

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant: Cellco Partnership d/b/a Verizon Wireless

Owner: Dolores F. Lintz

Property: 120 Brackett Road, Tax Map 22, Lot 095-00A
Single Residence (SR) District.

Application case: Case # 09-2018 and Case #10-2018

Variances from:

- (1) RZO § 305, § 505.3 and § 203.1 to permit a wireless telecommunications facility at a location within the SR District that is not within the Wireless Telecommunications Facilities Overlay District;
- (2) RZO § 505.6, A.3 to permit a wireless telecommunications tower to be located less than 120% of tower height from a residential building;
- (3) RZO § 505.6, A.4 to permit a wireless telecommunications tower to be located less than 100 feet from wetland soils and marshes;
- (4) RZO § 301.8, B.1 and § 301.8, B.7 to permit a wireless telecommunications facility to be located within the 100 ft. wetlands buffer; and
- (5) RZO § 301.8, B5(b)(2) to permit cutting of live trees greater than 4 ½" in diameter.

Special Exception from:

- (1) RZO § 301.8, B.6 and § 301.8, B. 7 to permit a driveway within the wetlands buffer.

Date of decision: Tuesday, September 4, 2018

Decision: The Board Voted 5-0 to:

- (1) To Close the Public Hearing;
- (2) To Close the Public Record; and
- (3) To Continue the application for deliberation purposes only on Tuesday, September 18, 2018.



**Shawn Crapo,
Vice-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.