

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

- Applicant/owner:** Peter G. Hamill, Rev. Trust
- Property:** 152 Harbor Road, Tax Map 9.2, Lot 18
Property is in the Single Residence District, Coastal Overlay District
And the SFHA Zone (AE)
- Application case:** Case #49-2021
- Date of decision:** December 1, 2021
- Decision:** The Board voted 5-0 to grant variances from the following section of the zoning ordinance:
- §190-2.3.C(1) for a patio 2.67' from the rear property boundary;
 - §190-2.3.C(2) for granite edging 2.6' from the east side boundary;
 - §190-2.3.C(2) for granite edging 10.72' from the west side boundary;
 - §190-2.3.C(2) for a cobble walkway 11.3' from the east side boundary;
 - §190-2.3.C(2) for a shed 12.7' from the west side boundary;
 - §190-2.3.C(2) for a shed 8.66' from the east side boundary;
 - §190-2.3.C(3) for granite driveway edge .4' from the front boundary;
 - §190-2.3.C(3) for a shed 8.6' from the front boundary;
 - §190-3.1.H(2)(a),(e)(2) and(g) for a permeable patio 7.3' from the south wetland;
 - §190-3.1.H(2)(a),(e)(2) and(g) for a cobble driveway 8.4' from the north wetland;
 - §190-3.1.H(2)(a),(e)(2) and(g) for a shed 15.3' from the wetland;
 - §190-3.1.H(2)(a),(e)(2) and(g) to remove tree in the wetland buffer;
 - §190-3.1.H(2)(a),(e)(2) and(g) to add stairs 60.5' and a deck 82.7' from the wetlands; and
 - §190-6.3A for expansion of the house.

The special exception was granted with the following conditions:

1. The pervious surfaces are installed and maintained to remain pervious.
2. Whenever the projects abuts the wetland or within 20ft of the wetland, a heavy planting of native plants should be required to a depth of 5-10ft.
3. A planting plan for these areas should be developed and presented prior to final approval.
4. The shed should have restrictions that prohibit the storing of petroleum products including but not limited to: (gas, oil, paints, or similar liquid products), pesticide or other chemicals and also equipment that uses

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.

petroleum. The notice of decision will be recorded or a deed restriction upon the transfer of this property with these specifications

5. There shouldn't be any mulch allowed in the wetland buffer.
6. The west side of the property should have a native groundcover planted and several trees and shrubs should be planted since that area has been cleared recently.

Patricia Weathersby, Chairman

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And the SFHA Zone (AE)

Application case: Case #49-2021

Date of decision: December 1, 2021

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

- §190-3.1.G/3.1H(f) for a storage shed 15.3' from the wetlands.

The special exception was granted with the following conditions:

1. The pervious surfaces are installed and maintained to remain pervious.
2. Whenever the projects abuts the wetland or within 20ft of the wetland, a heavy planning of native plants should be required to a depth of 5-10ft.
3. A planting plan for these areas should be developed and presented prior to final approval.
4. The shed should have restrictions that prohibit the storing of petroleum products including but not limited to: (gas, oil, paints, or similar liquid products), pesticide or other chemicals and also equipment that uses petroleum. The notice of decision will be recorded or a deed restriction upon the transfer of this property with these specifications
5. There shouldn't be any mulch allowed in the wetland buffer.
6. The west side of the property should have a native groundcover planted and several trees and shrubs should be planted since that area has been cleared recently.

Patricia Weathersby, Chairman

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