

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/ Owner:**

John Samonas, Trustee, Samonas, Realty Trust  
111 Bow Street, Portsmouth NH

**Property:**

1215 Ocean Blvd, Tax Map 17.3, Lot 6  
Business and General Districts and Coastal Overlay

**Application case:**

Cases # 36-2018 and 37-2018

**Date of decision:**

October 3, 2018

**Decision:**

The Board voted 5-0 to grant variances from the following sections of the Zoning Ordinance:

- Section 304.4 for height of 36.3' for proposed building #1; 36.5' for proposed building #2; 36.3' for proposed building #3; and 36.0' for proposed building #4;
- Section 204.3 C for dwellings 9.5' from the Ocean Blvd property line;
- Section 301.5 A for removal of vegetation and, if required or recommended by NHDES, removal of the septic system in the tidal marsh;
- Section 301.8 B (1) for approximately 4000 cubic yards of fill within the wetlands buffer; and
- Section 301.8 B (2) and (7) for removal of existing structures and for
  - Building (#1) 64' from the marsh;
  - Building (#2) 80' from the marsh;
  - Building (#3) 82' from the marsh;
  - Building (#4) 84' from the marsh; and
  - Driveaway 24' from the marsh;

Each variance and building code relief was granted upon the following conditions:

1. On-going maintenance plan for the pervious driveway surface;
2. On-going maintenance plan for the septic system;
3. Planning Board Approval;
4. Stormwater management plan approved by the Building Inspector;
5. Installation and maintenance of native plantings from the NHDES Native Plants list in the entire area between the edge of the toe slope of the driveway to the wetland;
6. The eradication of the invasive plants on the site;

**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.

7. No fertilizer being used on the site. Condominium association documents are to include this restriction;
8. A single landscape company being engaged to service the entire site to help ensure uniform compliance with the requirements. Condominium association documents should include this restriction; and
9. All state permits be applied for and approved.

Note: The Special Exception for the driveway to be located within the tidal buffer was determined to be unnecessary in light of the above variances and withdrawn by the applicant.



**Patricia Weathersby**  
**Chairman**

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