Town of Stoddard

**NOTICE OF DECISION**

**DENIED WITHOUT PREJUDICE**

Zoning Board of Adjustment

Case # 2023-0604

You are hereby notified that the appeal of Melissa Aho-Rice and Darren Rice for a Special Exception to seek relief to build a patio/firepit within the 50-foot buffer area of Highland Lake on property located at 216 Fox Run Road, Stoddard, NH. Tax Map 121 Lot 23 in the Lakeside District, regarding Article XII, Section 4 & 5 of the Stoddard Zoning Ordinance has been **DENIED WITHOUT PREJUDICE**, for the reasons/facts listed below, by vote of the Zoning Board of Adjustment on July 20, 2023.

**Reasons/Fact Supporting the Denial:**

The Board is aware the State of New Hampshire Department of Environmental Services (DES) has denied applicant a permit, per DES letter dated February 07, 2023, stating the impervious patio does not comply with all applicable criteria of RSA 483-B and Rules ENV-Wq 1400, and the Board is further aware no further action by the applicant to appeal the DES decision prior to expiry of time to do so.

Per Article XII Section 5, the Stoddard Community Planning Ordinance requires that all necessary State permits be submitted to the ZBA as proper evidence for meeting the conditions for final approval of the Special Exception. While it is not required that the Shoreland Permit be acquired and submitted at time of hearing and ZBA decision, the Board found that given the current evidence of the State Permit process, the conditions for granting Special Exception would not be met

The ZBA decision to deny without prejudice affords the applicant an opportunity to reapply if at some time in the future applicant were able to obtain the Shoreland Permit for the project.

*Herbert Healy*

Chairperson, Zoning Board of Adjustment

Date: 07/26/23

Note: the selectmen, any party to the action, or any person directly affected has a right to appeal this decision. See NH Revised Statutes Annotated, Chapter 677. This notice has been placed on file and made available for public inspection in the records of the ZBA on 7/26/23. Copies of the notice have been distributed to the applicant, Planning Board, Board of Selectmen, Town Clerk and Property Tax Assessor.