

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:** Paul & Kathleen Cavanaugh

**Property:** 100 Brackett Road, Tax Map 22, Lot 93  
Property is in the Single Residence District

**Application case:** Case #04-2023

**Date of decision:** 03-01-2023

**Decision:** The Board voted to grant following variances from the Rye Zoning Ordinance as presented:

- §190-2.3.C(2) for a new home with a second floor located 12.2' from the side boundary.
- §190-2.3.C(1) for a shed no closer than 11' from the rear boundary.
- §190-3.1.H(2)(a)(g) for an attached garage 29.5' from the wetland.
- §190-5.0.C for 1 off-street parking space slightly in the front yard area.
- §190-6.3.B where the replacement of all nonconforming parts of the structure

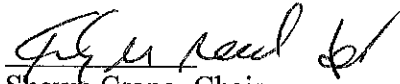
These variances were granted with the following conditions from the Rye Conservation Commission letter dated 01-25-2023:

1. The existing sump pump to be removed. Existing green pipe and trench to be disabled and removed. All water must be contained on the property and directed away from wetlands into an appropriate dry well or rain garden.
2. RCC requests that the applicants provide a plan for the removal of the green pipe and trench. RCC further requests that the applicants provide a plan for mitigation of water that previously flowed through the green pipe.
3. The shed be moved farther from the wetlands.
4. A ten (10) ft. minimum vegetative buffer of native plantings to be installed along the entire length of the freshwater wetland (approximately one hundred (100) ft) as indicated on Exhibit C, "Stormwater Management Plan". The vegetative buffer to be planted with blueberry bushes, tea berry, interrupted fern and/or other native perennials, shrubs, or trees included on the wetland planting lists.
5. RCC request that a complete planting plan be submitted prior to installation.
6. No bark mulch or wood chips may be used. Material used within an area being restored shall be natural straw supported with compost.

**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.

7. Invasive plants currently on the property in the wetland buffer should be removed, including but not limited to bittersweet, barberry, multiflora rose and autumn olive. If such plants are in the buffer they must be removed by best practices should be used to preserve the buffer.

8. RCC believes that an 85% or greater survival rate of the planted vegetation after one (1) year is sufficient.

  
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.