

BOARD OF ADJUSTMENT

-Rye, New Hampshire- NOTICE OF DECISION

Applicant/Owner: Arthur G. Pierce Rev. Trust & Sharon Pierce Rev. Trust, Arthur & Sharon Pierce, Trustees of 24 Colony Cove Road, Durham NH

Property: 261-279 Pioneer Road, Tax Map 24, Lot 117
Property is in the Single Residence District

Application case: Case #34a and 34b-2021

Date of decision: October 4, 2021

Decision: The Board voted 5-0 that the variances requested from §190-5.3.C(2) for a condominium conversion of 4 units having 580sq.ft, 580 sq.ft, 530 sq.ft, and 530 sq.ft where each is required to have a minimum of 600 sq ft. of floor area and from §190-5.3.C(7) as the amount of land designated as common area is less than 90% of the area of the parcel not designated for buildings and individual unit owner's vehicles and does not meet the minimum lot area and frontage requirements were not necessary.

The Board voted 5-0 to approve a special exception per Rye Zoning Ordinance Section 190-5.3A for 8 apartments in existing 4 buildings to become condominiums with conditions from the Rye Conservation Commission's October 5, 2021, letter:

- The first fifty feet of the 100-foot buffer should be left to grow without mowing or cutting to provide a vegetative strip to protect the marsh and estuary.
- The wetland buffer should be marked at the edge of the 50-foot vegetative strip with the "Wetland Buffer-No Not Disturb" signs available at the Rye Building Department. These signs will inform the residents of the buffer boundary thereby decreasing the likelihood of future violations. The Conservation Commission will mark the town conservation land with their boundary signs.
- There should be no dumping of material or debris in the wetland and existing material should be removed.
- The dumpster should be relocated outside the buffer.
- The path on conservation property should be left to grow back to its natural state.
- The invasive bittersweet in the buffer should be removed.

Kimberly M. Reed, for

Patrick Driscoll, Acting-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.