**NOTICE OF DECISION**

**Special Exception – GRANTED**

**Town of Stoddard Zoning Board of Adjustment**

**Case #2023-0903 September 21, 2023**

**Final Decision – Conditions Satisfied**

At meeting on 10/25/23 Conservation Commission decided the ZBA decision should stand.

You are hereby notified that the appeal of Peter H. Girard and Pack Yen Lim for a Special Exception to Article X11, Sections 4 & 5 of the Stoddard Community Planning Ordinance to remove an existing attached deck on the lakeside of the house and make it a permeable patio within the same footprint of the existing deck and is within the 50-foot wetland buffer area of Island Pond on property located at 504 Route 123 North, Stoddard, NH, Tax Map #134, Lot #38, in the Lake District has been **GRANTED** by the affirmative vote of at least three members of the Zoning Board of Adjustment.

**Finding of facts:**

**Criteria 1.) Development of structures and land uses will not diminish the capacity of wetlands to regulate surface water run-off.** Applicant has an accepted Shoreland Impact Permit 2023-01477 from the NHDES and is waiting for “no objections” from the Stoddard Conservation Commission

**Criteria 2.) Development of structures and land uses will not destroy the natural wetlands which provide flood protection and natural habitats for wildlife.** They are putting pervious material where there was none previously, so they are actually filtering the water back into the lake.

**Criteria 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.** No impact.The new construction does not impact access to the house nor the utilities.

**CONDITIONS: Subject to the Board receiving “no objection” from the Conservation Commission. This notification will be revised accordingly.**

Herbert C. Healy

Chairperson, Zoning Board of Adjustment

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 Statues 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.