

BOARD OF ADJUSTMENT

-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Three Rivers Farm Irrevocable Security Trust
Mark Kearns, Trustee

Properties: 32 Cable Road, Tax Map 8.4, Lot 6
Property is in the General Residence District, Coastal Overlay


Application case: Case #46-2024

Date of decision: November 6, 2024

Decision: The Board voted unanimously to continue the application for a special exception from the Rye Zoning Ordinance to the December 4, 2024, meeting to meet the criteria per § **190-5.3 Condominium conversions of existing dwelling units.**

- A. Permitted by special exception. In any district, conversion of existing dwelling units to condominium ownership shall be permitted as a special exception granted by the Board of Adjustment only if all the provisions herein are met. Such conversion may be further subject to the approval of the Planning Board in accordance with Chapter 202, Land Development Regulations. [Amended 3-14-2023by Art. 3 (Am 6)]
- B. Plan requirements. A complete set of site plans and floor plans, as well as a complete set of all condominium documents, must be filed with the Board of Adjustment upon application for the special exception.
 - (1) The plans shall show the location of all utilities on the site and shall indicate the location of all water connections and locations where the shutoff valve will be located for each particular unit in the case of a condominium project containing more than one unit. The plans shall indicate whether or not additional meters other than those existing or additional lines from the street will be required as a result of the condominium conversion.
- C. Criteria for special exceptions.
 - (1) The dwelling units which are subject to the request for condominium conversion must, at the time of the request for condominium conversion, exist as legal dwelling units pursuant to the ordinances of the Town of Rye. The burden shall be on the petitioner to demonstrate that the units sought to be converted have legal status.
 - (2) Each dwelling unit of the condominium shall contain a minimum of 600 square feet of gross living area. [Amended 3-14-2023by Art. 3 (Am 6)]
 - (3) The off-street parking requirements of the Town of Rye existing as of the date of the request for condominium conversion must be met.

- (4) The proposed conversion of the existing dwelling unit to condominium ownership shall not adversely affect the values of surrounding properties.
- (5) The proposed conversion to condominium ownership must not be injurious or detrimental to the neighborhood or Town.
- (6) The septic system and/or private sewer system standards of the New Hampshire Department of Environmental Services and the Town of Rye existing as of the date of the request for condominium conversion must be met or exceeded by all systems used by the dwelling units associated with the condominium conversion, and a certificate to that effect must be filed with the Board of Adjustment, based on review of Town records by the Building Inspector or an on-site inspection of systems and soil conditions by a professional engineer.


Shawn Crapo, Chair