

**TOWN OF RYE – BOARD OF ADJUSTMENT**

**Wednesday, April 3, 2024**

**7:00 p.m. – Rye Town Hall**

***Members Present:* John Tuttle, Chris Piela, Chair Shawn Crapo, Sandra Chororos, Rob Patten, Patrick Driscoll, Patti Weathersby**

***Also Present on behalf of the Town:* Planning/Zoning Administrator Kim Reed**

**I. CALL TO ORDER**

Chair Crapo called the meeting to order and led the Pledge of Allegiance.

**II. NEW BUSINESS**

***Appointment of Chair, Vice-Chair, and Clerk:***

**Motion by Chris Piela to nominate Shawn Crapo for Chair. Seconded by John Tuttle.**

**Vote 4-0-1** (J. Tuttle, C. Piela, R. Patten, S. Chororos in favor; S. Crapo abstained)

**Motion by John Tuttle to nominate Chris Piela for Vice-Chair. Seconded by Rob Patten.**

**Vote 4-0-1** (J. Tuttle, S. Crapo, R. Patten, S. Chororos in favor; C. Piela abstained)

**Motion by Sandra Chororos to nominate John Tuttle for Clerk. Seconded by Shawn Crapo.**

**Vote 4-0-1**(C. Piela, S. Crapo, R. Patten, S. Chororos in favor; John Tuttle abstained)

***Approval of Minutes - March 6, 2024***

**Motion by Chris Piela to review the March 6, 2024 minutes at the May meeting. Seconded by John Tuttle.**

**Vote 5-0-0** (John Tuttle, C. Piela, S. Crapo, R. Patten, S. Chororos in favor)

***Approval of Minutes - January 14, 2024***

**Motion by Chris Piela to accept the corrected January 14, 2024 minutes. Seconded by Rob Patten.**

**Vote 4-0-1** (C. Piela, S. Crapo, R. Patten, S. Chororos in favor; John Tuttle abstained)

Approval of Minutes - February 7, 2024

**Motion by Chris Piela to adopt the February 7, 2024 minutes. Seconded by Sandra Chororos.**

**Vote 3-0-2** (C. Piela, S. Crapo, S. Chororos in favor; John Tuttle, R. Patten abstained)

Continuances

**Motion by Chris Piela to continue the request for rehearing and reconsideration by Leigh and Daren D'Andrea by and through their attorneys, Hoefle, Phoenix, Gormley & Roberts, PLLC for property owned and located at 0 Jenness Avenue to the May 1, 2024 meeting. Seconded by Rob Patten.**

**Vote 4-0-1** (C. Piela, S. Crapo, R. Patten, S. Chororos in favor; John Tuttle abstained)

**Motion by Chris Piela to continue the application by 444 Owls Revocable Trust, Alexia Leddy, Trusty for property owned and located at 154 Washington Road to the May 1, 2024 meeting. Seconded by John Tuttle.**

**Vote 5-0-0** (John Tuttle, C. Piela, S. Crapo, R. Patten, S. Chororos in favor)

**III. APPLICATIONS**

- 1. Peter G. Hamill 2007 Revocable Trust owns property at 152 Harbor Road, Tax Map 9.2, Lot 17 for an Administrative Appeal from the Building Inspector's letter dated December 28, 2023 to issue a Certificate of Occupancy to the Laing Trust for residence located at 140 Harbor Road as well as the Building Inspector's December 28, 2023 response to a complaint filed by the Hamill Trust. Properties are in the Single Residence Districts, Coastal Overlay Districts, and SFHA, Zone AE. Case # 13- 2024.**

**Motion by John Tuttle that the board take no jurisdiction over the application per the advice of the board's counsel. Seconded by Chris Piela.**

**Vote 5-0-0** (John Tuttle, C. Piela, S. Crapo, R. Patten, S. Chororos in favor)

- 2. Peter & Mary LeSaffre for property owned and located at 30 Straws Point Road, Tax Map 8.4, Lot 93 request variances from §190-2.2.E for a proposed septic tank 19.3' from the side boundary where 20' is required; from §190-2.3.C(2) for a retaining wall 9.1', a generator 9.2' and service court 10.4' from the side boundary**

**where 20' is required; from §190-2.3.C(5) for lot coverage 28.5% where 15% is allowed; from §1903.1.H(2)(a)(f) & (g) for yard drain 45', stormwater chambers 48.8'/46.7' and terraced steps 75' from the wetlands where 100' is required and from §190-3.4.D for height 32.85' where 30' is required. The applicant requests waiver relief from the Building Code §190-35-14.C(2) for sepiTech system 3.5' to the ESHWT where 4ft separation is required. Property is in the Single Residence, Coastal Overlay, Wetland Conservation District, and SFHA, Zones AO (3), VE (19). Case #07-2024.**

Member Patten recused himself from the application; Member Driscoll was seated at 7:14 PM.

**Attorney Tim Phoenix** of Hoefle, Phoenix, Gormley & Roberts presented the application on behalf of the applicants, **Peter and Mary LeSaffre**, who were also present. Attorney Phoenix introduced members of the applicants' team: **David Soloman** and **Roger Seifter** (Architects), **Corey Colwell** of TF Moran, **Jeff Fritz** (Landscape Architect), **Chris Albert** of CSA Environmental, and **Brian White** (Appraiser). Attorney Phoenix explained this is the team's third time before the board for the application.

Chair Crapo noted that the application had changed and some of the requested relief is less than originally noticed. Attorney Phoenix confirmed and stated that he would explain that with Mr. Fritz's and Mr. Colwell's expertise. He also noted that his submitted supplemental memo describes the reduction in requested variances.

Chair Crapo asked about the Building Inspector's concerns related to flooding. Attorney Phoenix stated that he's before the board seeking variance relief; while flood issues are a factor, the Building Inspector's issues aren't related to the variances. Chair Crapo expressed his concern that the review hasn't been done, which may lead to a future denial from the Building Inspector. Attorney Phoenix confirmed that the team is actively working to do what Mr. Marsden needs to complete his analysis. Chair Crapo explained that, if the board approves, it may be contingent on flood compliance. Attorney Phoenix agreed.

Attorney Phoenix stated that a special exception for wetland buffer relief isn't needed. He thanked the board for their time at the last meeting and presented a variance relief chart from his supplemental memo. He outlined the previously requested relief and explained the reduction of their request. In response to Chair Crapo's question, Attorney Phoenix confirmed that the applicant owns two lots and there is an easement by prescription; the public has used it for many years and the applicants won't challenge that.

