

**TOWN OF RYE
BOARD OF ADJUSTMENT**

Wednesday, February 1, 2017 – 7:00 p.m.
Rye Town Hall

Members Present: Chair Patricia Weathersby, Burt Dibble, Shawn Crapo, Charlie Hoyt and Russ Bookholz.

Others Present: Planning Administrator Kimberly Reed

I. Call to Order and Pledge of Allegiance

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

II. Approval of Minutes of January 4, 2017

Motion by Shawn Crapo to approve the minutes of January 4, 2017 as amended. Seconded by Russ Bookholz. All in favor.

III. Applications:

- 1. Stephen C. Brown, Trustee, SKRJ Realty Trust of 21 South Main Street, Rochester NH for property owned and located at 0 Big Rock Road, Tax Map 8.1, Lot 45 & Tax Map 5.2, Lots 79, 80 to re-subdivide 11 small nonconforming lots on the old recorded Myrica by the Sea Plan to create two new nonconforming lots and therefore requests Variances from Section 204.3F for lot #1 to have 31,395 sq. ft. of lot area and 38.86' of frontage where 44,000 sq. ft. of lot area and 150' of frontage is required; lot #2 to have 31,121 sq. ft. of lot area and 51.92' of frontage where 44,000 sq. ft. of lot area and 150' of frontage is required and from Section 202.13 for each lot for less than 30,000 sq. ft. of contiguous upland soil. **Property is in the General Residence and Coastal Overlay District. Case #02-2017****

- Applicant requested to be continued to the March 1, 2017 meeting.**

Motion by Burt Dibble to continue the application of Stephen C. Brown to the March meeting, as requested by applicant. Seconded by Charlie Hoyt. All in favor.

2. Ryan & Jessica Huskey for property owned and located at 23 Locke Road, Tax Map 8, Lot 73 and owned by Arbor Realty Trust request a Variance from Section 304.4 for a building height of 30'1" where 28' is allowed. Property is in the Business and Coastal Overlay District. Case #05-2017

Attorney John Bosen, representing the applicants, presented to the Board. He stated that the property is the former home of the Rye Beach Motel and Cottages. It consisted of eight structures over two recently subdivided lots. The eight structures violated both side and wetland setbacks. The Huskeys are proposing to build a new single family home. The property is in the Coastal Overlay District, where there is a maximum allowance for height of 28ft. The plans show a roof ridge of 30'1". The affected area of the roof is approximately 232sf. He continued that the topography on this property slopes down from the street towards the wetlands in the back of the property. This condition affects the applicants' ability to site a house that is big enough for the family that will meet the dimensional requirements of the ordinance. (He showed a drawing showing a 28ft home at the front of the property, which could be built by right. He also showed a drawing of the proposed home.) He commented that the 28ft home is much more imposing then what is being proposed with the topography of the lot.

Member Crapo asked how far back the proposed structure will sit from Locke Road.

Corey Colwell, MSC Engineering, replied that it sits 140ft back.

Member Crapo asked if the grade has been accounted for in the measurements.

Mr. Colwell confirmed.

Attorney Bosen reviewed the criteria for granting the variance. He noted that a letter of support has been received from Raphael and Keriann Roman, which is in the Board's packets.

Mr. Colwell explained that if the house was moved to the front of the lot, with the roof lowered to 28ft, it would put the ridge elevation, the peak, at elevation 50. Moving the house back, and raising it 2ft to 30.1, puts the ridge elevation at 47.5. The actual ridge elevation is 2.5ft lower, even though the house is 2ft taller because of the slope of the lot.

Chair Weathersby asked if the grade was measured as the average elevation of the ground around the building, rather than center front.

Mr. Colwell confirmed. The grade is elevation 17.4 and was measured around the building because the lot depth is greater than 150ft.

Member Crapo asked if the variance relief from 2014 has any bearing on this application.

Attorney Bosen commented that the relief was for the subdivision of the lot with a condition that it be used for residential use.

