

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

- Applicant/Owner:** Bluestone Properties of Rye, LLC
- Property:** 33 Sagamore Road, Tax Map 24.1, Lot 6
Property is in the Business District
- Application case:** Cases # 30a and 30b-2020
- Date of decision:** August 5, 2020
- Decision:** The Board voted 5-0 to grant a special exception pursuant to the following sections of the Rye Zoning Ordinance:
- §190-7.1 and 190-3.1 G (2) to allow for a driveway access 22.2' and 26.2' from wetlands/perennial stream.

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

- §190-3.1.H.2(a), (e), and (g) for a building 67.4'; pavement 22.2' and disturbance 13.6' from the wetland;
- §190-3.1.H.2(a), (e), and (g) for pavement 26.2' and disturbance 17.1' from a perennial stream;
- §190-3.1.H.2(a), (e), (g) to remove 1 dead tree and 5 live trees less than 4.5" in diameter greater than 4' from the ground;
- §190-2.10.C.3 for a building 23.7' from the Elwyn Road front boundary;
- §190-2.10.C.3 for parking spaces 22.2' from the Elwyn Road front boundary and 21.2' from the Sagamore Road front boundary;
- §190-2.10.C.3 for a retaining wall 1.6" from the Sagamore Road front boundary;
- §190-2.10.C.8 for a building height of 40.25';
- §190-5.0.A for 54 parking spaces sized 9' x 18'; and
- §190-5.0.C for 9 parking spaces 22.2' from the Elwyn Road front boundary and 11 spaces 21.2' from the Sagamore Road front boundary.

Each of the above referenced Special Exception and Variances were granted upon continued satisfaction all of the following conditions:

1. The project as proposed receives Planning Board approval;
2. The proposed buildings are connected to municipal water and sewer;

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.

3. The pervious pavement shall be installed and maintained so as to remain pervious at all times;
4. There shall be no introduction of invasive species;
5. The area along the stream shall be cleared of invasive species;
6. Grass clippings deposited near the stream are to be removed;
7. There shall be no guest/customer parking in other than in the designated parking area on the plan; and
8. All farming activities on the property shall follow all applicable Best Management Practices of the State of New Hampshire.

Reference is made to Plan Set Entitled "The Nathaniel Foye Farmstead, 33 Sagamore Road, Rye, NH" dated July 8, 2020 consisting of Sheets HS-1, C-1-C-5, and D-1- D-2, all being Applicants Exhibit A.



Patricia Weathersby, Chair

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