Mr. Fritz discussed updates made to the plan and addressed questions regarding how the building will be raised to meet FEMA requirements. He described the lawn steps and noted that the steps

have 8" total between levels and the 5.5' surface between steps is pervious. He described the lawn risers as a gentle slope with better infiltration. Regarding stormwater, he presented a flow diagram and explained the goals of improving stormwater capacity.

Responding to Chair Crapo's question, Mr. Fritz explained they're trying to get water to flow across the property by adding targeted yard drains, improving infiltration, and planting beds with native species along the perimeter to pull stormwater off the surface. He explained that stormwater would collect in an area with a swale and plantings to help infiltrate.

Member Chororos asked if there is a mechanism to remove some of the four steps from the 100' buffer. He stated that this is a happy medium for grade; they want the steps to be functional but gradual so they're not grand in scale. Member Chororos expressed her concern about pushing into the buffer needlessly. Mr. Fritz stated that the alternative would be a steeper arrangement, more impervious coverage, and a harder line for flood water. He noted that the gradual slope can function like a beach edge and the water capacity is much greater this way. Chair Crapo observed that if the steps were sloped more quickly it may create more ponding.

Member Chororos asked if there was any concern that the water would sheet to the neighbors' properties. Mr. Fritz, referring to a sheet flow map, stated that everything would move to the area drains.

Mr. Colwell discussed the amount of fill used, which drives the height of the building, and a series of yard drains and a pipe reservoir system. He described the stormwater management plan in detail and explained that they would reduce stormwater runoff due to the underground system and reduction in impervious coverage. He stated that there would be a reduction in stormwater flow leaving the property post-construction.

Mr. Colwell discussed the proposed fill and explained that the elevations would need to change to comply with FEMA and town standards. He presented the surrounding topography and contour map and explained that, even with fill, the property would be at the same elevation as neighboring sites.

Chair Crapo wondered about the potential that raising this lot would create a dam and flood the road. Mr. Colwell explained why this wouldn't happen and stated that this property is more prone to flooding than other properties. Chair Crapo noted that the additional fill could cause the flood zone map to change. He asked if there are regulations against filling in an area identified within a flood zone. Mr. Colwell stated that there are no regulations against this and referenced FEMA technical bulletin 10 which describes fill as an approach to bringing a home in compliance with flood requirements.

Member Driscoll discussed the contours and expressed concern that storm surge may be directed toward the eastward abutter. He asked why there was no berm on the north side of the lot to prevent water from moving to the eastward lot. He asked if the reason there is no berm is due to the need for water to flow onto the neighboring property.

Mr. Colwell stated that you're allowed to continue flow paths, just not increase stormwater going over that property line. Post-construction it would have the same flow with a slight reduction of stormwater going in the same path.

Member Driscoll stated that considering the amount of fill, he would like to see a substantial change in stormwater runoff towards neighborly properties.

Mr. Fritz noted the effort to replace the lawn with planting beds to help dissipate and hold water. He stated that planting beds do a lot for filtering and helping to break storm energy going in that direction.

Mr. Colwell summarized FEMA and local requirements and the architect's work to alter heights. He discussed the reduction in water flow and impervious surfaces. He explained that the RCC had a meeting and two site walks and requested more information regarding the property's stormwater, infiltration areas, and soil types. After their analysis, they wrote a letter supporting the project because of the environmental benefits post-construction.

Vice-Chair Piela asked if the planting plan dated 2/21/24 is still accurate. He observed that the letter speaks to the existing lack of vegetation in the lower corner and that they might want to note the current rather than the proposed condition.

Attorney Phoenix read aloud the RCC's recommendations from their 3/3/24 letter.

**Mike Garvan**, a member of the RCC, stated that they were impressed with the thoughtful engineering. He noted that the landscaping plan is more than what the RCC typically sees. He stated that it's a reasonable plan and the RCC supports the project.

Attorney Phoenix addressed each of the variance criteria.

Speaking to Mr. Colwell, Member Tuttle asked if they were to raise the grade, would they expect FEMA to alter the flood zone. Mr. Colwell stated that the grade would be more in line with neighboring properties. Member Tuttle asked if there was any intention to alter the line as it is now. Mr. Colwell stated there is no intention to alter it or apply for a letter of amendment.

Chair Crapo asked if permits are required to do this type of fill. Planning/Zoning Administrator Reed stated that it would be between Mr. Colwell, Mr. Marsden, and FEMA after the fact.

Chair Crapo opened to the public at 8:16 PM

**Reggie Hall** of 11 Mill Pond Lane in Hampton represented his mother, Emily Hall, 36 Straw's Point Road. He stated that Ms. Hall empathizes with her new neighbors, but respectfully requests that the board deny the requests for variances as they relate to the wetland buffer, tidal and flood zones. He described Mr. Hall's concerns regarding fill material and the way it will affect her abutting property, both physically and in value.

Mr. Garvan stated that the RCC believes the project is reasonably engineered and they approve of the project.

Chair Crapo discussed the RCC's recommendations regarding mulch and explained his issue with their suggestions related to mulch.

Chair Crapo expressed his concern, addressed by Ms. Hall via her son, with the map: if this project shifts the map, it could alter property values and cause harm to abutting properties. Attorney Phoenix stated that the applicants shouldn't be burdened by speculation. He also observed that FEMA and the Town of Rye require the floor to be lifted 5'. Chair Crapo noted that the alternative is to keep the existing house. Attorney Phoenix observed that the board has been presented with an expert opinion with nothing to rebut it.

Mr. Colwell referred to a topographical map of the neighborhood and stated that the property's elevation would remain below the others and that it would not affect the lot's flood zone designation. He stated that the terraced steps are designed such that they won't deflect wave energy, but would absorb that energy. He stated that they are only using fill to achieve FEMA and town requirements and they would maintain the same grade.

Responding to Member Tuttle, Mr. Colwell stated that four steps are in the 100' buffer. He stated that all steps are grass structures except the granite curb to retain them.

Attorney Phoenix noted that the house itself and the septic are outside of the 100' buffer.

Member Chororos asked for the width of the granite tread. Mr. Fritz stated that the tread is 6".

Member Driscoll asked if a little bit of the terrace was within the buffer. Attorney Phoenix confirmed.

Chair Crapo asked Mr. Hall if his mother had seen the most recently updated plans, which he confirmed.

Member Driscoll asked if the abutter at 24 Straw's Point Road had input. Attorney Phoenix stated that he hasn't spoken with them and has heard nothing from or about them.

