member Tuttle, in looking at the plan presented to the Planning Board dated 9/28/20, observed that the wetland buffer is a good distance away from the proposed addition.

Chair Crapo noted that the Planning Board looked at this plan well after the Zoning Board.

In reviewing the plans, Member Tuttle speculated that the addition is 300 feet away from the wetlands and the garage, which has already been completed by testimony, is about 20 feet away from the wetlands.

Member Madden asked what the implications would be should the applicant need to come back. Chair Crapo explained the requirements for approving a special exception as it relates to expanding use.

Motion by Gregg Mikolities to approve the request for a two-year extension by Rannie Webster Foundation d/b/a Webster at Rye for property owned and located at 795 Washington Road. Seconded by John Tuttle.

Member Tuttle proposed three conditions:

- 1. That there be no more extensions to this application**
- 2. That the applicant receives a Planning Board extension**
- 3. That the planting plan be one of the first items accomplished as best achievable to create a significant buffer with Blueberry Land and Mountain View Terrace**

Speaking to Planning/Zoning Administrator Reed, Chair Crapo asked if the criteria for “Good Cause” is similar for the Planning Board. Planning/Zoning Administrator Reed confirmed, yes, and stated that they’ve already submitted their application to be heard at the March 21, 2023 Planning Board meeting.

Member Mikolities amended his motion to include Member Tuttle’s proposed conditions. Member Tuttle amended his second.

Vote 5-0 (G. Mikolities, S. Chororos, S. Crapo, J. Madden, J. Tuttle)

8. **Daniel & Julie Sallet** for property owned and located at 80 Baker Avenue, Tax Map 5.2, Lot 134 request variances from §190-2.4.C(1) for a deck 11', rinsing station 14.8', overhang 17.8', and house 18.8' from the rear boundary where 19.2' is required; from §190-2.4.C(2) for an overhang 7.9', retaining wall 7.2', and house 8.4' from the side boundary where 20' is required; from §190-2.4.C(3) for a retaining wall 15' from the front boundary where 30' is required; from §190-3.4.E for 18.1% dwelling coverage where 15% is required; and from §190-6.3.A for expansion of a nonconforming structure. Property is in the General Residence and Coastal Overlay Districts. Case #12-2023.

Attorney Monica Kieser of Hoefle, Phoenix, Gormley & Roberts spoke on behalf of the applicants, also present, and introduced **Alex Ross** and **Charlie Hoyt**. Directing the board to Exhibit A in the plan set, Attorney Kieser oriented the board to the site. She noted the existing conditions and explained that they would be going before the Planning Board for the two driveways on the property, as the building department has only found approval for one. She explained the long history of the two existing driveways but explained that the paperwork doesn't reflect that long history. She explained that there is an existing deck on the rear setback and there was once a leach field on the property which has long been abandoned. She explained the proposal for the garage addition, the requested setback relief, extension of the deck, and the proposed relocation of the existing rinsing station. She also reviewed the surrounding homes in the neighborhood and the limited impacts the proposed changes would create. In response to Member Madden's question, Attorney Kieser spoke about feedback from abutting neighbors. Mr. and Mrs. Sallet explained that they've spoken with an abutting neighbor and a neighbor across the street, who are in support of the proposed changes. Other abutters haven't been home to respond, though Attorney Kieser pointed out that it's school vacation week. Attorney Kieser pointed out the arborvitae screening in Exhibit C.

Speaking to Attorney Kieser, Member Madden asked about a reference to an outdoor shower in the Building Inspector's denial letter. Attorney Kieser clarified that they're requesting a rinsing station, though there is already a rinsing station present on the property that would be relocated.

Chair Crapo noted that the existing rinsing station is there with a variance that was granted in 2018. Kieser pointed to the rinsing station in Exhibit F and explained that it's more than 5' from the side boundary.

