

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Alissa Bournival of 59 Woodland Rd, N. Hampton, NH

Property: 271 Harbor Rd, Tax Map 8, Lot 50
Property is in the Single Residence District.

Application case: Cases #28-2022

Date of decision: 07-06-2022

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

- §190-6.3.A/B for demolition of an existing non-conforming home to replace with new;
- §190-3.1.H(2) for a house 24.9', garage 46.3', deck 23.3', stairs 20.2', driveway 23.9' retaining wall 68.1' walkway 56.4' and a generator pad 53.5' from the wetlands; and
- §190-2.3.C(3) for a walkway and retaining wall in the 40' front boundary.

The Board voted 5 to 0 to deny the variance from the following section of the Rye Zoning Ordinance:

- §190-3.1.H(2) for a KOI Pond 51; from the wetland.

The above variances were granted with the following conditions from the RCC letter dated June 20, 2022:

1. The entire wetland boundary to be planted with native plants, bushes, grasses and trees to a depth of not less than 5ft and averaging 10ft.
2. This planted area will not be mowed or weed whacked. Mulch used within an area being restored shall be natural straw or equivalent non-toxic, non-seedbearing organic material, in accordance with Env-Wt 307.12(d).
3. The RCC will approve the planting plan prior to installation.

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.

4. The planted area will start near the boundary stonewall on the west side of the property, follow the wetland flagging around the backyard and up the east side boundary along the white fence to the end wetland delineation.
5. The area behind the wetland boundary plantings will be left natural.
6. The RCC requests that the owner consider replacing the asphalt driveway with pervious pavers. Alternatively, that the owner consider replacing a portion of the asphalt driveway with pervious pavers.
7. The RCC believes that an 85% or greater survival rate of the planted vegetation adequate.


Shawn Crapo, Chair

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