Member Tuttle asked if the retaining wall at the ocean end of the car area would be 5'. Mr. Fritz stated that the crafted stone wall meets the grade at the front of the house and goes from 0-5'.

Chair Crapo closed to the public at 8:33 PM.

Vice-Chair Piela expressed his appreciation that the applicant put a significant amount of plants in the low area. He also acknowledged the Hall's concerns regarding fill. He noted that abutters on either side may need to eventually become compliant with regulations. He stated that adding plants on top of true mechanical systems enhances the management of water on this lot. He expressed appreciation that height is no longer an issue and that septic is compliant.

Member Chororos expressed her concerns about water and wondered whether it would be valuable to consider a peer review to assuage the abutter's concerns.

The board discussed the effects of ocean surges and whether it's within the board's jurisdiction.

Member Driscoll observed that TF Moran has a history of being reputable in that their projects seem always to function as presented. He expressed his concern about the mechanical aspects of the project and stated that he'd like to see a berm included as well as input from the abutters at 24 Straws Point Road. He stated that the project is well-designed and while it's tough to see hardship, he's glad they've made some concessions. He stated that with conditions he's barely in favor of the application.

Member Tuttle stated that he was concerned with stormwater management and the mechanical components. He observed that the variance chart shows that the home is compliant with all ordinances and they're only asking for a service court with a retaining wall and grass structures in the buffer. He noted the significant reduction in impervious coverage and stated that he's okay with the application.

Chair Crapo observed that they're not creating a large amount of hardscape. He noted, per the building inspector's letter, that the FEMA analysis isn't done. He stated that the terraced steps would likely work better for infiltration than underground structures. He stated that he was having trouble finding hardship with the previous proposal, but could support this project with some conditions.

Attorney Phoenix stated that he's working with the building inspector on what he's like to review and while he doesn't know his concerns, suggested a condition of a building permit prior to starting any activity.

The board discussed the timeline and need for a Shoreline and Wetlands Permit and the FEMA evaluation process.

**1. Granting the variances is not contrary to the public interest?**

John Tuttle - Yes, because the home is in a conforming location and does not threaten the health, safety, or welfare of the neighborhood.

Chris Piela - Yes, because the lot coverage has been substantially reduced, positively affecting the water management.

Sandra Chororos - Yes, there is a reduction in impervious area.

Patrick Driscoll - Yes, as stated.

Shawn Crapo - Yes, as stated.

**2. The spirit of the ordinance is observed:**

John Tuttle - Yes, the property is going to become more compliant, livable, and safe. As per expert testimony, there will be no harmful impact on abutters, the environment, or the public.

Chris Piela - Yes, the structures that are in the setback are low profile and not impacting the open space between structures or lots.

Sandra Chororos - Yes, as stated.

Patrick Driscoll - Yes, as stated.

Shawn Crapo - Yes, as stated.

**3. Substantial justice is done:**

John Tuttle - Yes, there is no benefit to the public that outweighs the potential harm from denials to the applicant within this plan.

Chris Piela - Yes, as stated.

Sandra Chororos - Yes, as stated.

Patrick Driscoll - Yes, as stated.



Shawn Crapo - Yes, as stated.

**4. The values of surrounding properties are not diminished:**

John Tuttle - Yes, the values of surrounding properties are not diminished; the home was made to be more height compliant, it will increase the values of surrounding homes, there is an expert appraisal that states there is no diminishment in the value of surrounding properties, and per expert testimony, zone A0 will likely be reduced in the future and lessen the encroachment on the neighborhood.

Chris Piela - Yes, as stated.

Sandra Chororos - Yes, as stated.

Patrick Driscoll - Yes, as stated.

Shawn Crapo - Yes, as stated.

**5. There are special conditions of the property that distinguish it from other properties in that area?**

John Tuttle - Yes, the special conditions of the property are that the home is currently at an elevation below the surrounding properties. It's also one of the only properties in that neighborhood that has significant coverage of flood zone AO from the FEMA map.

Chris Piela - Yes, as stated.

Sandra Chororos - Yes, as stated.

Patrick Driscoll - Yes, as stated.

Shawn Crapo - Yes, as stated.

**6. There is no fair and substantial relationship between the general purposes of the ordinance provision and the specific application of that provision to the property.**

John Tuttle - Yes, the applicant is making it a lot more compliant with lot coverage, they're also modernizing and creating a well-thought-out drainage plan.

Chris Piela - Yes, as stated.

Sandra Chororos - Yes, as stated.

Patrick Driscoll - Yes, as stated.

Shawn Crapo - Yes, as stated.

**7. The proposed use is a reasonable one.**

John Tuttle - Yes, the proposed use is reasonable due to the residential structure being in a residential neighborhood.

Chris Piela - Yes, as stated.

Sandra Chororos - Yes, there are added benefits with the wetland buffer protections for stormwater management and plantings, a new septic system outside the buffer, and comparable lot coverage to the existing property.

Patrick Driscoll - Yes, as stated.

Shawn Crapo - Yes, as stated.

**8. Therefore, literal enforcement of the ordinances would result in unnecessary hardship.**

John Tuttle - Yes, literal enforcement of the ordinances would result in a large mound, making the home inaccessible by a vehicle or creating a large amount of steps for the applicants to utilize their home.

Chris Piela - Yes, as stated.

Sandra Chororos - Yes, as stated.

Patrick Driscoll - Yes, as stated.

Shawn Crapo - Yes, as stated.

**Motion by Chris Piela to approve the variances requested by Peter & Mary LeSaffre for property owned and located at 30 Straws Point Road, Tax Map 8.4, Lot 93 as presented on March 6, 2024 and April 3, 2024 with the following conditions:**

- 1. No construction or demolition until required permits are issued.**
- 2. The RCC recommendation is followed that mulch used on plantings in the wetland buffer should use best practices to minimize invasives.**
- 3. The RCC recommendation is followed that 85% or greater survival rate of the planted vegetation after one year is adequate.**

**Seconded by Patrick Driscoll.**

**Vote 5-0-0 (J. Tuttle, C. Piela, S. Chororos, P. Driscoll, S. Crapo in favor)**

- 3. Michael Anderson for property owned and located at 117 Washington Road, Tax Map 17, Lot 20 requests variances from §190-6.3B to raze and existing shed and replace with new; from §190- 3.1.H.(1)(a) to replace an existing shed 53'+/- from the**

**fresh pond where 100' is required. Property is in the Single Residence District. Case #57-2023.**

**Motion by Chris Piela to continue the application by Michael Anderson for property owned and located at 117 Washington Road to the May 1, 2024 meeting. Seconded by John Tuttle.**

**Vote 5-0-0** (J. Tuttle, C. Piela, S. Chororos, P. Driscoll, S. Crapo in favor)

Patricia Weathersby was seated for Chris Piela and Rob Patten was seated for Patrick Driscoll.