Member Hoyt asked the height of the ceilings.

Julie DeStefano, architect, replied that the first floor to second floor is 10'8", which gives 9'4" for a ceiling height.

Member Crapo asked why 9ft ceilings are needed.

Attorney Bosen stated that if the ceilings were 7ft they would still be before the Board for a variance.

Ms. DeStefano stated that an 8ft ceiling height for this style house and location is still very low. A 9ft ceiling for this style house is standard.

Chair Weathersby stated that this is a blank slate and anything can be done. A house with the same interior square footage can be designed to be under 28ft.

Attorney Bosen stated that what can be done by right is going to be more imposing to the neighborhood to what is actually being proposed based on the slope of the elevation. He continued that the Huskeys are trying to build something very tasteful and 7ft ceilings do not respect the value of the property.

Member Hoyt stated he is not against the plan. It is a beautiful house. He has never been a fan of the 28ft restriction. It limits what the homeowner can do on the lot. He does not think he has ever designed a home without 9ft ceiling heights. He commented that the proposed home will not be blocking anyone's light, air and views.

Attorney Bosen agreed that it is not blocking anyone's view, which is the purpose of the height limitation.

Member Hoyt stated that for full disclosure the applicant is starting with a clean slate. The building is not limited due to a garage under. He reiterated that he does not have a problem with the proposal, mainly because there is no opposition to the project from the neighbors.

Chair Weathersby asked if there are any wetland buffer issues or FEMA regulations that need to be adhered to.

Mr. Colwell replied no.

Member Crapo asked how this proposal will affect the remaining lot.

Mr. Colwell explained that the Board granted variances for lots with equal frontage of 108.9ft, where 150ft is required. He continued that about two months ago, he went before the Planning Board to get the lot line adjusted to comply with setbacks. A reasonable home can fit on the lot. The home will have no impact on the remaining lot. He noted that the remaining lot is wider than the lot for this project.

Member Hoyt commented the proposed home is nicely situated on the lot.

Chair Weathersby opened to the public for comments or questions. Hearing none, she closed the public hearing at 7:50 p.m.

Member Crapo stated the he agrees with Member Hoyt's observation of the 28ft restriction being for the oceanfront homes to cut back on a dominant appearance. He does not see that this home will violate the dominant appearance because of where it will sit and how the lot slopes back.

Member Hoyt stated he supports the application completely.

Member Bookholz commented the house will actually be lower than if it were to set on the front of the lot. The house would actually be more of a view blocker to the neighbors if it was sited towards the front. As it is proposed on the center of the lot, he supports the proposal.

Member Dibble commented the restriction of the 28ft height restriction is about bulking mostly. Setting the house back on the lot resolves that problem nicely.

Chair Weathersby noted that the Board has received a letter in their packets from the Romans who are in support of the project. She continued that she shares the same thoughts as the Board that the elevation change works in its favor. She usually does not support height variances; however, in this case with the grade change, size of the lot and the location of the proposed home, speak to the reasonableness of the proposal.

Chair Weathersby called for a vote for variance to Section 304.4.

1. Granting the variance would not be contrary to the public interest?

Shawn Crapo – Yes
Burt Dibble – Yes
Charlie Hoyt – Yes
Russ Bookholz – Yes
Patricia Weathersby – Yes

2. The spirit of the ordinance is observed?

Shawn Crapo – Yes
Burt Dibble – Yes
Charlie Hoyt – Yes
Russ Bookholz – Yes
Patricia Weathersby – Yes

3. Substantial justice is done?

Shawn Crapo – Yes
Burt Dibble – Yes
Charlie Hoyt – Yes
Russ Bookholz – Yes
Patricia Weathersby – Yes

4. The values of surrounding properties are not diminished?

Shawn Crapo – Yes
Burt Dibble – Yes
Charlie Hoyt – Yes
Russ Bookholz – Yes
Patricia Weathersby – Yes

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

Shawn Crapo – Yes
Burt Dibble – Yes
Charlie Hoyt – Yes
Russ Bookholz – Yes
Patricia Weathersby – 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?

