

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Shaun & Sara McCarthy

Property: 53 Spring Road, Tax Map 8.1, Lot 21
Property is in the Single Residence and Wetlands Conservation District

Application case: Case #05a-2024

Date of decision: January 3, 2024

Decision: The Board voted to grant a special exception from §190-3.1.G.(2); H.2(f) for a porous driveway 52.04' and paved driveway 70' where 75' is required.

The variances were granted with the following conditions:

- 1) The recommendations made by the Rye Conservation Commission in their 12/29/23 letter as follows:
 - a. An undulating buffer of native plantings, to a depth of 2 to 3 feet, be thickly planted along the freshwater wetland in the rear yard. Starting at the Buddha statue continuing to the hydrangeas, then on the other side of the hydrangeas continuing for 30 feet to near the little pine tree.
 - b. No lawn debris to be dumped in the wetland or the wetland buffer.
 - c. The RCC believes that an 85% or greater survival rate of the planted vegetation after one year is adequate.
- 2) Best construction practices to preserve wetlands including continuous silt fencing between the affected area of the house and the wetlands.


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.

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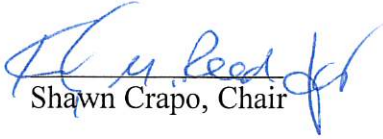
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- Property:** 53 Spring Road, Tax Map 8.1, Lot 21
Property is in the Single Residence and Wetlands Conservation District
- Application case:** Case #05a-2024
- Date of decision:** January 3, 2024
- Decision:** The Board voted to grant the following variances requested from the Rye Zoning Ordinance:
- §190-6.3.A for expansion of a nonconforming structure on a nonconforming lot;
 - §190-2.3.C(2) for expansion on the west side boundary 12.24', 13.23' and 17.38' where 20' is required;
 - §190-3.1.F(7) & H(2)(a)(g) for a porous walkway 58.5', porous driveway 52.04' & 56.7', paved driveway 70', retaining wall 48.1', granite steps 58.4', east overhang 23.5', southeast overhang 34.6', addition 42.5', porous patio 22.92', deck expansion 36.3', south overhang 37.4' & 51.5' where 75' is required.

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