**Motion by John Tuttle to continue the application by Elements 9 LLC for property owned and located at 14 Sagamore Road to the May 1, 2024 meeting. Seconded by Sandra Chororos.**

**Vote 5-0-0** (J. Tuttle, P. Weathersby, S. Chororos, R. Patten, S. Crapo in favor)

- 4. 444 Owls Revocable Trust, Alexia Leddy, Trusty for property owned and located at 154 Washington Road, Tax Map 17, Lot 15 requests variance from §190-2.3.C(5)(2) for lot coverage of 23.8% where 15% is allowed; and waiver relief from the Building Code §35-14.C(1) and (2) for an effluent system 3' to ledge where 6' to ledge is required and for Estimated Seasonal High Water Table 2' where 4' is required. Property is in the Single Residence District. Case # 62-2023.**

*Application continued to the May 1, 2024 meeting (see motion above).*

- 5. George (Jordy) & Julie Looser for property owned and located at 750 Long John Road, Tax Map 16, Lot 155 request variances from §190-6.3.A for expansion of nonconforming structure for deck, storage shed and plunge pool; from §190-2.3.C(5) for lot coverage where 22% exists and 29% is proposed and 15% is allowed; from §190-2.3.C(2) for a pool shed 1.5' from the side boundary where 20' is required; from §190-2.3.C(2) for a pool 14.7' from the rear boundary where 30' is required; from §190-2.3.C(2) for a deck 18'+/- from side boundary where 20' is required and §190-2.3.C(1) for deck 23' +/- from rear boundary where 30' is required. The property is located in the Single Residence District. Case #08-2024.**

**Chris Piela**, 25 Mountainview Terrace, noted that the pool shed was pulled in farther than 1.5'.

Mr. Looser agreed that it used to be 1.5' and it's now 4'. He stated that the notice uses old language as the new plan is more compliant.

Chair Crapo clarified that the board would vote on the application as presented and asked Mr. Looser to present the application's significant changes.

Mr. Looser presented images to show the open land to the left and rear of the property and noted their need for storage. He discussed the decrease in impermeable lot coverage by 2.6% to 21.03% and noted that the new site plan includes percentages, dimensions, and elevations. He noted the change to the left side of the shed which was originally proposed at 1.5' from the property line and is now proposed to be 4' from the property line. The width was also decreased from 12' to 11' and the overhang was decreased from 2' to 1'. The shed's position was also shifted to be parallel to the lot line. Per Member Chororos' suggestion, the pool/spa was also rotated 90 degrees to be more respectful to the rear lot line and the rear setback will be in better conformance. Mr. Looser met with DPW to review the project and they concurred that the property can handle the shed's additional roof runoff with a gutter. DPW also confirmed that the new construction, backyard project, and permeable driveway wouldn't negatively affect the current stormwater management drain. DPW also noted that the permeable driveway is a positive addition and decreases overall impervious coverage. There are no water runoff problems.

Chair Crapo opened to the public at 9:18 PM

Member Weathersby observed that the shed could come in more if the deck were smaller. Mr. Looser explained they hoped to maintain a 5' space between the pool shed and the house.

Member Chororos asked if there is currently a fence. Mr. Looser explained that there is only a fence in the front and there will still be a 5' access between the house and the shed.

Regarding Member Weathersby's question regarding pool safety, Chair Crapo explained that they are allowed to have an automatic cover and aren't required to have 4-6' fence. Mr. Looser explained that he currently has a manual locking cover.

Mr. Piela noted that the topic of pool covers would be a discussion for the applicant with the building inspector. He added that an automatic vs. manual cover is dependent upon whether the building inspector defines this as a spa or pool.

The public session was closed at 9:23 PM.

Member Chororos commented that the request is reasonable and the applicant has done a nice job trying to conform and take the board's suggestions.

Chair Crapo agreed and noted the overhang was modified so that the runoff would hit their land and allow for future maintenance.

Member Weathersby noted that permeable surfaces decreased and the concerns about stormwater went away. She noted that the deck is going over a gravel barrier and that the applicant addressed her concerns about the 4' setback and fence.

Member Patten observed that all of the board's previous concerns had been addressed.

Chair Crapo agreed that all concerns were addressed which resulted in positive changes to the application.

**1. Granting the variances are not contrary to the public interest?**

John Tuttle - Yes, the pool is in one of the least nonconforming locations that it could have been and the second addition of the shed decreased nonconformity.

Patti Weathersby - Yes, as stated by Member Tuttle. Effort has been made to accommodate the board's requests and permeable coverage, while still over the maximum, has decreased.

Sandra Chororos - Yes, as stated.

Rob Patten - Yes, issuing a variance would not change the character of the neighborhood, nor would it threaten health, safety, or welfare.

Shawn Crapo - Yes, as stated.

**2. The spirit of the ordinance is observed:**

John Tuttle - Yes, as previously stated.

Patti Weathersby - Yes, as previously stated.

Sandra Chororos - Yes, it doesn't negatively impact surrounding properties, it doesn't jeopardize light or air, and the proposed project is in keeping with the character of the area and surrounding properties.

Rob Patten - Yes, as stated.

Shawn Crapo - Yes, as stated.

**3. Substantial justice is done:**

John Tuttle - Yes, there's no benefit to the public that outweighs the harm to the applicant.

Patti Weathersby - Yes, as stated.

Sandra Chororos - Yes, as stated.

Rob Patten - Yes, as stated.

Shawn Crapo - Yes, as stated.

**4. The values of surrounding properties are not diminished:**

John Tuttle - Yes, the values of surrounding properties are not diminished because of the greater distance these nonconformities are from the property lines and the lessening of the impervious coverage on the lot.

Patti Weathersby - Yes, this would improve the value of this property which tends to improve the values of surrounding properties and it's not overbearing on any of the adjacent properties.

Sandra Chororos - Yes, as stated.

Rob Patten - Yes, there's been no testimony from neighbors that would indicate any concern about property values.

Shawn Crapo - Yes, as stated.

**5. There are special conditions of the property that distinguish it from other properties in that area?**

John Tuttle - Yes, it's one of the smaller properties in the neighborhood.

Patti Weathersby - Yes, as stated.

Sandra Chororos - Yes, as stated.

Rob Patten - Yes, it's a long, narrow lot with little to no buildable area outside of where the home is now.