Shawn Crapo – Yes
Burt Dibble – Yes
Charlie Hoyt – Yes
Russ Bookholz – Yes
Patricia Weathersby – Yes

7. The proposed use is a reasonable one?

Shawn Crapo – Yes
Burt Dibble – Yes
Charlie Hoyt – Yes
Russ Bookholz – Yes
Patricia Weathersby – Yes

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

Shawn Crapo – Yes
Burt Dibble – Yes
Charlie Hoyt – Yes
Russ Bookholz – Yes
Patricia Weathersby – Yes

Motion by Shawn Crapo to approve the application of Ryan and Jessica Huskey for property owned and located at 23 Locke Road, Tax Map 8, Lot 73 and owned by Arbor Realty Trust request a Variance from Section 304.4 for a building height of 30'1" where 28' is allowed. Seconded by Burt Dibble. All in favor.

- 3. William & Donna Purdie for property owned and located at 1154 Ocean Blvd, Tax Map 19.4, Lot 90** request Variances from Section 202.5 to install a septic system 5' from northeast side setback where 20' is required; from Section 204.3B for a shed 2.6' from the northeast (left) side boundary where 20' is required; from Section 204.3C for a shed 2.2' from the front boundary where 30' is required; and from Sections 301.8B(7) for a shed 91.4' from tidal marsh where 100' is required. They request relief from Building Code Section 7.9.2.5 for a septic system 5' from northeast side setback where 20' is required and from Section 7.9.3.2 for septic system with a bottom bed 3' above the seasonal high water table where 4' is required. **Property is in the General Residence and Coastal Overlay District. Case #03-2017**

Attorney Tim Phoenix, representing the applicants, spoke to the Board. He explained the lot is 12,200sf and is located between the Wallis Road intersection and Old Ocean Boulevard. Currently, there is a two story residence that is centered on the lot with only 50ft of frontage. A replacement septic system is proposed. There is no-where on the lot that would give the septic greater setbacks than where it is proposed. The septic is essentially going in the same location as the existing septic system.

John Chagnon, Ambit Engineering, noted that the current septic system is not in failure; however, the State requires a new system to be installed if it is not twenty years or younger. The system was built before any approvals and needs to be replaced.

Attorney Phoenix stated a state-of-the-art system is going to replace the current system, which has been there for almost thirty years. He continued the applicant has also asked for relief for a shed. The shed is 12.5x16. He noted that back in the 80's there was a garage. The Purdies came in and asked for some relief to do some work on the house in 1983. That relief was granted on the condition that the garage be removed. The garage was finally removed last year. He continued that when this was granted the Purdies were in their 30's, they had one car and had no garage. The basement of the house was storage. Since that time, a garage was put in with about 300sf of storage. Now the Purdies are in their 60's, they have a car in the garage and do not have much storage for other things. They are asking for permission for a shed. Although the shed is very close to the lot line, it is about 30 or 40ft from the travelled way. He noted that the marsh is across the street and the location of the shed is 91.4ft from the marsh. There is nowhere else to put a garage or shed on the lot without effecting entrance into the existing home. (He read a letter to the Board from William and Donna Purdie.)

Attorney Phoenix reviewed the requirements for granting the variances.

Chair Weathersby asked for details on the septic system.

Mr. Chagnon explained that currently there is a dry well and tank. The driveway slopes to the house and goes from elevation 10 to elevation 18. They are trying to install the best system that can be installed in that grade. The field is not able to be raised up because of the nature of the slope. He continued that what has been designed is a sloping leachfield. The leachfield slopes with the ground and will be as high up in the soils as possible; however, it still does not meet the 4ft water table separation. He commented the dry well that is there now is even less conforming. The pipe that is being used is one that the State of N.H. qualifies as being able to be placed 2ft from the high water table. He thinks it is the safe alternative and is the best that can be done given the constraints on the site.