Member Chororos asked Attorney Kieser how she obtained the number for the lot coverage, and asked about the permeable pavers used for the driveways. Attorney Kieser explained that the pavers are not impervious, so they don't count towards lot coverage. Attorney Kieser explained the status of the retention of the driveways in more detail. In response to Member Chororos

question, Attorney Keiser explained that regardless of the Planning Board's decision, they will be converted to permeable pavers.

Member Madden commented that it's strange that the legitimate driveway is on Big Rock, rather than Baker. Attorney Kieser explained what she knows of the history.

Chair Crapo clarified that parking will be in the new garage, not in the setback. Attorney Kieser explained that they were not directed to get that relief, and explained the need for a waiver from the Planning Board. She explained that if the board were inclined to approve the application, she would expect that they indicate the completion of the waiver as a condition of approval. She explained that the intention of the driveway is for overflow parking. Mr. Sallet explained that the location of the additional driveway would be helpful in unloading groceries and assisting elderly family members.

Member Madden suggested that they reword in order to reflect the garage in the setback. Attorney Kieser pointed out that the application states, "house 8/4 feet from the side boundary".

Member Tuttle asked about a descriptor of the parcel: "subject to any building or block area restrictions as may be in effect". Attorney Kieser explained that she reviewed the deed change to look for incumbents, but could not find any.

Speaking to Attorney Kieser, Chair Crapo asked about hardship and the need to expand the deck.

Attorney Kieser explained that the deck is in the second 15% bucket. The structure of the house and covered porches are in the first bucket, and impervious driveways, sheds, or open porches are in the second 15%. She explained that they comply with overall lot coverage and they are reducing the overall lot coverage. She explained that the deck expansion is minimal, and also spoke to living space and dwelling coverage.

In response to Member Mikolities' question, Attorney Kieser explained the plan for the retaining wall. She directed the board to a defense of each of the variance criteria in the application and expressed that the applicants would appreciate the extra access.

Chair Crapo noted that the reason a waiver is needed is because the Planning Board would prefer that the driveway is not within ten feet of the property line. He asked for clarification of the placement of the driveway.

Attorney Kieser explained that they will potentially need a waiver for two regulations: distance to the intersection and the distance to the side lot line. She explained that they're holding the configuration where it intersects with Baker Avenue. She also explained the reasons for the driveway flare.

In response to Chair Crapo's questions, Mr. Ross explained the driveway placement and elevation.

Planning/Zoning Administrator Reed clarified the requirements regarding driveway surface and flare.

Hearing no further comments, Chair Crapo closed to the public at 9:56 p.m.

Member Madden expressed her concern in granting a variance for a two foot retaining wall where a variance is not needed. The board discussed their options.

Chair Crapo reopened to the public in order to discuss the retaining wall plan with Mr. Ross and Attorney Kieser.

Member Tuttle discussed the grade of the driveway with Mr. Ross.

Attorney Kieser noted that a retaining wall currently exists. Member Chororos commented that it's tasteful.

Chair Crapo closed to the public at 10:00 p.m.

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

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

2. The spirit of the ordinance is observed:

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

3. Substantial justice is done:

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

4. The values of surrounding properties are not diminished:

Gregg Mikolities – Yes
Sandra Chororos – 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?

Gregg Mikolities – Yes
Sandra Chororos – 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.

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

7. The proposed use is a reasonable one.

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

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

Gregg Mikolities – Yes
Sandra Chororos – Yes
Jenn Madden – Yes
John Tuttle – Yes
Shawn Crapo – Yes

Member Madden noted that §190-2.3 needs to be §190-2.4.

Motion by John Tuttle to approve the application of Daniel & Julie Sallet for property owned and located at 80 Baker Avenue, Tax Map 5.2, Lot 134 as advertised and presented on March 1,

2023 with the conditions of Planning Board approval for their various driveway applications. Seconded by Sandra Chororos.

