

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: Shaun and Sara McCarthy

Addresses: 53 Spring Road, Tax Map 8.1, Lot 21

ZONE: Property is in the Single Residence District

CASE NO: #01-2024

Request: Driveway Application by Shaun McCarthy by Jones & Beach Engineers, Inc. for property owned and located at 53 Spring Road, Tax Map 8.1, Lot 21 request a waiver from Appendix E- Section 5-E (O) for two driveway curb cuts when one is allowed. Property is in the Single Residence District. Case # 01-2024.

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 53 Spring Road, Tax Map 8.1, Lot 21 (“**the Property**”).
2. The Property is owned by Shaun and Sara McCarthy (“**the Applicant**”).
3. The Property is approximately 2.06 acres in size with 150 feet of frontage on Spring Road.
4. On January 3, 2024 the Applicant received variances from the Rye Zoning Ordinance Section 190-3.1.G.(2); H.2(f) the Board of Adjustment for a porous driveway 52.04’ and paved driveway 70’ from the wetlands where 75’ is required with conditions set by the Rye Conservation letter dated 12-29-2023. (See NOD)
5. The Applicant submitted a Planning Board Driveway application on February 2, 2024. As shown on Sheet C2 the existing driveway which is 26.3’ is to be removed and replaced with two (2) curb cuts both 20’ on Sheet C3.
6. Site line distances are shown on Sheet H1.

7. The application was emailed to Maddie Dilonno, RPC on February 2, 2024.
8. After reviewing the submitted application, the Planning & Zoning Administrator noticed that the waiver was not attached to the application and the dimensions of the driveway cuts were not present on the plans. Requests for those were made to the applicant.
9. As part of the application submitted February 2, 2024, the applicant seeks a waiver from the following provision of the Land Development Regulations ("LDR"):
 - a. Appendix E – Section 5-E(O) for two driveway cuts when one is allowed.
10. Abutter notices were sent on February 5, 2024, and legal notice was posted and sent to Portsmouth Herald on February 5, 2024.
11. The Planning and Zoning Administrator sought comments from the Town's Department Heads on February 5, 2024.
12. Revised plans and waiver submitted and forwarded to RPC on February 6, 2024.
13. On February 20, 2024, the Planning Board conducted a public hearing on the application for a waiver for two driveway cuts when one is allowed.
14. On February 20, 2024, The Planning Board issues this Notice of Decision and Findings of Fact.

DECISION

After review of all submittals provided and statements made during the record, the Board grants the waiver sought by the Applicants because the planning board found that: (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.

15. The Board grants the Applicants' request for a waiver from:
 - a. Appendix E – Section 5-E(O) for two driveway cuts when one is allowed.

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.

Date

Patricia Losik, Chairman, Rye Planning Board