

NOTICE OF DECISION

Special Exception – GRANTED with Conditions

Town of Stoddard Zoning Board of Adjustment

Case #2024-0402

Hearing Date: April 18, 2024

You are hereby notified that the appeal of John and Barbara Lemanski for a Special Exception concerning Article XII, Section 3, of the Stoddard Community Planning Ordinance to construct a deck, a portion of which will be less than 50 feet from Highland Lake located at 1163 Shedd Hill Road, Stoddard, Tax Map 105, Lot 02 in the Lake District, has been **GRANTED with Conditions** by the affirmative vote of at least three members of the Zoning Board of Adjustment.

Findings: The Board determined that the 3 conditions for a Wetlands Special Exception are met or will be met, as follows:

Condition 1.) Development of structures and land uses will not diminish the capacity of wetlands to regulate surface water run-off. The Board relies on the environmental expertise of the NHDES as well the opinion of the Stoddard Conservation Commission. Applicants are applying for a Shoreland Permit from the NHDES which if secured, will constitute DES approval The Stoddard Conservation Commission has given a “no objection” opinion on this project.

Condition 2.) Development of structures and land uses will not destroy the natural wetlands which provide flood protection and natural habitats for wildlife. The Board relies similarly on the environmental expertise of the above two bodies. Additionally, the Board found that the deck is replacing a previously destroyed deck, so the area had been disturbed prior. The Conservation Commission asked that they give consideration to using native plantings when they get to that point, and applicants attested native plants will be involved

Condition 3.) Development of structures and land use will not cause unnecessary or excessive expenses to the town to provide and maintain essential service and utilities, which arise because of improper use of wetlands. The Board determined there will be no new barriers between the road and the lake. The new construction does not impact personnel nor utilities’ access to the house nor other properties.

CONDITIONS: Applicants must obtain an approved Shoreland Permit by Notification from NHDES for this project.

Herbert C. Healy

Chairperson, Zoning Board of Adjustment

Date: _____04/24/24_____

The approval shall be valid is exercised within 2 years from the date of final approval and shall not expire with 6 months after the resolution of a planning application filed in reliance upon this decision, as per RSA 674:33, IV. Note: The selectmen, any party to the action or any person directly affected has a right to appeal this decision. See New Hampshire Revised Statutes Annotated, Chapter 677, available for public inspection in the records of the ZBA. Copies of this notice have been distributed to the applicant, Planning Board, Board of Selectmen, Town Clerk and Property Tax Assessor.