**NOTICE OF DECISION: Special Exception – APPROVED with CONDITION**

**Town of Stoddard Zoning Board of Adjustment**

 **Case # 2023 -0602 July 20, 2023**

You are hereby notified that the appeal of Dan and Irina Owens for a Special Exception to Article XII, Section 3, 4 & 5 of the Stoddard Community Planning Ordinance to build a 12-foot x 20-foot wooden deck within the 50’ wetland buffer area overlooking Dead Brook on property located at 43 Brook Drive, Stoddard, NH Tax Map 130, Lot 18, in the Rural Zone, has been **GRANTED subject to the Condition below**, by the affirmative vote of at least three members of the Zoning Board of Adjustment.

**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 Permit by Notification from the NH DES. 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.** Applicant has an accepted Permit from the NH DES. Waiting for “no objections” from the Stoddard Conservation Commission.

**Criteria 3.) Development of structures and land uses prevent 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 is seen to EMS or Utilities. Access to the property from the road has not changed.

**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 if 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.