

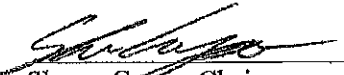
# BOARD OF ADJUSTMENT

## -Rye, New Hampshire- NOTICE OF DECISION

- Applicant/Owner:** Patrick McKenna
- Property:** 139 Wentworth Road, Tax Map 24, Lot 32  
Property is in the Single Residence District, Coastal Overlay and Wetland Conservation Overlay.
- Application case:** Case #29-2023
- Date of decision:** June 7, 2023
- Decision:**
- The Board voted 5-0-0 to grant the variances from the Rye Zoning Ordinance as presented.
- §190-2.3.C(3) for an expansion of 38.7' from the front boundary
  - §190-3.1.F(7) & §190-3.1H.2(a),(b), (g) for reconstruction of a garage 52.9'
  - §190-3.1.F(7) & §190-3.1H.2(a),(b), (g) for a septic tank 80.3' from the wetland
  - §190-3.1.F(7) & §190-3.1H.2(a),(b), (g) for a leach field 96.0' from the wetland
  - §190-3.1.F(7) & §190-3.1H.2(a),(b), (g) for a pervious deck/generator pad ~73.0' from the wetland
  - §190-6.3.A for expansion on nonconforming structure
  - §190-6.3.B for destruction of parts of the nonconforming structure
- The Board voted 5-0-0 to grant waiver from the Rye Building Code
- §35-14.C.(2) for an effluent disposal system 2' distance to the seasonal high water table where 4' separation is required.

The variances and building code waiver were granted with the following conditions including the three items from the Rye Conservation Commission May 31, 2023 letter:

1. Crushed stone remains clear and functional.
2. Any plantings disturbed by the installation of the new septic system will be replanted or replaced as is appropriate. All new plantings to be from the Native Plantings lists or the Salt Water tolerant planting lists attached to this letter.
3. Mulch used within an area being restored shall be natural straw or equivalent nontoxic, non-seedbearing organic material, in accordance with EVN-Wt 307.12(d).
4. The RCC believes that an 85% or greater survival rate of the planted vegetation after one year is adequate.

  
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.