

# BOARD OF ADJUSTMENT

-Rye, New Hampshire-

## NOTICE OF DECISION

**Applicant/Owner:** Mukherjee Living Trust, Sumeeta Mukherjee Trustee  
of 60 Deer Meadow Road, N. Andover MA

**Property:** 1701 Ocean Blvd, Rye NH Tax Map 13, Lot 6  
Property is in the General Residence, Coastal Overlay and SFHA Zone VE

**Application case:** Case #07-2023

**Date of decision:** May 3, 2023

**Decision:** The Board voted 5-0-0 to grant following variances from the Rye Zoning Ordinance as presented:

- §190-2.4.C(3) for second story building addition and deck 10' +/- from the front boundary, and
- §190-3.1.H(1)(b) for the work within 75; wetland buffer

These variances were granted with the following conditions including those from the Rye Conservation Commission letter dated 04/24/2023:

1. Silt fencing shall be used before and after the project for stabilization and protection of the resource.
2. A vegetated buffer of native plantings to be installed on the east side of the new fence creating an undulating planted buffer area averaging 8 feet to 10 feet from the property line. Note that the 8 foot to 10 foot buffer includes the plantings on the west side of the fence as well as those on the east side of the fence. The buffer plantings will wrap around on both the north side of the property and on the south side of the property, averaging 5 feet to 6 feet wide. On the south side plantings continue along the fence to the east end of the fence. On the north side plantings continue along the fence to the edge of the driveway. This buffer will help intercept runoff and contaminants such as fertilizer and pesticides before they can get to the marsh. The plant roots will bind and stabilize the soil along the fence and help inhibit erosion from the tidal currents of the marsh as well as uptake water through evapotranspiration.
3. A planting plan for all vegetated areas to be prepared and accepted by the RCC prior to installation.

**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.

3. Mulch used shall be natural straw or equivalent non-toxic, non-seedbearing organic material, in accordance with EV-WT 307.12(d0

4. The RCC believes that an 85% or greater survival rate of the planted vegetation after one year is adequate.

  
Shawn Crapo, Chair

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