Shawn Crapo - Yes, as stated.

**6. There is no fair and substantial relationship between the general purposes of the ordinance provision and the specific application of that provision to the property.**

John Tuttle - Yes, they're making the lot more compliant with lot coverage.

Patti Weathersby - Yes, as stated.

Sandra Chororos - Yes, it's a long, narrow lot and multiple factors including side and front setbacks make the building envelope difficult to work with. These factors combine to create special conditions which is driving their request for relief.

Rob Patten - Yes, as stated.

Shawn Crapo - Yes, as stated.

**7. The proposed use is a reasonable one.**

John Tuttle - Yes, a spa pool in a residential area seems reasonable.

Patti Weathersby - Yes, as stated.

Sandra Chororos - Yes, as stated.

Rob Patten - Yes, as stated.

Shawn Crapo - Yes, as stated.

**8. Therefore, literal enforcement of the ordinances would result in unnecessary hardship.**

John Tuttle - Yes, if the ordinance were enforced literally, the applicant couldn't enjoy their porch and spa pool.

Patti Weathersby - Yes, as stated.

Sandra Chororos - Yes, as stated.

Rob Patten - Yes, as stated.

Shawn Crapo - Yes, as stated.

**Motion by John Tuttle to approve the application by George (Jordy) & Julie Looser for property owned and located at 750 Long John Road, Tax Map 16, Lot 155 as presented and on April 3, 2024 and as applied: variances from §190-6.3.A for expansion of nonconforming structure for deck, storage shed and plunge pool; from §190-2.3.C(5) for lot coverage where 21.5% exists and 15% is allowed; from §190-2.3.C(2) for a pool shed 4' from the side boundary where 20' is required; from §190-2.3.C(2) for a pool 21' from the rear boundary where 30' is required; from §190-2.3.C(2) for a deck 15' from side boundary where 20' is required and §190-2.3.C(1) for deck 25' from rear boundary where 30' is required. Seconded by Sandra Chororos.**

**Vote 5-0-0 (J. Tuttle, P. Weathersby, S. Chororos, R. Patten, S. Crapo in favor)**

**Motion by Chris Piela to continue the application by Daniel & Jennifer Mayo for property owned and located at 1085 Old Ocean Blvd to the May 1, 2024 meeting. Seconded by Sandra Chororos.**

**Vote 5-0-0** (J. Tuttle, C. Piela, S. Chororos, R. Patten, S. Crapo in favor)

- 5. Jean & Andrew Varney for property 2242 Ocean Blvd, Tax Map 5.3, Lot 69 request variances from §190-2.3.C(1) for a patio 24.4' from the rear boundary where 30' is required; from §190-2.3.C(3) for a house 22.1' from the front boundary where 40' is required; from §190-2.3.C(5) and §190-3.4.E for dwelling coverage 23.6% where 15% is required; from §190-3.1.H(2)(a),(f), (g) for a patio 51.1' and a house 67.5' from the wetland where 100' is required; and from §190-6.3.B to raze an existing structure and replace with new. Property is in the Single Residence, Coastal Overlay Districts, SFHA, Zone AO(2), and VE(16). Case #15-2024.**

Attorney Phoenix presented the application on behalf of the applicants, who attended via Zoom, and introduced the applicant's team: **Paige Libbey** of Jones and Beach Engineers, **Jason Bailey** of TMS Architects, **Chris Ragusa**, and **Michael Newicky**.

Attorney Phoenix described the existing property and the proposed project. He noted that the rear wall of the existing home is 18.9' from the lot line and the patio is 4.8' from the rear lot line which is fairly close to the highest observable tide line. He confirmed that the referenced rear lot line is closest to the ocean. He noted that the rear wall of the home would be moved from 45.5' to 67.5' from the lot line; the affect of the rear setback improvement is that the whole house has moved forward toward the road. He noted that the RCC submitted a letter of support with recommendations and that Mike Garvan was in attendance to speak on behalf of the RCC.

Attorney Phoenix referenced the variance relief chart and outlined the additional permits needed. He discussed the property's dwelling coverage, impervious coverage, planting plan, and the fact that most of the lot is in the wetland buffer. Attorney Phoenix stated that the abutters submitted letters of support and read aloud two of those letters before discussing each of the variance criteria as they relate to the application.

Vice-Chair Piela asked if the intention is for the walkway and driveway to be permeable. Mr. Bailey confirmed that they would be permeable, but the final material hasn't been selected.

Vice-Chair Piela asked for teh square footage of the new footprint. Ms. Libbey stated that it's 4,500 square feet.

Member Chororos asked for the dimensions of the storage unit. Mr. Bailey stated that it's 18.6' x 8'.



Member Tuttle asked about the porous paver driveway calculations, noting that it's shared with abutters. Ms. Libbey stated that the presented plan doesn't account for the fact that it's shared with the abutter. She stated that the calculations include the abutters' sliver to be a porous surface. She stated that they don't consider anything off the property as a part of their 30% calculation.

Attorney Phoenix clarified that dwelling coverage is 3,136 square feet, the footprint of the existing house is 2,500 square feet, and the rest is roof overhang.

Chair Crapo opened to the public at 10:04 PM.

Mike Garvan, on behalf of the RCC, stated that they like that the home and patio are moved farther away from the resource. He stated that a 7' planting bed is not sufficient and the RCC would like the applicant to increase it to 10'. He corrected recommendation #2 and stated that it should read, "Mulch used in planting beds in the wetland buffer should use best practices to prevent unintended spread of invasives and weeds".

Chair Crapo discussed his contention with the RCC's mulch-related recommendations.

Member Piela asked if the applicant has any issues with the two recommendations from the RCC.

Attorney Phoenix stated that a 10' buffer is acceptable, they're willing to use best practices, and an 85% survival rate is standard from the RCC and reasonable.

Mr. Burkardt commented that the closer the project comes toward their property, the more it impacts their view, but they're ok with the plan as is.

Member Tuttle asked about the material used for the raised patio. Mr. Bailey stated that it's an impervious surface to support the concrete slab pavers. He explained the idea to raise them and allow water to flow underneath.

Chair Crapo closed to the public at 10:08 PM.

Vice-Chair Piela expressed that he's trying to take a compromising perspective. The applicant is not looking for side yard setback relief or height variances and is staying within the building envelope from a height and width perspective. He expressed his appreciation that the structure would be moving away from the water and toward the street and stated that, on the balance, it's a positive improvement.

