

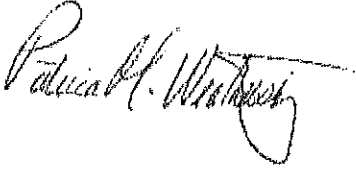
# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

- Applicant/Owner:** Donald E. and Patrese E. Pierson
- Property:** 1760 Ocean Blvd, Tax Map 13, Lot 60  
Property is in the General Residence and Coastal Overlay District.
- Application case:** Cases #26a-2021 and #26b-2021
- Date of decision:** June 2, 2021
- Decision:** The Board voted 5-0-0 to grant variances from the following sections of the Rye Zoning Ordinance:
- §190-3.1.H.(2)(a),(b) & (g) for a leachfield 92.3' from the tidal marsh and
  - §190-6.3A for expansion of a nonconforming structure
- The Board voted 5-0-0 to grant relief from the following section of the Rye Building Code.
- §35-14.D(1)(a) for leachfield 92.3' from tidal marsh.
- The above granted variances and building code relief were granted conditioned upon continued compliance with the following conditions:
1. A row of shrubs is planted along the eastern property line to offset the loss of a large cedar tree;
  2. A strip of native vegetation is planted to a depth of 5 feet along the seawall to intercept the filter potential contaminants coming from the lawn before they enter the harbor. This also acts to stabilize the lawn edge and the seawall from erosion resulting from storm surges;
  3. The plantings have a survival rate of 85% or better after one year.
- The Board also determined that the definition of "Wetlands" and "Wetlands Buffer" in the Zoning Ordinance does not include lands within 100' of Rye Harbor (unless such lands are also within 100' other qualifying wetlands) and therefore no variances are required for the project with regard to its relationship to Rye Harbor (NH Shoreland Permit will be required.)

The Board also determined that no variance or special exception is required to replace the existing shed located partially within the front setback as the replacement shed will be of an identical size and shape. (See ZO 190-6.3B)



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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.