

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Lynch Family Revocable Trust, Carolyn J. & Daniel E. Lynch Trustees of 104 Pleasant Street, Apt 2, Concord, NH

Property: 10 Shoals View Drive, Tax Map 20.2, Lot 82
Property is in the General Residence, Coastal Overlay District and the SHFA, Zone (AO3). Case# 01a-2022.

Application case: Case #01a-2022 and 01b-2022

Date of decision: January 5, 2022

Decision: The Board voted 5-0 that the application was materially different than the application denied in 2010.

The Board voted 5-0 to grant special exception from the following section of the zoning ordinance:

- §190-3.1.G(2) for a driveway with approximately 175+/- sq. ft. in the wetlands buffer.

The Board voted 5-0 to grant variances from the following section of the zoning ordinance:

- §190-6.3.A and §190-6.3.B for tear down and rebuild of a non-conforming structure on a non-conforming lot;
- §190-2.4C(2) for mechanicals 18'+/- from the right side boundary;
- §190-2.4C(3) for a building 7.6'+/- from the front boundary;
- §190-5.0.C for parking 7'+/- from the side boundary;
- §190-3.1.H(2)(a)(b)(f) and (g) for a leachfield 57'+/- from the wetland;
- §190-3.1.H(2)(a)(b)(f) and (g) for a septic tank 51'+/- from the wetland;
- §190-3.1.H(2)(a)(b)(f) and (g) for a for leachfield 64'+/- from a pond;
- §190-3.1.H(2)(a)(b)(f) and (g) for a septic tank 62'+/- from the pond;
- §190-3.1.H(2)(a)(b)(f) and (g) for a for house deck 71'+/- from wetland and 80'+/- from the pond; and
- §190-3.1.H(2)(a)(b)(f) and (g) for a for a driveway 90'+/- from the pond and 85'+/- from the wetland.

The Board voted 5-0 to grant relief from the following section of the building code:

- §35-14.B(2)(a) for a septic tank 51'+/- and 64'+/- for receiving area from the wetland;

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.

- §35-14.D(1)(a) and §35-14.F for proposed "Clean Solutions" septic system 51'+/- and 64' +/-for receiving area from the wetland.

The special exception, variances and building code relief were granted with the following conditions from the Rye Conservation Commission letter dated 1-2-2022 and as amended by the Board of Adjustment on 1-5-2022.

1. A minimum of ten trees 2 inches in diameter or 5 gallon; and a minimum of ten bushes and shrubs in the 2-3 gallon in size to be planted in the area from the row of mature trees to the edge of the wetland.
2. This planted area will not be mowed, weed whacked or mulched except maintenance as needed but not as a lawn.
3. The RCC believes that an 85% or greater survival rate of the planted vegetation adequate within the first year.
4. Fertilizers limited to Best Management Practices.

Kimberly M. Reed

Shawn Crap, Chairman