

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

- Applicant/Owner:** Patrick & Jenny Donnelly
- Property:** 5 Whitehorse Drive, Tax Map 11, Lot 15-2
Property is in the Single Residence District and Wetland Conservation District
- Application case:** Case #59-2022
- Date of decision:** 1-04-2023
- Decision:** The Board voted 5-0 to grant the following variances from the Rye Zoning Ordinance as presented:
- §190-3.1.F to restore work within the wetlands;
 - §190-3.1.H(1) for work within the wetlands buffer; and
 - §190-3.1.H(2)(a),(e), (g) for a pool 69' on north side and 71' on the south side within the 100' and 75' wetland buffers.

These variances were granted with the following conditions from the Rye Conservation Commission letter dated 12-5-2022:

1. 2.16 acres granted in fee to the Rye Conservation Commission pursuant to the plan titled "Proposed Lot Line Adjustment and Conservation Easement at 5 Whitehorse Drive" dated 10-14-2022 which shows Parcel A., 2.16 acres to be granted to Rye Conservation Commission.
2. 0.84-acre proposal conservation easement granted to Rye Conservation Commission pursuant to the plan titled "Proposed Lot Line Adjustment and Conservation Easement at 5 Whitehorse Drive" dated 10-14-2022.
3. The easement line and the deeded property line to be mounted.
4. Access permitted, with notice, for annual pedestrian monitoring of both the 2.16-acre parcel and the 0.84-acre easement.
5. Construction for the pool may not begin until the Lot Line Adjustment is finalized.
6. Gravel driveway on the east side of the property to be removed and the area to be restored.
7. Fence to be added to the outside edge of the wetland restoration area.

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.

8. Native plantings to be installed along the fence areas outside the wetland restoration area. Plantings to be a mix of 3-4 gallon bushes, 5+ gallon trees and additional smaller native plantings.
9. 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).
10. Gravel driveway to be restored to lawn after the project is completed.
11. The pool cartridge and when pool pumped down, in a manner in which the water is done properly and hauled away.


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.