

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: Emily Stires & Paul Penman
Addresses: 21 Hunterville Avenue, Tax Map 8.1, Lot 104
ZONE: Property is in the General Residence District
CASE NO: #08-2024

Request: Emily Stires & Paul Penman for property owned and located at 21 Hunterville Avenue, Tax Map 8.1, Lot 104 for a driveway per Section 5: Paragraph A, R for a driveway constructed within 100ft of an intersecting road and that the driveway will not have a finished surface of either concrete, bituminous asphalt or modular paving units within the Town Right of Way. The property is in the General Residence District. Case. Case #08-2024.

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 21 Hunterville Avenue, Tax Map 8.1, Lot 104 (“**the Property**”).
2. The Property is owned by Emily Stires & Paul Penman (“**the Applicant**”).
3. The Property is approximately 8640 sf with frontage on both Douglas Circle and Hunterville Ave.
4. The applicants submitted in their application a cover letter dated September 19, 2024, Driveway Application and waiver, permit denial by the DPW Director, Sketches of the home, Existing Conditions plan by AMBIT, Variance Plan by Haley Ward, abutter list, Tax Card information with copy of location on GIS map. Also included were copies of letters of support from abutters: Heather Good, 1 Douglas Circle, Sean Good, 1 Douglas Circle, Matthew Williams, 20 Hunterville Ave., James Chase, 3 Douglas Circle, and Catherine Myers, 15 Hunterville Ave.
5. The application was emailed to Maddie DiIonno, RPC on September 20, 2024.

The applicant received variances from the Zoning Board of Adjustment on 10-2-2024 with no Conditions. "The Board voted unanimously to grant the following variances from the Rye Zoning Ordinance as presented: §190-6.3.A for expansion of a nonconforming structure; §190-2.4.C(2) for an addition 17.9'/17.5' from the side boundary where 20' is required; §190-2.4.C(3) for a patio 16.5', and a porch 19.9' from the Hunterville front boundary where 30' is required; §190-2.4.C(1) for a garage 5.4'/4.8' from the rear boundary where 30' is required; §190-2.3.C(3) for a garage 9.9' from the Douglas Circle front boundary where 30' is required; and §190-5.0.C for parking within the front boundary."

6. Department Head requests were emailed to all departments on October 4, 2024.
 - a. Response from Kevin Wunderly, Deputy Fire Chief on October 7, 2024 that he has no questions or concerns over the proposed driveway construction at #21 Hunterville Ave.
 - b. Response from Police Chief, Kevin Walsh concern site view when backing out of driveway.
7. On October 15, 2024, the Planning Board conducted a public hearing on the application for waivers to per Section 5: Paragraph A, R for a driveway constructed within 100ft of an intersecting road and that the driveway will not have a finished surface of either concrete, bituminous asphalt or modular paving units within the Town Right of Way for 21 Hunterville, Rye NH. The draft conditions of approval were reviewed and agreed upon by the Applicant.
8. On October 15, 2024, The Planning Board issues this Notice of Decision and Findings of Fact.

DECISION

9. The Board finds that, the Applicants' proposal satisfies all other pertinent provisions of Section 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: After reviewing all submittal provided, and statements made, I move the Board grant the waiver for driveway per Appendix E of Town of Rye Land Development Regulations, Sections 5-E.A and R, for a driveway constructed within 100' of an intersecting road and that the driveway will not have a finished surface of either concrete, bituminous asphalt, or modular paving units within the Town Right of Way, as strict conformity would pose an unnecessary hardship to the Applicant and the waiver would not be contrary to the spirit and intent of these regulations due to the proposed location of a new garage which requires the relocation of the driveway within 100' of Hunterville Avenue, and the minimal width of approximately 10' of the driveway. Property is in the General Residence District, Case #08-2024.

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