Chair Weathersby asked if there is a higher elevation on the lot where the system could go.

Mr. Chagnon stated that one could probably argue that the system could go in the front but there is no way to physically get there to build or service it.

Chair Weathersby commented that it would be closer to the ocean.

Member Hoyt asked if the neighbors were shown the design.

Attorney Phoenix stated that Jeff Katz knows about the project. He has been told verbally that Mr. Katz is not against it.

Mr. Chagnon noted that Mr. Katz had to sign an abutter concurrence letter because there is work being done within 20ft of the property line.

Attorney Phoenix noted that a septic approval has been received from NH DES.

Chair Weathersby read a letter from the Rye Conservation Commission, which is dated December 28th. (The commission did not have an objection to the shed and are pleased with the new septic on the property.)

Member Crapo asked what elevation Route 1A is in relation to the bottom of the leachfield.

Mr. Chagnon explained the surface of the road is at elevation 10. The bottom of the leachfield is at elevation 11 and slopes down to 9.5. The surface elevation is 13.8. The road box is going to slow down the flow as the effluent goes towards the marsh. He continued if the septic is doing its job it is removing a vast majority of the pollutants in the first 2ft below the leachfield.

There was some more review of the septic system design.

Chair Weathersby noted that there is no one from the public to speak for or against the application. She closed the public hearing at 8:26 p.m.

Member Hoyt stated the team did a great job and have answered all the questions. He thinks the proposal is tasteful. He likes the shed. He has no issues.

Member Crapo stated that view wise the layout of the shed does not seem to affect anyone. Almost every house has a shed in the neighborhood so it would not make the house look out of place. The way the septic is proposed is probably the only way that it can be improved. Every septic along the marsh that gets approved is another step towards fixing a larger issue.

Member Dibble commented he has no problem with the proposal.

Chair Weathersby commented that her questions have been answered. The Conservation Commission does not have an issue with the proposal.

Chair Weathersby called for a vote for Building Code relief to 7.9.2.5 and 7.9.3.2:

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

Shawn Crapo – Yes

Burt Dibble – Yes

Charlie Hoyt – Yes

Russ Bookholz – Yes

Patricia Weathersby – Yes

Meeting. The application has not been reviewed by the Conservation Commission and will not be addressed at their meeting until mid-February. The applicant is requesting a continuance to April in order to give the Conservation Commission time to review the proposal, also the attorney for the case has a scheduling conflict for the March meeting.

Motion by Shawn Crapo to continue the application of Manuel and Carol Barba to the April meeting, as requested by applicant. Seconded by Charlie Hoyt.

Rose Fecteau, 746 Washington Road, expressed her concerns in regards to the cesspool on the property.

Art Ditto, 6 Fern Ave., expressed his concerns in regards to health issues and contamination to the wetlands.

Chair Weathersby noted that at this time, the Building Inspector has issued Notices of Violation for the second dwelling and the septic situation on the property. The property owners are asking for an appeal of that decision or a hearing for variances. There will be a hearing on those requests in April.

Attorney Tim Phoenix stated that his firm is representing this case. This issue has been going on for about 25 years. There is a long history between former owners and the town. The intention now is to get the property septic-wise "up to speed". The continuance was requested because the attorney who is handling the case is going to be on vacation when the March meeting is scheduled. The Building Inspector was fine with the continuance to April.

Chair Weathersby stated that she had concerns when reading the application. She reached out to the Building Inspector to ask if there would be health and safety issues if the application was continued to April. The Building Inspector is okay with the two months' continuance to give the Conservation Commission a chance to review the proposal.

Member Crapo suggested having the Building Inspector review the applicants' packet to make sure that everything is available for the meeting in April.

All in favor.

