

# BOARD OF ADJUSTMENT

## -Rye, New Hampshire- NOTICE OF DECISION

- Applicant/Owner:** K&L Realty Trust, Craig & Denise Benson Trustees
- Property:** Merrymeeting Lane, Tax Map 15, Lot 18  
Property is in the Single Residence District.
- Application case:** Cases #33-2022
- Date of decision:** 10-5-2022
- Decision:** The Board voted 4-1-0 to grant variances from the following section of the Rye Zoning Ordinance as advertised and presented.
- §190-2.3.C(2) for a propane tank 8' from the side boundary.
  - §190-3.1.H.2(a),(b), (g) for soffits for a house 39.7'/22.4'/16.4' from the wetlands.
  - §190-3.1.H.2(a),(b), (g) for a house foundations 42.5/25.2'/18.8' from the wetlands.
  - §190-3.1.H.2(a),(b), (g) for a porous drive 44.5' from the wetlands.
  - §190-3.1.H.2(a),(b), (g) for a walkway 52.8' from the wetlands.
  - §190-3.1.H.2(a),(b), (g) for a septic tank 67', septic system 79' from the wetlands.

- The Board voted 5-0 to grant a special exception from the following
- §190-3.1.G/§190-3.1.H.2(f) for a driveway 44.5' from the wetland.

*The variances and building code relief were granted with the following conditions*

1. *Add Maintenance plan to the walkway same language as the driveway.*
2. *The plants have an 85% survival rate after one year.*
3. *No machinery within the wetlands.*
4. *No walking, Storing of equipment or disruption of the wetlands throughout the construction of the project.*
4. *Lawn and seeding shall be done in accordance with BMP's (i.e straw or non seed fertilizers) and no fertilizers after establishment.*
4. *A clear delineation shall be created for the wetlands.*
5. *Silt sock and silt/construction fence to be in place during construction.*
6. *All work to be in accordance with the plans submitted and presented.*
7. *Notice of Decision to be recorded at the RCRD.*

*Shawn Crapo,*

Shawn Crapo, Chair

**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.