

# 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:** Matthew Kinley  
**Owner:** Elizabeth T. Dirom  
**Addresses:** 34 Fielding Way, Tax Map 8, Lot 26  
**ZONE:** Property is in the Single-Family District  
**CASE NO:** #06-2024

**Request:** Conditional Use Permit Application for an Accessory Dwelling Unit by Matthew Kinley for Elizabeth Dirom for property owned and located at 34 Fielding Way, Tax Map 8 Lot 26 per Section 5.6 of the Rye Zoning Ordinance. Property is in the Single Residence District. Case #11-2024.

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 34 Fielding Way, Tax Map 8, Lot 26 (“**the Property**”).
2. The Property is owned by Elizabeth T. Dirom (“**the Applicant**”).
3. The Property is approximately 1.33 Acres in size with 103.45’ along Fielding Way.
4. The Applicant submitted a Conditional Use Permit Application for an Accessory Dwelling Unit on October 17, 2024. Included in the application are: ADU Conditional Use Permit, Abutter list, ADU checklist, Approval for construction of Individual Sewage Disposal System (ISDS) approval date 9/16/2024, Site Plans by Nichols Environmental, LLC dated 8/26/2024, Architectural Plans by Tobey Design Group and Roof Framing Plan by Attar Engineering, Inc. dated 7/26/2024.
5. The application was emailed to Maddie DiIonno, RPC on October 25, 2024.
6. Department Head requests were emailed to all departments on October 25, 2024, and again on November 5, 2024.
  - a. Police Chief Walsh said the plans were too big to open but thought it was okay.
7. Abutter notices were mailed on October 23, 2024, and a legal was posted on the Town of Rye Website, sent to the Public Library for posting and sent to the Portsmouth Herald.

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

8. A memorandum was issued November 14, 2024, by Maddie Dilonno, RPC Circuit Rider with the following message:

*Based on review of the application materials submitted, the following comments and recommendations are offered at this time:*

- 1. The total square footage of the proposed ADU should be specified to confirm compliance with Article 190-5.6.C (1) of the Rye Zoning Ordinance.*
  - 2. Two additional off-street parking spaces should be clearly identified on the plans to meet the requirements of Article 190-5.6.C (3) of the Rye Zoning Ordinance.*
  - 3. Prior to final approval, the applicant must secure approval from the applicable public water supplier in accordance with Article 190-5.6.C (8).*
  - 4. Approval from the Rye Fire Chief regarding access and egress should be obtained prior to issuing any occupancy permit, as required by Article 190-5.6. D (5).*
  - 5. A note should 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.*
9. Emailed Deputy Chief, Kevin Wunderly again on November 13, 2024.
10. Jason Rucker, DPW Director emailed that he had no comment on Wednesday, November 6, 2024.
11. On November 19, 2024, the Planning Board conducted a public hearing on the application for an accessory dwelling unit. For 34 Fielding Way, Rye NH. The draft conditions of approval were reviewed and agreed upon by the Applicant.
12. On October 15, 2024, The Planning Board issues this Notice of Decision and Findings of Fact.

### DECISION

13. 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.

**After review of all submittals provided and statements made during the record, the Board \_\_\_\_\_ the Conditional Use Permit Application for an Accessory Dwelling Unit for by Matthew Kinley for Elizabeth Dirom for property owned and located at 34 Fielding Way, Tax Map 8 Lot 26 per Section 5.6 of the Rye Zoning Ordinance, subject to the conditions of approval.**

CONDITIONS OF APPROVAL

The following conditions:

1. The total square footage of the proposed ADU should be specified to confirm compliance with Article 190-5.6.C (1) of the Rye Zoning Ordinance.
2. Two additional off-street parking spaces should be clearly identified on the plans to meet the requirements of Article 190-5.6.C (3) of the Rye Zoning Ordinance.
3. Prior to final approval, the applicant must secure approval from the applicable public water supplier in accordance with Article 190-5.6.C (8).
4. ~~Approval from the Rye Fire Chief regarding access and egress should be obtained prior to issuing any occupancy permit, as required by Article 190-5.6. D (5).~~ <sup>Cu</sup>
5. A note should 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.

*Gr Bm, J. Bm*

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.

Date

Patricia Losik, Chairman, Rye Planning Board