Chair Crapo noted that the spirit and intent of the front setback is for light, air, safety, and to protect the Coastal Overlay District from domineering structures. He stated that this structure is far enough back that it won't be domineering. He noted that the movement of the house is going toward the center of the lot, it's unique in that it has a shared driveway, and this would give everyone more front lawn. He added that it does change the neighbor's perspective across the street, but it's not dominating the streetscape.

Member Chororos stated that great consideration was given to make this more compliant in multiple ways. Pushing the structure back is significant to the wetlands, an impervious driveway and stormwater management plan is included, and a lot has been done to make it more conforming.

Member Patten agreed and added that many lots like this were designed before zoning requirements were in place. He noted that this is a house you would expect to see in that area. He stated that the applicant has done a great job designing and improving it by moving it away from the most critical resource. Noting that it's customary to condition applications on RCC recommendations, he questioned whether it would be necessary for this application. He observed that placing a condition on the RCC recommendations would put unnecessary burdens on the town and future property owners as conditions run with the land in perpetuity. He emphasized that the RCC's recommendations are just that, not requirements, and the board has the jurisdiction to impose them or not.

The board discussed the RCC's recommendations and whether or not to condition an approval of this application upon them. The board agreed to vote on the application as presented and noticed.

**1. Granting the variances are not contrary to the public interest?**

Sandra Chororos - Yes, the house provides adequate light and air, is consistent with other homes in the area, is height and setback compliant, is flood plane ordinance compliant, and overall coverage is improved. Construction will be code-compliant with significant landscaping and improved stormwater management. There will be a reduction in impervious surfaces, and it will in no way threaten public safety or welfare.

Rob Patten -Yes, as stated.

John Tuttle -Yes, as stated.

Chris Piela -Yes, as stated.

Shawn Crapo - Yes, as stated.

**2. The spirit of the ordinance is observed:**

Sandra Chororos - Yes, as previously stated.

Rob Patten -Yes, as stated.

John Tuttle -Yes, as stated.

Chris Piela -Yes, as stated.

Shawn Crapo - Yes, as stated.

**3. Substantial justice is done:**

Sandra Chororos - Yes, they are requesting reasonable variances based upon proximity to the ocean, the value of their land, the size of neighboring properties, the size and shape of their lot, and the wetland will be better protected than with the existing conditions.

Rob Patten -Yes, as stated. To deny the relief would create a loss to the applicant greater than any gain to the public and the neighbors support it.

John Tuttle -Yes, as stated.

Chris Piela -Yes, as stated.

Shawn Crapo - Yes, as stated.

**4. The values of surrounding properties are not diminished:**

Sandra Chororos - Yes, they are not diminished as ample light, air, and separation between neighbors is preserved and the stormwater management is improved.

Rob Patten -Yes, as stated, and the expert opinion of the appraiser states that the values of the surrounding properties are not diminished.

John Tuttle -Yes, as stated.

Chris Piela -Yes, as stated.

Shawn Crapo - Yes, as stated.

**5. There are special conditions of the property that distinguish it from other properties in that area?**

Sandra Chororos - Yes, the lot is undersized and burdened by proximity to the ocean with a 100' buffer. It is only 159' in depth and the 30' rear setback and the 40' front setback swallow almost 44% of the lot.

Rob Patten -Yes, as stated.

John Tuttle -Yes, as stated.

Chris Piela -Yes, as stated.

Shawn Crapo - Yes, as stated, and the property shares a driveway.

**6. There is no fair and substantial relationship between the general purposes of the ordinance provision and the specific application of that provision to the property.**

Sandra Chororos - Yes, the resource is better protected than with the existing conditions. The impervious driveway is more distant from the ocean than the existing conditions, and stormwater management and the proposed plantings will have a more favorable environmental impact.

Rob Patten -Yes, as stated.

John Tuttle -Yes, as stated.

Chris Piela -Yes, as stated.

Shawn Crapo - Yes, as stated.

**7. The proposed use is a reasonable one.**

Sandra Chororos - Yes, a single-family home already exists there. Added benefits are the wetland buffer protection by moving everything back and away from the ocean.

Rob Patten -Yes, a single-family house is permitted and it's therefore reasonable.

John Tuttle -Yes, as stated.

Chris Piela -Yes, as stated.

Shawn Crapo - Yes, as stated.

**8. Therefore, literal enforcement of the ordinances would result in unnecessary hardship.**

Sandra Chororos - Yes, as previously stated.

Rob Patten - Yes, there's no reason the board can find to deny the application.

John Tuttle -Yes, as stated.

Chris Piela -Yes, as stated.

Shawn Crapo - Yes, as previously stated in deliberation.

**Motion by Chris Piela to approve the application by Jean & Andrew Varney for property owned and located at 2242 Ocean Blvd, Tax Map 5.3, Lot 69 as noticed and presented. Seconded by John Tuttle.**

**Vote 5-0-0** (J. Tuttle, C. Piela, S. Chororos, R. Patten, S. Crapo in favor)

Member Tuttle exited the meeting at 10:28 PM.

- 6. Tritower LP/Thomas Burkhardt for property owned and located at 2231 Ocean Blvd, Tax Map 5.2, Lot 11 requests variances from Section §190-3.1.H(1)(f) and §190-3.1.H(2)(a),(g) for an addition 57.1' and a deck 57.4' from the wetland where 75' is required. Property is in the General Residence, Coastal Overlay Districts, and SFHA, Zone AO (2). Case 16-2024.**

Chair Crapo informed the applicants of the voting procedure for a four-person board.

Attorney Phoenix introduced the applicants and the applicant team: Corey Colwell of TF Moran and **Charlie Hoyt** designer. He stated that the board has letters of support from abutters Thomas Thornton of 12 Baker Ave. and Alan Ayling of 8-10 Myrica Road. He stated that the Varneys also support the variances being sought. He explained that the RCC's letter dated March 28th was also submitted.

Chair Crapo confirmed that the board received the RCC's letter, though condition #3 needs to be reviewed as it seems to deal with a neighbor dumping debris on the applicant's property.

Attorney Phoenix stated that, regarding the RCC recommendations, the applicant is ok with #1 and #2, but is not comfortable with the recommendation that the homeowner contact the neighbor for violating a town requirement. He expressed that that type of letter should come from the town.

Chair Crapo asked Mr. Garvan if the RCC's issue that the debris is on the Burkhardt's property or that it is in the wetland? Mr. Garvan clarified that the RCC's issue is with the debris in the wetland.

Attorney Phoenix clarified that some of it is on the Burkhardt's property, but the applicants don't want to get into contention with neighboring owners; they recognize that it's a violation of a town ordinance which should come from someone on behalf of the town. He asked that the requirement be removed or changed.