- 5. Manuel & Carol Barba for property owned and located at 740 Washington Road, Tax Map 11, Lot 103** requests Variances from Section 203.1A for a second detached dwelling on the property and from Section 301.8B (1)(2) & (7) for second dwelling within the 75' of the wetlands buffer; and Building Code Relief from Section 7.9 for effluent of second unit not be connected to an individual sewerage disposal system. **Property is in the Single Residence District. Case #06-2017**

- **Continued to the April meeting. (See above)**

- 6. Sonnabend-Ciccolo Nominee Trust, S. Sonnabend & G. Ciccolo Trustees of 586 Lyons Lane, Longboat Key, FL 34228 for property owned and located at 129 Wentworth Road, Tax Map 24, Lot 33 requests a two (2) year extension of Zoning relief from Variances, Building Code and Special Exception granted January 21, 2015. Property is in the Single Residence and Coastal Overlay District, Flood Zone AE/0. Case #07-2017**

Attorney Phoenix, representing the applicants, stated that in 2015 he and Mr. Chagnon were before the Board for some relief that was primarily driven by the location of Sagamore Creek. A septic system was being replaced towards the creek and a retaining wall was being removed with a new retaining wall being built, swimming pool and patio. There was also a garage that was being taken down and replaced. He continued that some of the work has been done; however, the project has slowed down do to family circumstances. The property owners are asking for more time to get the work done. He noted that they are contemplating some changes, which might not need any variance relief. They are requesting a two year extension so they do not have to come back.

Member Hoyt asked why a 1 year extension would not work.

Attorney Phoenix explained that they prefer a 2 year extension but understand that the reason for a 1 year extension is to not drag out the project. If the Board cannot see their way to 2 years then a 1 year extension would be acceptable.

Chair Weathersby stated the proposal had a lot of wetland issues. The Conservation Commission was strongly opposed to the project.

Attorney Phoenix commented that he does not recall.

Mr. Chagnon stated the wetland permits are good for 5 years. The Conservation Commission thought that the pool would be better if it was located on the driveway side; however, the Board at that time was convinced that the applicants had done a good job of siting everything, while respecting the creek at the same time and the variances were granted.

Member Crapo commented that J.P. Nadeau was in opposition of the project.

Chair Weathersby stated that 2 years is a fair amount of time for a project. She asked what work has been completed.

Attorney Phoenix replied that they have done some of the work in the front.

Mr. Chagnon commented that the applicants decided to build a house in Florida and could not handle both projects at once.

Planning Administrator Reed noted that she spoke with J.P. Nadeau. He is fully aware of the request and has no objections.

Member Dibble stated that he found comments from the Conservation Commission in the minutes from the last meeting. It says that the commission went for a site walk and did not support the project but felt that the project was reasonable.

Chair Weathersby noted that there is no one from the public present to speak in favor or opposition. She closed the public hearing at 8:45 p.m.

Member Crapo stated that giving a 1 year extension will get the applicant to speed up the project or come back to the Board to show what has not transpired. This will tighten up the project, rather than having something open ended.

Member Dibble stated this seems more in accordance with the ordinance.

Member Hoyt agreed with Member Crapo.

Chair Weathersby commented that 4 years to complete the project is too long a time. She would be okay with a 1 year extension.

Chair Weathersby called for a poll vote on granting the extension for 1 year or 2:

- Crapo – 1 year, Dibble – 1 year, Hoyt – 1 year, Bookholz – 1 year, Weathersby – 1 year

Chair Weathersby noted that the application was first heard on January 21, 2015. The variances would have expired January 21, 2017; however, the request for the extension was made before that date.

Motion by Burt Dibble to grant an extension to variances, building code and special exception that were granted on January 21, 2015 for a period of one (1) year, to expire January 21, 2018. Seconded by Shawn Crapo. All in favor.

IV. Other Business

- None

Adjournment

Motion by Shawn Crapo to adjourn at 8:55 p.m. Seconded by Burt Dibble. All in favor.

