

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/ Owner: Jesse Durkin of 1564 Vineyard Drive, Los Altos, CA

Property: 395 Washington Road, Tax Map 16, Lot 117
Property is in the Single Residence District

Application case: Cases # 11a-2019 and 11b-2019

Date of decision: March 21, 2019

Decision: The Board voted 5-0 to grant a special exception for a driveway within 100' of a vernal pool and within 75' of the wetlands buffer.

The Board voted 5-0 to grant variances from the following sections of the Zoning Ordinance:

- (1) Section 202.13 for total upland soils of 27,970 SF;
- (2) Section 203.3 C for a house 20.1' from the front property line;
- (3) Section 203.F for lot area of 52,270 SF;
- (4) Section 203.F for 149' +/- of frontage;
- (5) Sections 301.8 B(1)(2)(5) & (7) for surface alteration, septic system, tree cutting, and construction of a dwelling 48' +/- from the vernal pool and 23.9' +/- from the wetlands and for tree cutting 15' +/- from the wetland;
- (6) 203.3B for a retaining wall 13' from the side property line;
- (7) Section 601 for building on a vacant non-conforming lot; and
- (8) Section 500.3 for parking in the front yard setback.


The Board voted 5-0 to grant relief from Building Code section 7.9.2.2 for the proposed effluent disposal system to be located 85' +/- to the vernal pool and 50' to wetlands.

Each relief set forth above was conditioned upon continued compliance with all of the following conditions:

- (1) The porous pavers proposed to be used for the driveway and walkway shall be installed and continuously maintained so that they remain pervious and cut sheets therefore are submitted to the Building Inspector.
- (2) There is no clearing or tree cutting behind (north) of the location of the proposed temporary erosion control silt fence as shown on the Plan entitled "Single Family Residence 395 Washington Road Rye NH 03870 Board of Adjustment

Stormwater Management Plan Sheet 1 of 2” and dated January 4, 2019 (the “No Disturbance Area”).

- (3) No lawn is permitted in the No Disturbance Area.
- (4) Wetland buffer boundary signs are installed at 25-foot intervals along the edge of the No Disturbance Area.
- (5) Foreign debris be carefully removed by hand from the wetlands, wetland buffer and vernal pool and native plantings such as high bush blueberry be installed in any resulting deep holes and as necessary or desirable.
- (6) All exterior lighting on the site be dark sky compliant. No lights may be installed in the No Disturbance Area.
- (7) A copy of this Notice of Decision is recorded at the Rockingham County Registry of Deeds.



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.