

RYE PLANNING BOARD

10 Central Road Rye, NH 03870 (603) 964-9800

NOTICE OF DECISION AND FINDINGS OF FACT TOWN OF RYE PLANNING BOARD

Applicant/Owner: Steve & Tara Danielson

Addresses: 5 Douglas Circle, Tax Map 8.1, Lot 105

ZONE: Property is in the General Residence District and Aquifer Protection Overlay District

CASE NO: #23-2023

Request: Conditional Use Permit Application for an Accessory Dwelling

Date of Decision: Tuesday November 21, 2023

The Rye Planning Board issues this Notice of Decision and Findings of Fact in accordance with RSA 676:3. In issuing this Notice of Decision and these Findings of Fact, the Planning Board incorporates such facts and evidence as are reflected in the submittals and meeting minutes associated with this matter that are supportive of the decisions and Findings of Fact contained herein.

FACTUAL FINDINGS

1. The Property is located at 5 Douglas Circle, (Tax Map 8.1, Lot 105) (“**the Property**”).
2. The Property is owned by Steve & Tara Danielson (“**the Applicant**”).
3. Property is in the General Residence District and Aquifer Protection Overlay District.
4. Application was submitted on 8-21-2023 to include the application, ADU Checklist, waiver for driveway within 10’ of side boundary and site plans by Ross Engineering, stormwater management plan by Ross Engineering, architectural plans by Landry Architects, LLC, and plans by Great Island Builders, ZBA approvals on 7-7-2023 and 9-6-2023.
5. Letter was received from Lee Aurther, Sewer Commission authorizing the ADU with service.
6. Legal Notice was sent to the Portsmouth Herald and ran on the 10-06-2023 paper and on-line. Abutter notices were sent on October 3, 2023.
7. Department Head notices went out to: DPW, Fire, Police, Public Works, Aquarion Water and also sent to Maddie at RPC and as of 10-11-2023 their responses are:

❖ *Planning Board Approvals do not include building permits; please check with the Building Inspector's office before any and all construction.*

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- a. Aquarion Water said they are an existing customer and service.
- b. Kevin Wunderly, Deputy Fire Chief stated applicant meets the requirements of NFPA.
- c. Police Chief stated the current driveway can support the number of vehicles.
- d. RPC recommended written approval from Fire Chief and Building Inspector prior to occupancy permit.

8. On October 17, 2023, the Planning Board conducted a public hearing on the matter.

DECISION

1. After review of all submittals provided and statements made during the record, the Board grants the waiver from LDR, Section 5.E.B for a driveway 10' from the side property line because the planning board finds that either: (1) strict conformity would pose an unnecessary hardship to the Applicants and waiver would not be contrary to the spirit and intent of the regulations because the variances were granted for the driveway and the side line boundary.
2. After review of all submittals provided and statements made during the record, the Board grants the Applicants request for an Accessory Dwelling Unit (ADU) at 5 Douglas Circle, Tax Map 8.1, Lot 105.

CONDITIONS OF APPROVAL

1. Written approval from the Rye Fire Chief and Building Inspector regarding access/egress as well as the interior door between the principal and accessory dwelling unit be obtained prior to any occupancy permit issues.
2. The variances granted shall be on the cover sheet.

11.22.2023
Date


JM Lord, Acting- Chairman
Rye Planning Board

Any party aggrieved by this decision has the right to seek judicial review of this decision by filing an appeal to the Rockingham County Superior Court within thirty (30) days of the date of the hearing at which the Board voted to take the action set forth herein, unless such decision related to the application, construction, or interpretation of the Rye Zoning Ordinance, in which case, an aggrieved party may appeal such decision to the Rye Zoning Board of Adjustment in accordance with RSA 676:5 and the Zoning Board of Adjustment Rules of Procedure.