**All corresponding paperwork and files may be viewed at the Building Department, Rye Town Hall.*

Respectfully Submitted,
Dyana F. Ledger

Kim Reed

From: Raphael J. Roman <rroman@sandrlaw.net>
Sent: Wednesday, January 4, 2017 9:18 AM
To: Kim Reed
Subject: Case #05-2017

Ms. Reed,

Keriann and I are the owners of 33 Locke Road. We were recently notified regarding a variance request as stipulated in Case #05-2017. Specifically, Ryan and Jessica Huskey are requesting a variance for a building height of 30 feet and one inch, where 28 feet is allowed, for a home at 23 Locke Road. It is our understanding they are planning on tearing down the structures that are currently on the property, and then build a home to raise their family. As abutters directly to the west of the proposed home, we welcome the addition of another family to our neighborhood. As such, we support the variance requested by the Huskey's and look forward to welcoming them to the neighborhood.

Regards,

Raphael and Keriann Roman
33 Locke Rd. Rye

Tim Phoenix

Subject: FW: Emailing: BOA Jan 4, 2017

From: Donna Purdie [mailto:dpurdie@comcast.net]
Sent: Monday, January 02, 2017 12:01 PM
To: Tim Phoenix <TPhoenix@hpgrlaw.com>
Subject: Re: Emailing: BOA Jan 4, 2017

Tim,

We would have preferred to be there but had scheduled this time away a year ago. The timing of completing this project warranted applying for approvals January 2017.

We have owned our house since 1977, made it a home in 1983, and have enjoyed the lifestyle it has offered. When we agreed to remove the detached garage in order to obtain the 1983 variance we had twin 11 year old daughters, 1 car, and were 34 years old. At 67, with 2 cars, we need the convenience and comfort of at least having 1 car garaged.

Our basement is 22' x 24'. Subtract interior stairs and entry, allow for 1 car, leaves approximately total 283 sq ft net of home storage for garden supplies, bikes, utilities, tools, etc. Without a detached storage facility the hardship is that we can not enjoy the comfort of a home that is not unlike and no greater in scale than many other properties nearby.

Thank you,
Donna

Sent from my iPad

**RYE CONSERVATION COMMISSION
10 CENTRAL ROAD
RYE, NEW HAMPSHIRE 03870**

December 28, 2016

RE: 1154 Ocean Boulevard, Map 19.4, Lot 090

Members of the Rye Conservation Commission (RCC) visited 1154 Ocean Boulevard on December 22, 2016 to inspect a project to construct a shed in the 100 foot tidal buffer zone. Steve Riker, Ambit Engineering was present to represent the owners, William and Donna Purdie.

Mr. Riker explained that the new shed would be 91.4 feet from the Parsons Creek Marsh where 100 feet is required by Section 301.8 B (7). The new shed is a replacement for a previous garage which was sited in the same location but which had deteriorated and been removed.

The RCC has no objection to this replacement in kind and noted that the owners have also applied for a variance to install a new septic system on the property. Although this new septic is outside the tidal buffer zone and therefore not within the commission's purview, the RCC is pleased that there will be a new septic on the property since the lot is within the environmentally sensitive Parsons Creek Watershed.