Vote 5-0 (G. Mikolities, S. Chororos, S. Crapo, J. Madden, J. Tuttle)

9. Summer at the Beach Trust, Susan Mesiti, Trustee, for property owned and located at 1182 Ocean Boulevard, Unit 2, Tax Map 17.3, Lots 32-2 request variances from §190-3.1.H(1)(a) and §190-3.1.H(2)(a)(g) to convert a patio to a deck 50' from the highest observable tide level where 100' is required; §190-2.4.C(2) for a generator 3' from the side yard boundary where 20' is required; from §190-3.4.E for 72.6% impervious surface coverage where 72% exists and 30% is required; from §190-3.4.D to convert a deck to living space at 35.8' where 28' is required, and from §190-6.3.A for expansion of a nonconforming structure. Property is in the General Residence and Coastal Overlay Districts. Case #13a-2023.

Application continued to the April 5, 2023 meeting (see motion above).

10. Paradise at the Shore Trusts I and II, Susan Mesiti, Trustee, for property owned and located at 1182 Ocean Boulevard, Unit 3, Tax Map 17.3, Lot 32-3 request variances from §190-3.1.H(1)(a) and §190-3.1.H(2)(a)(g) for a structure 50' from the highest observable tide level where 100' is required; from §190-3.4.E for 72.6% impervious surface coverage where 72% exists and 30% is required; from §190-3.4.D to convert a deck to living space at 35.8' where 28' is required, and from §190-6.3.A for expansion of a nonconforming structure. Property is in the General Residence and Coastal Overlay Districts. Case #13b-2023.

Application continued to the April 5, 2023 meeting (see motion above).

Motion by John Tuttle to adjourn at 10:03 p.m. Seconded by Sandra Chororos.

Vote 5-0 (G. Mikolities, S. Chororos, S. Crapo, J. Madden, J. Tuttle)

Respectfully Submitted,
Emilie Durgin

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner:

Rannie Webster Foundation d/b/a Webster at Rye

Property:

795 Washington Road, Tax Map 11, Lots 52 & 6
Property is in the Single Residence District

Application case:

Case #11-2023

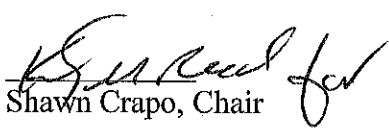
Date of decision:

3/1/2023

Decision:

The Board voted 5-0-0 to grant the two-year extension of the Special Exceptions granted on March 6, 2019, extension granted February 3, 2021 to end on March 6, 2025 with the following conditions:

1. That there be no more extensions to this application.
2. That the applicant receives a Planning Board extension.
3. That the planting plan be one of the first items accomplished as best achievable to create a significant buffer with Blueberry Land and Mountain View Terrace.


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: 03-01-2023

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

- §190-2.3.C(2) for a new home with a second floor located 12.2' from the side boundary.
- §190-2.3.C(1) for a shed no closer than 11' from the rear boundary.
- §190-3.1.H(2)(a)(g) for an attached garage 29.5' from the wetland.
- §190-5.0.C for 1 off-street parking space slightly in the front yard area.
- §190-6.3.B where the replacement of all nonconforming parts of the structure

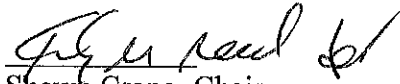
These variances were granted with the following conditions from the Rye Conservation Commission letter dated 01-25-2023:

1. The existing sump pump to be removed. Existing green pipe and trench to be disabled and removed. All water must be contained on the property and directed away from wetlands into an appropriate dry well or rain garden.
2. RCC requests that the applicants provide a plan for the removal of the green pipe and trench. RCC further requests that the applicants provide a plan for mitigation of water that previously flowed through the green pipe.
3. The shed be moved farther from the wetlands.
4. A ten (10) ft. minimum vegetative buffer of native plantings to be installed along the entire length of the freshwater wetland (approximately one hundred (100 ft) as indicated on Exhibit C, "Stormwater Management Plan". The vegetative buffer to be planted with blueberry bushes, tea berry, interrupted fern and/or other native perennials, shrubs, or trees included on the wetland planting lists.
5. RCC request that a complete planting plan be submitted prior to installation.
6. No bark mulch or wood chips may be used. Material used within an area being restored shall be natural straw supported with compost.

