

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Eric Cummings & Cheryl Lloren
Property: 40 Brackett Road, Tax Map 22, Lot 90
Application case: Case # 14-2020
Date of decision: June 3, 2020

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

- §190-6.3 A for second floor expansion of a non-conforming structure;
- §190-2.3.C (3) for stairs with a front setback of 18.4’;
- §190-2.3.C (3) for porch with a front setback of 21.3’;
- §190-3.1 H(2)(a) for surface alteration <5’ from fresh water wetlands;
- §190-3.1.H(2)(b) for a leach field 28.9’ from fresh water wetlands;
- §190-3.1.H (2) (g) for a septic tank 32.5’ from fresh water wetlands &
- §190-3.1.H (2) (g) for a leach field 93.1’ from tidal wetlands.

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

- §35-14.B(2)(a) for a septic field 28.9’ from fresh water wetlands;
- §35-14.B(2)(a) for a septic tank 32.5’ from fresh water wetlands;
- §35-14.D(1)(a) for surface alteration <5’ from fresh water wetlands;
- §35-14.D(1)(a) for a leach field 28.9’ from fresh water wetlands;
- §35-14.D(1)(a) for a septic tank 32.5’ from fresh water wetlands; and
- §35-14.D(1)(a) for a leach field 93.1’ from tidal wetland.

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

1. The Plantings Plan (Variance Plan Dated March 2020 by Ambit Engineering, Sheet C-2) be followed and completed and the rear boundary be revegetated, each by September 30, 2020;
2. No tree cutting occurs in the wetlands and tidal areas or buffer zones;
3. All debris in the wetland buffer is removed by the end of construction.



Patricia Weathersby, Chair

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.