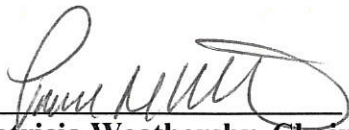


BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

- Applicant/ Owner:** Request by Attorneys Hoefle, Phoenix, Gromley & Roberts, P.A., on behalf of Donald K. Laing Revocable Trust Applicant for a rehearing of the ZBA January 2, 2019 decision denying Laing's variance relief.
- Property:** 140 Harbor Rd, Tax Map 9.2, Lot 17
- Application case:** Cases # 44-2018
- January Agenda:** **Donald K. Laing Revocable Trust, T. Beaton & Scott Laing, Trustees of 21 Whippoorwill Drive, Newton, NH for property owned and located at 140 Harbor Rd, Tax Map 9.2, Lot 17** request variances from section 603.1 and 603.2 for expansion of a non-conforming structure on a non-conforming lot; from section 203.3 F for lot area where 50,516 s.f. exists, 50,516 s.f is proposed and 66,000 s.f is required and lot frontage where 0' exists, 0' is proposed and 150' is required; from section 301.8 B (1) (2) & (7) for construction in the wetlands buffer where 14.8' exists from tidal water to cottage, 22.9' is proposed and 100' is the required tidal buffer, where 19.6' exists from freshwater to cottage, 22.4' is proposed and 75' is the required freshwater buffer, where a privy is located in the tidal wetland resource, a septic tank is proposed 50' from tidal water where 100' is required, a leachfield is proposed 60.6' from tidal water where 100' is required and leachfield is proposed 44.6' from fresh water where 75' is required; from section 301.5 A for disturbance in the 50' buffer; and relief from the building code sections 7.9.2.2, 7.9.4.1 and 7.9.4.2 for septic tank 50' tidal, leachfield 60.6' tidal and 44.6' freshwater where 75' is required. **Property is in the Single Residence District, Coastal Overlay and SFHA, Zone AE. Case #44-2018.**
- Date of decision:** February 6, 2019
- Decision:** The Board voted 5-0 to deny the request for rehearing finding the board's denial of variances relating to the home relocation and expansion to be neither unlawful nor unreasonable."



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.