

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:**

Domenic Martignetti & Phyllis Martignetti  
68 Manchester ST. Nashua NH

**Property:**

4 Breakers Road, Tax Map 8.4, Lot 68  
Property is in the General Residence, Coastal Overlay District and  
the SFHA, Zone AE (8)

**Application case:**

Case #33-2021

**Date of decision:**

January 5, 2022

**Decision:**

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

- §190-2.4.C(1) for a platform deck 4.2' from the rear boundary;
- §190-2.4.C(2) for an platform deck .6' from the side boundary;
- §190-6.2 and §190-6.3 for expansion of existing structure; and
- §190-2.4.C(5) for lot coverage of 75%.

The reasons the variances were denied include:

1. There is no unnecessary hardship to the applicants in denying the variances.
2. Proposed lot coverage of 75% is too high and leaves little surface area of the lot for water to be absorbed.
3. The lot already contains a very large deck for the use of the applicants and their family and guests.
4. A deck positioned 4.2' and .6" from abutting properties in a rather congested neighborhood will likely interfere with abutters' enjoyment of their properties.
5. The variances are contrary to the public interest and not in keeping with the spirit of the Zoning Ordinance.
6. Values of surrounding properties are likely to be diminished if the variances were granted.
7. The proposed deck is not a reasonable use.



**Patricia Weathersby, Chairman**

**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.