The board discussed how the debris issue would be resolved, Chair Crapo suggested that the issue be taken to Matt Scruton.

Attorney Phoenix described the lot, the structure's leaking glass siding which is in need of repair, and the proposal to create more living space and expand the structure. He noted that they would be building where there is already entirely impervious surface and the project would not increase impervious surface. He also noted that this would be over 20-25' farther from the wetland than the existing impervious surface.

Chair Crapo disclosed that he plows the Burkardt's and the Ayling's driveway.

Mr. Hoyt discussed the design and the applicant's need for extra space as they care for their grandchildren.

Attorney Phoenix discussed the variance criteria as they relate to the application.

Mr. Colwell noted that building coverage in this zone is permitted to be 15% and it's currently at 7% with an increase to 8.2%. He stated that the impervious area calculation is 29.8% and that they're in compliance.

Chair Crapo opened to the public at 10:47 PM.

Mr. Garvan stated that the RCC approves of the project and all that's suggested is enhanced planting. He stated that the RCC would speak to Matt Scruton about recommendation #3.

Vice-Chair Piela agreed that it shouldn't be the applicant's problem, but is something that should be dealt with by the building inspector or code enforcement.

Mr. Colwell stated that he respects that the RCC included it in their recommendations as lawn clippings may contain nitrogen which is detrimental to wetlands.

**Jeaney Varney**, an abutter, stated that she has met with the applicants who walked her through the project and addition. She stated that she is in full support of their requests.

Chair Crapo closed to the public at 10:52 PM.

Vice-Chair Piela stated that it's a reasonable project which was spurred by a problem with the house and the potential for mold.

Member Chororos noted that there's no expansion of impervious surface, it's within the same footprint, and that it's very reasonable and she has no concerns.

Vice-Chair Piela stated that if we were to condition the application on RCC recommendations, they should strike #3 to avoid burdening the land owner with reaching out to the neighbor.

Member Patten stated that he's not in favor of conditioning the application on the RCC's recommendations, noting that they have nothing to do with the application at hand.

Vice-Chair Piela agreed and recommended that RCC recommendations should be considered case by case. He stated that in this particular case, he's not in favor of conditioning variances on the suggestions of the RCC because he doesn't think those recommendations have to do with the subject of the project at hand. He stated that it should be up to the home owner whether they consider them.

Chair Crapo agreed and noted that recommendation #3 is related to a violation that could harm the resource and should be addressed in a different manner.

Member Chororos agreed and noted that the board is open to hearing recommendations if the RCC is adamant about a specific need.

**1. Granting the variances are not contrary to the public interest?**

Chris Piela - Yes, it's a modest expansion over the existing impervious surface.

Sandra Chororos - Yes, the dwelling and deck neither increase the impervious surface nor are closer to the wetland than the existing impervious surface.

Rob Patten - Yes, the proposed use doesn't conflict with the purpose of the ordinance, it doesn't alter the essential character of the neighborhood, additionally, it doesn't threaten public safety or welfare or otherwise cause injury to public rights.

Shawn Crapo - Yes, as stated.

**2. The spirit of the ordinance is observed:**

Chris Piela - Yes, the expansion is further from the resource than the existing patio; it's observing the spirit of the ordinance.

Sandra Chororos - Yes, as stated.

Rob Patten - Yes, as stated.

Shawn Crapo - Yes, as stated.

**3. Substantial justice is done:**

Chris Piela - Yes, no benefit to the public would outweigh the hardship to the applicant in this case.

Sandra Chororos - Yes, as stated.

Rob Patten - Yes, as stated.

Shawn Crapo - Yes, as stated.

**4. The values of surrounding properties are not diminished:**

Chris Piela - Yes, it's a tasteful expansion and it removes the potential mold in the structure.

Sandra Chororos - Yes, all construction is within the current building envelope, the new impervious is over the existing impervious and the value of the home will be increased.

Rob Patten - Yes, as stated.

Shawn Crapo - Yes, as stated, and the neighbors are in support of the project.

**5. There are special conditions of the property that distinguish it from other properties in that area?**

Chris Piela - Yes, the wetland buffer goes through the center of the building.

Sandra Chororos - Yes, as stated, and approximately 75% of the existing home and half of the lot is within the wetland buffer. It's the only place to reasonably locate an addition without violating setbacks and/or getting closer to the wetland; these factors create special conditions.

Rob Patten - Yes, as stated.

Shawn Crapo - Yes, as stated.

**6. There is no fair and substantial relationship between the general purposes of the ordinance provision and the specific application of that provision to the property.**

Chris Piela - Yes, there's no issue with the wetland buffer because the project is over an existing impervious patio.

Sandra Chororos - Yes, as stated.



Rob Patten - Yes, conditions as presented are such that applying zoning restrictions literally does not serve the purpose of the ordinance in a fair and substantial way.

Shawn Crapo - Yes, as stated.

**7. The proposed use is a reasonable one.**

Chris Piela - Yes, it's a modest expansion to an existing home.

Sandra Chororos - Yes, a single-family home already exists, the requested variance does not increase impervious surface nor is it closer to the wetland than the existing.

Rob Patten - Yes, as stated.

Shawn Crapo - Yes, as stated.

**8. Therefore, literal enforcement of the ordinances would result in unnecessary hardship.**

Chris Piela - Yes, the wetland buffer goes through the center of the property.

Sandra Chororos - Yes, as previously stated.

Rob Patten - Yes, as stated.

Shawn Crapo - Yes, as stated.

**Motion by Chris Piela to approve the variances requested by Tritower LP/Thomas Burkhardt for property owned and located at 2231 Ocean Blvd, Tax Map 5.2, Lot 11 as presented. Seconded by Rob Patten.**

**Vote 4-0-0** (C. Piela, S. Chororos, R. Patten, S. Crapo in favor)

**Motion by Chris Piela to adjourn at 11:03 PM. Seconded by Shawn Crapo. All in favor.**

Respectfully Submitted,  
Emilie Durgin

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:**

Peter & Mary LeSaffre

**Property:**

30 Straws Point Road, Tax Map 8.4, Lot 93  
Property is in the Single Residence, Coastal Overlay, Wetland Conservation District and SFHA, Zones AO (3), VE (19).

**Application case:**

Case #07-2024

**Date of decision:**

April 3, 2024

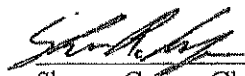
**Decision:**

The Board voted to grant the following variances requested from the Rye Zoning Ordinance as presented:

- §190-2.3.C(2) for a retaining wall 9.1', and service court 10.4' from the side boundary.
- §190-2.3.C(5) for lot coverage 22.3%.
- §1903.1.H(2)(a)(f) & (g) for yard drain 45', stormwater chambers 48.8'/46.7' and terraced steps 75' from the wetlands.

