

BOARD OF ADJUSTMENT

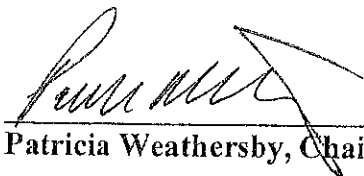
-Rye, New Hampshire-

NOTICE OF DECISION

- Applicant/Owner:** Matthew L. Siler, Revocable Trust of 2007, Matthew L. Siler Trustee
Of 75 Odiorne Point Road, Portsmouth NH
- Property:** 23 Harborview Road, Tax Map 26, Lot 4
Property is in the Single Residence District and SFHA, Zone AE (9)
- Application case:** Case #36-2019
- Date of decision:** September 4, 2019
- Decision:** The Board voted 5-0 to grant variances from the following sections of the Rye Zoning Ordinance:
- Section 603.2 to raze the existing dwelling and replace with a new dwelling;
 - Section 301.8 B (1) and 301.8(B)(7) for steps 78.9', a house 86.8' and a firepit 6.8' from the tidal wetland and associated grading and fill all as depicted on the Plan of the Site Renovations by TFM dated July 3, 2019.

The variances were granted with the following conditions:

1. The Rye Department of Public Works (DPW) review and approve the grading plan over the town drainage easement; and
2. The following recommendations of the Rye Conservation Commission be adhered to:
 - a. There be a vegetative buffer of native plants along the entire frontage on Sagamore Creek.
 - b. The buffer should be 10 feet in depth but can vary from a minimum of 3 feet but must average 7 feet. The curved area where erosion has already occurred should be planted to a depth of 10 feet.
 - c. The planting of the protective buffer may be installed over a period of three years.
 - d. The RCC has the right to inspect the work after completion of each phase.



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.