

**The Board of Adjustment of the Town of Rye, NH**  
**Public Hearing at the Rye Town Hall, 10 Central Road**  
**7:00 PM on Wednesday, June 7, 2023**

**BUSINESS:** Approval of minutes May 3, 2023 and May 17, 2023

**APPLICATIONS:**

1. **Frank Goguen for property owned and located at 29 Gray Court, Tax Map 5.2, Lot 87** requests variances from §190-6.3.A for expansion of existing non-conforming structure; from §190-2.6.C(5) & 1903.4.E for dwelling coverage 21.30% is proposed and 15% is allowed, and lot coverage 34.18% where 30% is allowed. **Property is in the General Residence, Coastal Overlay District. Case #22-2023.**
2. **Anthony & Susan Farmer for property owned and located at 440 Sagamore Road, Tax Map 18, Lot 51** request variance from §190-6.3.A for expansion of nonconforming structure; from §190-3.1.H.1 & H.2(a)(g) for a deck 44' and garage 48.8' from the wetland where 100' is required; from §190-2.3.C(3) for pervious pavers 24', 21' and 18' +/- from the front boundary where 40' is required; and §190-2.3.C(1) for pervious pavers 29' from the rear boundary where 30' is required. **Property is in the Single Residence District. Case #17-2023.**
3. **Leigh & Darren D'Andrea for property owned and located at 0 Jenness Avenue, Tax Map 8.4, Lot 48** request variances from §190-2.4.C(1) for an overhang 23.66', chimney 21.86', deck stairs 15.84', and deck 14.80' from the rear boundary where 25' is required; from §190-2.4.C(3) for steps and a paver pad 17.5'; a bioretention pond +/- 0 ft (Jenness Avenue side) and +/- 1 ft (Surf Lane side) from the front yard boundary where 23.5' for Jenness Avenue and 8' for Surf Lane is required; from §190-3.1.F, H(2)(a)(e)(f)(g) for tree removal, overhang 4.50' house 5.73', steps 12.35', deck stairs 8.16', and driveway 20' from the wetland where 75' is required; from §190-3.4.E for 17% dwelling coverage where 15% is required; from §190-6.1.A and from §190-6.1.B(1)(2), (C) for a 9,998 square foot lot area with 200' of frontage on a nonconforming lot; and from §190-5.0C for 1 off-street parking space within the front setback where that is prohibited. **Property is in the General Residence and Coastal Overlay Districts, and SFHA Zone AE(8). Case #06a-2023. Request for a continuance to July 5, 2023.**
4. **Leigh & Darren D'Andrea for property owned and located at 0 Jenness Avenue, Tax Map 8.4, Lot 48** request special exceptions pursuant to §190-3.1.G(2) for a driveway located in the wetland buffer; and §190-3.4.C to develop a vacant coastal lot in accordance with Criteria §190-3.4.C(1)-C(8). **Property is in the General Residence and Coastal Overlay Districts, and SFHA Zone AE(8). Case #06b-2023. Request for a continuance to July 5, 2023.**
5. **Grail Real Estate LLC for property owned and located at 6 Airfield Drive, Tax Map 10, Lot 15** requests an appeal of administrative decision per NHRSA 677:2 and the Rye Zoning Ordinance §190-7.3 of the building inspectors 4-19-2023 letter which determined that the uses for the property are materially different from the uses presented to the Planning Board in 2021. **Property is Commercial District, Multi-Family Overlay District, Aquifer Protection Overlay and Berry's Brook Watershed. Case #23-2023. Request for a continuance to July 5, 2023.**
6. **BSL Rye Investors, LLC d/b/a Benchmark Senior Living for property owned and located at 0 Lafayette Road and 295 Lafayette Road, Tax Map 10, Lot 1.** requests a special exception from §190-6.4 & §190-2.11.B(1)(5) to permit the construction of a ±41,210 sq. ft. semi-attached assisted living facility addition, with associated parking, to the existing Evolve at Rye senior living facility building **Property is Commercial District, Multi-Family Overlay District, Aquifer Protection Overlay and Berry's Brook Watershed. Case #24-2023.**
7. **The Gove Group Real Estate, LLC for property owned and located at Thompson Way, Tax Map 10, Lot 1** request a special exception from §190-5.1.A(3) and §190-5-1.B for a two-sided sign that is 25 sq. ft. per side for a total of 50 sq. ft. for the sign to remain until the last unit is sold. **Property is Commercial District, Multi-Family Overlay District, Aquifer Protection Overlay and Berry's Brook Watershed. Case #25-2023.**