The variances were granted as presented with the conditions from the recommendations made by the Rye Conservation Commission March 3, 2024, letter and Building Inspector's April 3, 2024 Email:

- 1) No construction or demo until required permits are issued.
- 2) The RCC recommends that mulch used on plantings in the wetland buffer should use best practices to minimize invasives.
- 3) The RCC believes that an 85% or greater survival rate of the planted vegetation after one year is adequate.

  
Shawn Crapo, Chair

**Note:** This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see Article VII, Section 703 of the Town of Rye Zoning Ordinance. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:**

Peter G. Hamill 2007 Revocable Trust  
owns property at 152 Harbor Road, Tax Map 9.2, Lot 17

**Property:**

140 Harbor Road  
Properties are in the Single Residence Districts, Coastal Overlay Districts  
and SFHA, Zone AE.

**Application case:**

Case #13-2024

**Date of decision:**

April 3, 2024

**Decision:**

The Board voted unanimously to not take jurisdiction of this application.

  
Shawn Crapo, Chair

**Note:** This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:** George (Jordy) & Julie Looser

**Property:** 750 Long John Road, Tax Map 16, Lot 155  
Property is in the Single Residence District.

**Application case:** Case #08-2024

**Date of decision:** April 3, 2024

**Decision:** The Board voted unanimously to grant the following variances from the Rye Zoning Ordinance as presented:

- §190-6.3.A for expansion of nonconforming structure for deck, storage shed and plunge pool;
- §190-2.3.C(5) for lot coverage for 21.5%.
- §190-2.3.C.(2) for a pool shed 4' from the side boundary
- §190-2.3.C(2) for a pool 21.' from the rear boundary
- §190-2.3.C(2) for a deck 15'+/- from side boundary
- §190-2.3.C(1) for deck 25' +/- from rear boundary.

  
Shawn Grapo, Chair

**Note:** This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:** Jean & Andrew Varney

**Property:** 2242 Ocean Blvd, Tax Map 5.3, Lot 69  
Property is in the Single Residence District, Coastal Overlay District, SFHA, Zones AO(2) and VE(16)

**Application case:** Case #15-2024

**Date of decision:** April 3, 2024

**Decision:** The Board voted to grant the following variances requested from the Rye Zoning Ordinance as presented and noticed:

- §190-2.3.C(1) for a patio 24.4' from the rear boundary.
- §190-2.3.C(3) for a house 22.1' from the front boundary.
- §190-2.3.C(5) and §190-3.4.E for dwelling coverage 23.7%.
- §190-3.1.H(2)(a),(f), (g) for a patio 51.1' and a house 67.5' from the wetland.
- §190-6.3.B to raze and existing structure and replace with new.

  
Shawn Crapo, Chair

**Note:** This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:** Tritower LP/Thomas Burkardt

**Property:** 2231 Ocean Blvd, Tax Map 5.2, Lot 11  
Property is in the General Residence District, Coastal Overlay District and SFHA, Zone AO (2)

**Application case:** Case #16-2024

**Date of decision:** April 3, 2024

**Decision:** The Board voted 4-0-0 to grant the following variance from the Rye Zoning Ordinance as presented and noticed as follows:

- §190-3.1.H(1)(f) and §190-3.1.H(2)(a),(g) for a an addition 57.1' and a deck 57.4' from the wetland.

The variance was granted with the following conditions from the Rye Conservation Commission letter dated March 28, 2024.

  
Shawn Crapo, Chair

**Note:** This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

# BOARD OF ADJUSTMENT

## -Rye, New Hampshire- NOTICE OF DECISION

**Applicant/Owner:**

Leigh & Darren D'Andrea

**Property:**

0 Jenness Avenue, Tax Map 8.4, Lot 48

Property is in the General Residence and Coastal Overlay Districts, and SFHA Zone AE(8).

**Application case:**

Cases #: request from rehearing

**Date of decision:**

April 3, 2024

**Decision:**

The Board voted unanimously to continue the Request for rehearing and reconsideration by Leigh and Daren D'Andrea by and through their attorneys, Hoefle, Phoenix, Gormley & Roberts, PLLC for property owned and located at 0 Jenness Avenue, Tax Map 8.4, Lot 48 per NHRSA 677:2 and the Rye Zoning Ordinance §190-7.3 of the Board of Adjustment's August 30, 2023 decision denying requested relief from various requirements of the Rye Zoning Ordinance to the May 1, 2024 meeting.

  
Shawn Crapo, Chair

**Note:** This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:**

Michael Anderson

**Property:**

117 Washington Road, Tax Map 17, Lot 20

Property is in the Single Residence District, Wetlands Conservation District

**Application case:**

Case #57-2023

**Date of decision:**

April 3, 2024

**Decision:**

The Board voted unanimously to continue the application to the May 1, 2024 meeting for an updated plan with dimensions of slab, dimensions of workshop, and distances to wetland.

  
Shawn Crapo, Chair

**Note:** This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.



# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

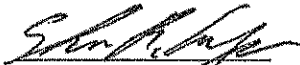
**Applicant/Owner:** Daniel & Jennifer Mayo

**Property:** 1085 Old Ocean Blvd, Tax Map 19.4, Lot 60  
Property is in the General Residence District, Coastal Overlay and  
Wetlands Conservation District

**Application case:** Case #17-2024

**Date of decision:** April 3, 2024

**Decision:** The Board voted unanimously to continue the application to the May 1,  
2024 meeting.

  
Shawn Crapo, Chair

**Note:** This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:** Elements 9 LLC

**Property:** 14 Sagamore Rd Tax Map 24, Lot 74  
Property is in the Commercial District

**Application case:** Case #18-2024

**Date of decision:** April 3, 2024

**Decision:** The Board voted unanimously to continue the application to the May 1, 2024 meeting.

  
Shawn Crapo, Chair

**Note:** This decision is subject to motions for rehearing which may be filed within 30 days of the above date of decision by any person directly affected by it including any party to the action, abutters and the Rye Board of Selectmen; see *Article VII, Section 703 of the Town of Rye Zoning Ordinance*. Any work commenced prior to the expiration of the 30 day rehearing / appeal period is done so at the risk of the applicant. If a rehearing is requested, a cease and desist order may be issued until the Board of Adjustment has had an opportunity to act on the rehearing request.