Sincerely,



Francis P. (Mike) Garvan II, Clerk
Rye Conservation Commission

12/5/2016

XFINITY Connect Cape cod shed Printout

Donna Purdie <dpurdie@comcast.net>

12/5/2016 3:37 PM

Cape cod shed

To Donna Purdie <dpurdie@comcast.net>

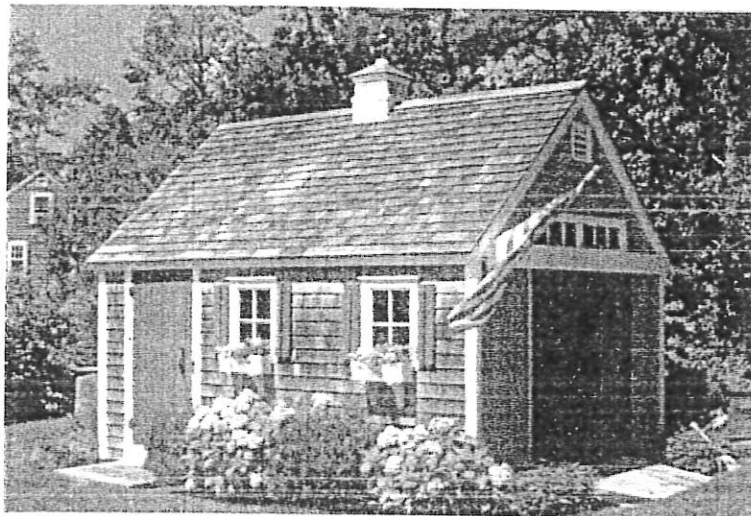
iPad

3:36 PM

capecodsheds.com

25%

Cape Cod Sheds Storage Shed Kits Need storage? Rent A Shed Instead



The Cape Cod shed above has cedar shingle siding which weathers to a silver/gray color. The roof on this one is done with cedar shingles as well. It has two 4-lite stationary windows, a 3' passage door made from headboard pine, a 6' sliding barn door with a transom window on the gable end and a cupola with a namesake Codfish weathervane.

The Cape Cod shed is also reminiscent of the typical fishing shanty that has dotted the shores of New England for over 300 years. These were low, broad buildings with a relatively steep 10 or 12 pitch roof designed to maximize loft storage and "shed" snow during the cold New England winters.

The basic Cape Cod shed is finished in board and batten siding like the one below. This shed also has an 8 pitch roof which is less steep and does not offer as much loft space as a steeper 10 or 12 pitch roof.

Post and Beam Sheds

New England By J. M. Fine

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"The Steeple People"

Quality Steeple and Church Restoration and

Real Reclaimed Wood Walls - Peel and Stick Installation

Easy to install and remove. No glue. No nails. No

Timber Frame Builders

Quality Custom Built Timber Frame

Ipe Wood Decking

Top quality Ipe wood decking

New House Plans

Two story, three story, four story, five story

Free Art Printable

The Map of the State of New York

Directory

- Cape Cod Post & Beam Shed Kits

Sent from my iPad

- IMG_1073.PNG (3 MB)

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner:

Stephen C. Brown, Trustee, SKRJ Realty Trust of
21 South Main Street, Rochester, NH

Property:

0 Big Rock Road, Tax Map 8.1, Lot 45 and Tax Map 5.2, Lots 70 & 80
Property is in the General Residence & Coastal Overlay Districts

Application case:

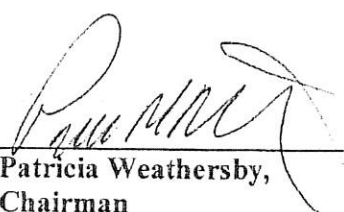
Case # 02-2017

Date of decision:

February 1, 2017

Decision:

The Applicants' request to re-subdivide 11 small nonconforming lots on the old recorded Myrica By the Sea Plan to create two new non-conforming lots and therefore requests Variances from Section 204.3F for lot #1 to have 31,395sq. ft. of lot area and 38.86' of frontage where 44,000 sq. ft. of lot area and 150' of frontage is required; lot #2 to have 31,121 sq. ft. of lot area and 51.92' of frontage where 44,000 sq. ft. of lot area and 150' of frontage is required and from Section 202.13 for each lot for less than 30,000 sq ft of contiguous upland soil was continued to March 1, 2017.



