

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

- Applicant/Owner:** Thomas & Laurie Glasrud of 35 U Columbia Street, Portsmouth
- Property:** 5 Wentworth Road, Tax Map 26, Lot 15
- Application case:** Case # 21-2018
- Date of decision:** July 11, 2018
- Decision:** The Board voted 5-0 to grant variances from the following sections of the Zoning Ordinance:
- Section 603.2 to tear down an existing house and replace with new;
 - Section 203.3E for dwelling coverage of 16.4%;
 - Section 301.8B (1) for surface alteration within the tidal wetlands buffer
 - 301.8B (2) for septic system 55.4' within the tidal wetlands buffer;
 - 301.8B (5) for the removal of 6 trees within the 100' tidal wetland buffer; and
 - 301.8B (7) for a septic system and dwelling 55.4' and 76.1' within the 100' tidal wetland buffer.

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

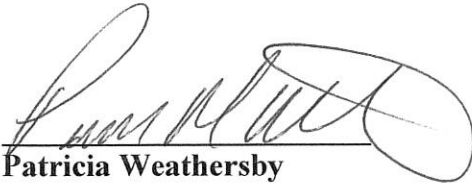
- Section 7.9.2.5 for a septic system 55.4' within the 100' tidal wetland buffer
- Section 7.9.4.1 for septic system 55.4' within the 100' tidal wetland buffer;
- section 7.9.4.3 for septic system 32" from bedrock;
- Section 7.9.4.4 for septic system with a slope of 15.1% +/-; and
- Section 7.9.6 for the septic system not meeting new construction standards.

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

1. The applicant adheres to the recommendations of Rye Conservation Commission as set forth in its June 5, 2018 letter with the clarification that there is to be no lawn in the vegetated buffer (rather than entire tidal wetlands buffer);

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.

2. The applicant installs and maintains rain garden, pervious pavers, stone infiltration area and other stormwater features as shown on the applicants stormwater management plan dated May 23, 2018;
3. The applicant only uses organic fertilizers; and
4. The applicant obtains approved wetlands, shoreland and septic system permits from NH DES based on the plans presented.



Patricia Weathersby
Chairman

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