

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: Michael & Jacqueline Brousseau
Addresses: 20 Geremia Street, Tax Map 17, Lot 39-1
ZONE: Property is in the Single Residence District
CASE NO: #07-2024

Request: Conditional Use Permit Application for an Accessory Dwelling Unit for Michael & Jacqueline Brousseau for property owned and located at 20 Geremia Street, Tax Map 17, Lot 39-1 per Section 5.6 of the Rye Zoning Ordinance. Property is in the Single Residence District. Case #07-2024.

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 20 Geremia Street, Tax Map 17, Lot 39-1 (“**the Property**”).
2. The Property is owned by Michael & Jacqueline Brousseau (“**the Applicant**”).
3. The Property is approximately 2.60 Acres in size with frontage on Geremia Rd.
4. TFM Moran submitted the application on behalf of the Applicant submitted a Conditional Use Permit Application for an Accessory Dwelling Unit on September 13, 2024. Included in the application are: ADU Conditional Use Permit Application, NHDES Approved Septic Plan by Emanuel Engineering and by Coastal Architects, P.A, Site Plans entitle, “Proposed Accessory Dwelling Unit dated August 28,2024, Letter from Rye Water District.
5. The application was emailed to Maddie DiIonno, RPC on September 20, 2024.
6. Department Head requests were emailed to all departments on October 4, 2024.
7. A memorandum was issued October 9, 2024 by Maddie Dilonno, RPC Circuit Rider with the following message:

“The Rockingham Planning Commission has reviewed a Conditional Use Permit application submitted by TF Moran, Inc. on behalf of Michael and Jacqueline

Cotter-Brousseau for an accessory dwelling unit at 20 Geremia Street (Tax Map 17 Lot 39-1), located in the Single Residential District. The proposal includes constructing a 1,084 square foot ADU with a patio which will be attached to the principal dwelling. Based on review of the application materials submitted, the following comments and recommendations are offered at this time:

1. It is recommended that approval from the Rye Fire Chief regarding access/egress be obtained prior to any occupancy permit being issued in accordance with § 190-5.6D(5).
2. It is recommended that a note be added to the final drawings stating that every two years after approval and when the dwelling is sold, the owner of the dwelling and all adult occupants of the accessory dwelling unit shall file an affidavit with the Building Inspector certifying that the owner lives on the premises and that the occupancy of the accessory dwelling unit complies with § 190-5.6C(2) in accordance with § 190-5.6G.”
8. On October 15, 2024, the Planning Board conducted a public hearing on the application for an accessory dwelling unit for 20 Geremia Street, Rye NH. The draft conditions of approval were reviewed and agreed upon by the Applicant.
9. On October 15, 2024, The Planning Board issues this Notice of Decision and Findings of Fact.

DECISION

10. After review of all submittals provided and statements made during the record, the Board grants the Conditional Use Permit Application for an Accessory Dwelling Unit for Michael & Jacqueline Brousseau for property owned and located at 20 Geremia Road, Tax Map 17, Lot 39-1 per Section 5.6 of the Rye Zoning Ordinance. Property is in the Single Residence District. Case #06-2024.
11. The Board finds that, the Applicants’ proposal satisfies all other pertinent provisions of Section 5.6 of the Rye Zoning Ordinance. The Conditional Use Permit Findings of Fact and Conditions of Approval shall be recorded at the Rockingham County Registry of Deeds.

Motion by JM Lord to grant Conditional Use Permit Application for an Accessory Dwelling Unit for Michael & Jacqueline Brousseau for property owned and located at 20 Geremia Street, Tax Map 17, Lot 39-1 per Section 5.6 of the Rye Zoning Ordinance with the conditions of approval. Seconded by Donald Cavallaro. Vote 7-0-0. All approved.

CONDITIONS OF APPROVAL

The following conditions:

1. Approval shall be obtained from the Rye Fire Chief regarding access/egress be obtained prior to any occupancy permit being issued in accordance with § 190-5.6D(5).
2. A note shall be added to the final drawings stating that every two years after approval and when the dwelling is sold, the owner of the dwelling and all adult occupants of the accessory dwelling unit shall file an affidavit with the Building Inspector certifying that the owner lives on the premises and that the occupancy of the accessory dwelling unit complies with § 190-5.6C(2) in accordance with § 190-5.6G.
3. If the ADU is rented, it shall be for a term greater than 3 months.
4. Town of Rye NH Building Permit is required before construction begins.
5. Final Plans and Septic Design are attached as Appendix A to the Conditional Use Permit Findings of Fact, Decision and Conditions of Approval and such will be filed with the Rockingham County Registry of Deeds. (RCRD)

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 or the Housing Appeals Board (HAB) 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.

10-17-2024
Date


Patricia Losik, Chairman, Rye Planning Board