

# Waiver Request (Env-Wt 304.04)

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## Applicant/Owner Information

### Applicant/Owner

State of New Hampshire  
Department of Resources and Economic Development  
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### Contact

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## Project Information

Jenness Bathhouse Replacement and Parking Lot Improvements  
2280 Ocean Boulevard  
Rye, New Hampshire 03870

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## Waiver Request

### Env-Wt 304.04 – Setback From Property Lines

A permanent waiver is requested from the requirement to limit the location of the project to at least 20 feet from an abutting property line unless receiving written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests.

This waiver is being requested because the proposed work within 20 feet of the abutting property line includes removal of an existing bathhouse building to allow the construction of a new bathhouse that will be greater than 20 feet away from the abutting property line. The abutter has been given the opportunity to review the

project and has not provided written agreement due to concerns with the size of the new bathhouse building. Given that the proposed building will be greater than 20 feet from the abutting property line it does not appear that the concerns would be mitigated by restricting the limit of the project to greater than 20 feet from the property.

The operational and economic costs of complying with the rule would essentially make the project infeasible as it would not allow the existing bathhouse that is within 20 feet of the abutting property to be removed.

Granting of the waiver will not result in an avoidable impact on the environment or natural resources of the state, public health or public safety as the proposed work area within 20 feet of the abutting property has been previously developed. Granting of the waiver will not result in an impact on abutting properties since the proposed work will result in reconstruction of a bathhouse that will be greater than 20 feet from the abutting property where it is currently less than 20 feet away. Granting of the waiver is for the requirements of rule Env-Wt 304.04 and will not result in a statutory requirement being waived.

The intent of the project is to ultimately provide improvements to the State Park facilities at Jenness State Beach. These improvements include updated bath room facilities, additional fixtures, a family bath room, baby changing tables, additional outdoor changing rooms, ADA compliant facilities, improved lighting, additional storage area to facilitate maintenance, improved vehicular circulation to reduce congestion on Ocean Boulevard and improved maintenance equipment access to the beach.

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### Certification

- ▶ The information provided is true, complete, and not misleading to the knowledge and belief of the signer; and
- ▶ The signer understands that any waiver granted based on false, incomplete, or misleading information shall be subject to revocation.

*Thomas C. Mansfield*  
DEPARTMENT ARCHITECT  
Signature (owner/applicant)

STATE OF NH, DRED

*8/11/2016*

Date

Name: Thomas Mansfield, Architect