

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner:

Jay Mason & Jacqueline Doherty of 77 Tyler Park, Lowell, MA

Property:

4 Washington Road, Tax Map 13, Lot 40
Property is in the General Residence and Coastal Overlay Districts and the Special Flood Hazard Zone.

Application case:

46-2020

Date of decision:

December 2, 2020

Decision:

The Board voted 5-0 to grant a special exception pursuant to §190-3.1 G (2) and §190-3.1H.2(f) of the Rye Zoning Ordinance to allow for a pervious driveway +/- 60 s.f. in the wetlands buffer.

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

- §190-.3.1.H(a), (b) and (g) for a house 79.1' from the tidal wetlands and 42.1' from the freshwater wetlands;
- §190-2.2. E for a septic tank 10.3' and a leachfield 11.4' from the left side boundary; and
- §190-6.3B for demolition and rebuild of a non-conforming structure.

Board voted 5-0 to grant relief from Building Code§35-14. B (5) for a leachfield 11.4' from the left side boundary.

Each of the above special exception, variances and building code relief was granted conditioned upon continuing compliance with all of the following conditions:

9. More native plants and grasses are added to the planting plan for the buffer restoration area;
10. A border of native plants is established along the lawn/vegetative buffer to a depth of 5 feet. An 85% or greater survival rate after the first year is adequate;
11. Rye Conservation Commission (RCC) approval of the final planting plan for the buffer restoration area. The RCC may revisit the site after plan implementation;
12. Once established, there shall be no use of fertilizer on the lawn;

13. Some shrubs or trees are planted in the southwest corner of the lot beyond the new leachfield to mitigate the effects of frequent flooding;
14. Best practices for sediment control be followed during the demolition and construction phases to ensure that the wetland is not impacted;
15. The pervious pavers are installed and maintained per the manufacturer's instructions so as to always remain pervious; and
16. Site conditions depicted on the plan identified as Zoning Board of Adjustment Stormwater Management Plan (Sheet C-2) dated November 12, 2020 shall be maintained.



Patricia Weathersby
Chairman