8. **Steve & Tara Danielson for property owned and located at 5 Douglas Circle, Tax Map 8.1, Lot 105** requests variances from §190-2.4.C(2) for a dormer 15.4' from the side boundary where 20' is required and from §190-5.0.C for parking in the front boundary. **Property is in the General Residence District and Aquifer Protection Overlay District. Case #26-2023.**
9. **Circle Furniture Rye, LLC for property owned and located at 37 Central Road, Tax Map 12, Lot 38** request variances from §190-6.3.A for expansion of a nonconforming structure on a nonconforming lot; from §190-2.3.C(1) for expansion for pervious pavers 6.3' (+/-) and for a house 18.9' (+/-) where 30' is required in the front boundary; from §190-2.4.C(2) for a generator 5' (+/-) and house 10.5' (+/-) from the right side boundary where 20' is required; from §190-2.4.C(2) for a house 9.3' (+/-) from the left boundary where 20' is required; from §190-2.4.C(5) for building area 34% (+/-) where 15% is allowed; and §190-2.4.C(5) for lot coverage of 48.7% where 15% is allowed; from §190-5.0.C for parking in the front boundary; and a waiver from the Building Code §35-14.C(1) to allow for an effluent disposal area to be located 4' above top of bedrock where 6' is required. **Property is in the Single Residence District and Aquifer Protection Overlay District. Case #27-2023.**
10. **Michael R. Parsons & Katelyn B. Randall for property owned and located at 34 Perkins Road, Tax Map 5.2, Lot 148** request variances from §190-2.4.C(1) for a pool 23.5' from the rear boundary where 28.9' is required; from §190-2.4.C(2) for a pool 17.1' from the right side boundary where 20' is required; and from §190-2.4.C(5) for impervious coverage of 51.9% where 30% is allowed. **Property is in the General Residence and the Coastal Overlay District. Case #28-2023.**
11. **Patrick McKenna for property owned and located at 139 Wentworth Road, Tax Map 24, Lot 32** requests variances from §190-2.3.C(3) for an expansion of 38.7' where 40' is required in the front boundary, from §190-3.1.F(7) & §190-3.1.H.2(a),(b), (g) for reconstruction of a garage 52.9', septic tank 80.3', leach field 96.0', pervious deck/generator pad ~73.0' from the wetland where 100' is required; from §190-6.3.A for expansion on nonconforming structure; from §190-6.3.B for destruction of parts of the nonconforming structure; and relief from the code §35-14.C(2) for an effluent disposal system 2' distance to the seasonal high water table where 4' separation is required. **Property is in the Single Residence District, Coastal Overlay and Wetland Conservation Overlay. Case #29-2023.**
12. **John St. Cyr, Trustee, Saint Realty Trust for property owned and located at 21 Vin Mar Court, Tax Map 8.4, Lot 34** requests a two-year extension from the variances granted by the Board of Adjustment on August 4, 2021, and expiring on August 4, 2023. **Property is in the Single Residence and Coastal Overlay District. Case #30-2023.**
13. **Giorgia Nagle, applicant, Samonas Realty Trust, owner for property located at 1215 Ocean Blvd, Tax Map 17.3, Lot 6** requests an administrative appeal per NHRSA 677:2 and the Rye Zoning Ordinance §190-7.3 from the Building Inspector's denial letter and partial CO dated 4/25/2023. **Property is in the General Residence, Business District and Coastal Overlay District and SFHA-Zone AO, Case #31a-2023.**
14. **Giorgia Nagle, applicant, Samonas Realty Trust, owner for property located at 1215 Ocean Blvd, Tax Map 17.3, Lot 6** requests variances from §190-5.0.A for size of the parking spaces which currently exist and may not meet the size requirements, from §190-5.0. B for the minimum number of parking spaces 11 exist and 19 is required to operate a restaurant; from §190-5.0.C for parking in the front boundary and within 10' of Wallis Road; from §190-5.0. D for off street loading. **Property is in the General Residence, Business District and Coastal Overlay District and SFHA-Zone AO, Case #31b-2023**

Respectfully Submitted,  
Chris Piela, Clerk