

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

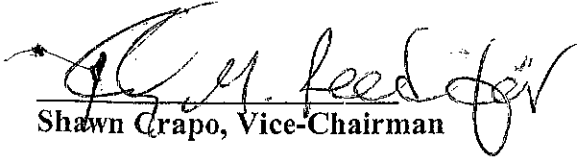
- Applicant/Owner:** Aloha Properties, LLC 159 Main Street, Suite 100, Nashua NH
- Property:** 63 Old Beach Road, Tax Map 8.4, Lot 134
Property is in the General Residence District, Coastal Overlay District
And the SFHA, Zone AE(13)
- Application case:** Cases #31a-2021 and #31b-2021
- Date of decision:** 8-4 20201
- Decision:** The Board voted 5-0 to grant variances from the following sections of the Rye Zoning Ordinance:
- §190-2.4.C(1) for a retaining wall 2.1' from the rear boundary;
 - §190-2.4.C(1) for a generator 9.8' from the rear boundary;
 - §190-2.4.C(1) for a rinsing station 17.5' from the rear boundary;
 - §190-2.4.C(1) for a house 19.2' from the rear boundary; and
 - §190-2.4.C(1) for a pervious patio 8.1' from the rear boundary.
 - §190-2.4.C(2) for east/right steps 7.0' from the side boundary;
 - §190-2.4.C(2) for the right overhang 6.5' from the side boundary;
 - §190-2.4.C(2) for a condenser 7.3'/8.4' from the side boundary; and
 - §190-2.4.C(2) for a retaining wall 1.0' from the side boundary.
 - §190-2.4.C(3) for a retaining wall 4.9' from the front boundary.
 - §190-2.4.C(5) and §190-3.4.E for dwelling coverage of 20.4%.
 - §190-2.4.C(5) and §190-3.4.E for lot coverage of 33.4%.
 - §190-3.1.H(2)(a)(f)(g) for a retaining wall 2.8' and other structures in the 100' buffer.
 - §190-6.3B for destruction and rebuild of a non-conforming structure.

Each of the above variances were granted conditioned upon recommendations from the Rye Conservation Commission letter dated June 30, 2021:

1. The pervious patio in the rear is made smaller so that vegetative buffer of native plants can be planted along the wetland boundary to protect the abutting wetland.
2. A tree should be planted in the front where the storm water from the lot is being directed; and
3. The plants should have an 85% survival rate after one year.

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.

The Board voted 5-0 to grant the special exception from §190-3.1.G(2), §190-3.1.H(2)(f) and §190-7.1.(A)(3) for a driveway in the wetland buffer


Shawn Crapo, Vice-Chairman

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