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.

7. Invasive plants currently on the property in the wetland buffer should be removed, including but not limited to bittersweet, barberry, multiflora rose and autumn olive. If such plants are in the buffer they must be removed by best practices should be used to preserve the buffer.

8. RCC believes that an 85% or greater survival rate of the planted vegetation after one (1) year is sufficient.


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: Daniel & Julie Sallet

Property: 80 Baker Avenue, Tax Map 5.2, Lot 134
Property is in the General Residence District and Coastal Overlay District

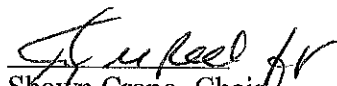
Application case: Case# 12-2023

Date of decision: 03-01-2023

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

- §190-2.4.C(1) for a deck 11' from the rear boundary.
- §190-2.4.C(1) for a rinsing station 14.8' from the rear boundary.
- §190-2.4.C(1) for the overhang 17.8' from the rear boundary.
- §190-2.4.C(1) for the house 18.8' from the rear boundary.
- §190-2.4.C(2) for an overhang 7.9' from the side boundary.
- §190-2.4.C(2) for a retaining wall 7.2' from the side boundary.
- §190-2.4.C(2) for the house 8.4' from the side boundary.
- from §190-2.4.C(3) for a retaining wall 15' from the front boundary.
- §190-3.4.E for 18.1% dwelling coverage.
- from §190-6.3.A for expansion of a nonconforming structure.

The variances were granted with the condition that the applicant receive the driveway waivers from the Planning Board.


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

Applicants/Owners:

Summer at the Beach Trust, Susan Mesiti, Trustee,
at 1182 Ocean Boulevard, Unit 2, Tax Map 17.3, Lots 32-2

Paradise at the Shore Trusts I and II, Susan Mesiti, Trustee,
at 1182 Ocean Boulevard, Unit 3, Tax Map 17.3, Lot 32-3

Property:

Properties are in the General Residence District, Coastal Overlay and
SFHA Zone VE (14)

Application case:

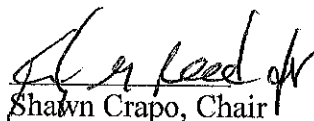
Cases# 13a & 13b - 2023

Date of decision:

03-01-2023

Decision:

The Board voted 5-0 to continue the application to the April 5, 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

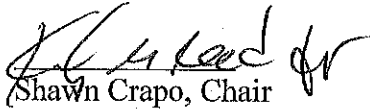
Applicant/Owner: Robert Lang, Applicant
Tucker D. Allard & Mary Coppinger, Owners

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

Application case: Case #55-2022

Date of decision: 03-01-2023

Decision: The Board voted 5-0 to continue the application to the April 5, 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: Tudor & Pauline Simeonov, Aleph LLC owners of 720 Brackett Road, Tax Map 17, Lot 65

Property: For address 691 Brackett Rd, Tax Map 17, Lot 34

Properties are in the Single Residence Districts

Application case: Cases #10-2023

Date of decision: 3-1-2023

Decision: The Board voted 5-0-0 to continue the application to the April 5, 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

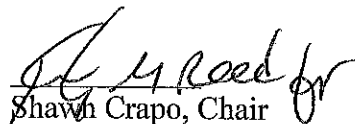
Applicant/Owner: Leigh & Darren D'Andrea

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: 3-1-2023

Decision: The Board voted 5-0-0 to continue the application to the April 5, 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

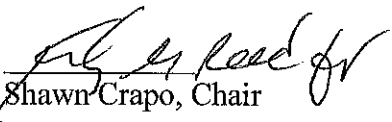
Applicant/Owner: Wentworth by the Sea Country Club, Inc.

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: 2/1/20023

Decision: The Board voted 5-0-0 to continue the application to the April 5, 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.