Patricia Weathersby,
Chairman

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:

Ryan & Jessica Huskey

Owner:

Arbor Road Trust of 16 Arbor Road, North Chelmsford, MA

Property:

23 Locke Road, Tax Map 8, Lot 73
Property is in the Business & Coastal Overlay District

Application case:

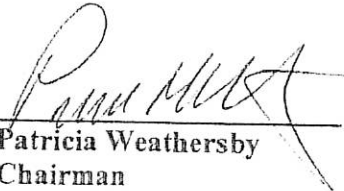
Case # 05-2017

Date of decision:

February 1, 2017

Decision:

The Board voted unanimously to grant the applicants' request for a Variance from Section 304.4 for a building height of 30' 1".



Patricia Weathersby
Chairman

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 & Donna Purdie

Property:

1154 Ocean Blvd, Tax Map 19.4, Lot 90
Property is in the General Residence & Coastal Overlay Districts

Application case:

Case # 03-2017

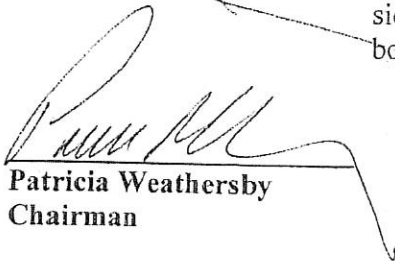
Date of decision:

February 1, 2017

Decision:

The Board voted unanimously to grant the applicants' request for Variances from Section 202.5 to install a septic system 5' from northeast side yard boundary line; from Section 204.3B for a shed 2.6' from the northeast (left) side boundary line; from Section 204.3C for a shed 2.2' from the front boundary line; and from Sections 301.8 B (7) for a shed 91.4' from tidal marsh.

The Board voted unanimously to grant the applicants' request for relief from Building Code Section 7.9.2.5 for septic system 5' from northeast side boundary line and from Section 7.9.3.2 for septic system with a bottom bed 3' above the seasonal high water table.



Patricia Weathersby
Chairman

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:

Manuel & Carol Barba

Property:

740 Washington Road, Tax Map 11, lot 103
Property is in the Single Residence District

Application case:

Cases # 04-2017 and # 06-2017

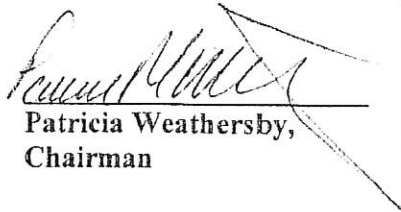
Date of decision:

February 1, 2017

Decision:

The Applicant's request for an Administrative Appeal from the Building Inspector's 11-1-2016 Notice of Violation of Rye Zoning Ordinance Sections 203.1 A for a second dwelling on one lot and from Section 301.8B (1) (2) & (7) for the dwelling with the 75' wetlands buffer and from Rye Building Code Section 7.9 for the unit not having a pressured water system connected to an individual sewerage disposal system has been continued to the April 5, 2017 meeting.

The Applicant's request for variances from Section 203.1A for a second detached dwelling on the property and from Section 301.8B (1) (2) & (7) for second dwelling within the 75' of the wetlands buffer; and Building Code Relief from Section 7.9 for effluent of second unit not be connected to an individual sewerage disposal system has been continued to the April 5, 2017 meeting.



Patricia Weathersby,
Chairman

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:

Sonnabend-Ciccol Nominee Trust, S. Sonnabend & G. Ciccola Trustees
of 586 Lyons Lane, Longboat Key, FL 34228

Property:

129 Wentworth Road, Tax Map 24, Lot 33
Property is in the Single Residence & Coastal Overlay District
Flood Zone AE/O

Application case:

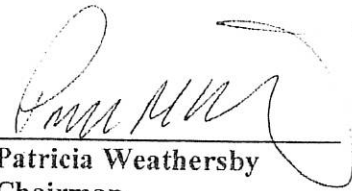
Case # 07-2017

Date of decision:

February 1, 2017

Decision:

The Board voted unanimously to extend the variances, building code relief and the special exception granted to the Applicant on January 21, 2015 for a period of a one (1) year.



Patricia Weathersby
Chairman

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.