

Town of Stoddard
Zoning Board of Adjustment
Minutes of Meeting on July 30, 2026

The Chairman, called the meeting to order at 7:30 pm

Pledge of Allegiance was led by the Chairman

Roll Call:

- Members present: Franz Haase, Loren Patten, Bud Record, Herb Healy, Doug Summerton
- Alternate Member excused: Milosh Bukovcan
- Others present: Noreen and Raymond Durand - Applicants; Harry Power - Compliance Officer; Dennis Clark - Abutter

Hearing for Variance, #2026-0702, Noreen and Raymond Durand

Motion to open the hearing was made by Doug, seconded by Bud, all were in favor.

Review of Hearing Procedures

Franz read aloud the Rules of Procedures for Hearings of the ZBA.

The Secretary read aloud the Notification of Hearing and where it was posted:

A Public Hearing will follow the Site Visit on the same evening (July 30, 2026) at 7:30 pm at the Stoddard Town Hall to hear the request for a Variance by Noreen and Raymond Durand regarding Article III, Section 1 of the Stoddard Community Planning Ordinance to build a garage within ten feet of the property line at 437 Route 123 N, Tax Map 135, Lot 017, in the Lake District of Stoddard.

Herb explained why a Variance is required in this case as the adjoining property is also owned by the applicant. He went on to explain each of the criteria that must be met for the Variance to be granted.

Herb stated Ray did a good job answering questions at the site visit, and asked if Ray had anything else to add or ask of the Board since the site visit. Ray added that to place the garage in any other location on the property would create a hardship.

Herb then asked the Board if they had any questions for the applicant, stating Dennis (abutter) could ask questions after the Board.

1. Bud asked which boundary is the Variance for, from the roadway or from a property line separating the properties. Ray stated it was for the property line between the two properties and that the garage will meet setback requirements from the road although he would like to place the garage further back if possible. Even if it were moved further from the road, the west side of the garage will still remain 10 ft from the adjoining property line at 447 Rt 123 N.
2. Doug asked if the state required any drainage controls during construction. Ray said he and Doreen went to Concord and the person at the DES helped them fill out the paperwork and issued the Permit by Notification. A copy of the State Permit is in the file and it does require specific drainage controls during construction.
3. Herb asked what the contractor is going to do with the ledge & rock. Ray stated the contractor said he will drill to break it up and remove it. The boulders currently sitting on the site will not be a problem as they came from previous work there and the contractor will haul them away.
4. Herb asked if the Board had any further questions to ask. There were no further concerns from the Board. He turned the floor over to Dennis.
5. Abutter Dennis Clark stated his property borders the back of the Durand lots, and his property has an easement by the Harris Center. And that the Center is required to be notified when something is built on properties abutting it. Dennis stated he has notified the Harris Center and wanted documentation stating this.
6. Herb stated as the owner Dennis was notified, and the Harris Center can contact the board within 30 days to require a re-hearing should they have an issue about not being notified. Also stated that the Harris Center is not an abutter per State Statute definitions and it appears all legally required notices were sent out.
7. Noreen stated the property is 200 feet deep and the project will only extend less than 100 feet into the property.
8. Herb asked Dennis if he had any objection to the project. Abutter Dennis Clark stated he has no objection with the project or to continue with the hearing.
9. Herb asked if we have heard from any of the other abutters.
 - o Mr. Durand stated the Town was one abutter and approved the building permit at their meeting this past Monday contingent on approval of the Variance by the ZBA.
 - o The Secretary showed the certified mail receipt from abutter Adam Wood but no other communication from him.

- o Applicants assert they have spoken with abutter Brian Exley, and that he has no objection with the garage. Ray said Brian is on vacation.
- 10. Herb stated that all the abutters have been notified and none have an objection.
- 11. Herb stated his understanding of the project is that it is a one-story garage with a truss roof and an allowance for storage. Ray agreed.
- 12. Herb asked if Applicants anticipate converting it into an ADU. Ray stated no. Herb also asked if they would mind if there was a condition denying an ADU conversion to the property with the decision. Discussion between Ray and members followed. Ray indicated they did not object to the condition but wanted to know if the condition could be relieved at a later date.
- 13. Doug asked if there would be electric to the building. Ray answered yes, however there will be no water or heat.

Bud asked for a motion to close the hearing for deliberation, Doug seconded the motion, all voted in favor.

Deliberations:

Criteria 1 and 2.) Granting the variance would not be contrary to the public interest and the spirit of the ordinance would be observed because:

1. Herb feels it's a reasonable use. Applicant is keeping it away from the road making the area look less congested than if it were closer and will not affect public health, safety or welfare. Further, the Applicants have received a Shoreland Permit-By-Notification #2026-01786 from the State of New Hampshire for their project
2. Herb is concerned that it may be converted to an ADU in the future. He will ask the Board to put a condition on the Variance to keep the building from being converted to an ADU, as the property is very visible in a congested neighborhood and in one of the areas of town that Townspeople frequent across from Island Pond. With a restriction on creating an ADU, he feels the project meets the spirit of the ordinance.
3. Franz stated the State controls the ADU process and the Applicants have said they have no plans to convert it to an ADU.
4. Loren stated as this is a new building, they would have to meet State requirements and go before the Selectmen and ZBA if in the future they want to create an ADU. Herb responded that is not necessarily true.

5. Doug made motion to add a condition to consideration of a Variance to restrict the building from becoming an ADU, Bud seconded the motion. All agreed. Vote was three (3) to add the restriction, two (2) not to add the restriction. The continuing deliberations were based on inclusion of that condition.

Criteria 3.) Granting the Variance would do substantial justice because:

Every home owner has the right to have a place to safely and neatly store their equipment and goods. It is a tight space and substantial justice will be done to allow this. There was no submitted public harm.

Criteria 4.) For the following reasons, the value of the surrounding properties would not be diminished:

The proposed structure with the condition will increase the value of their property by giving them a place to store their belongings, keeping the area orderly and thereby increase the value of their neighbors' properties.

Criteria 5.) Owing to the special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

1. There is not a fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property. The applicants have established construction is constrained by the steep hill in the back. They have moved it as far back onto the lot as possible. It is further constrained by the location of the existing septic tank which will be ~ 5 ft from the new building, and it will be moved closer by the builder if possible.

2. The proposed use is a reasonable one because:

Having a garage/storage building in that neighbor hood is a reasonable use for the property. With the restriction of no ADU conversion on the building in place, it will remain in character with the neighborhood.

Doug made a motion to approve the Variance with the added condition. Franz seconded the motion. Doug made an amendment to the motion to include the wording "To approve the Variance request as submitted with the condition that it will not be converted to an ADU without further relief from the Zoning Board." Franz seconded.

Roll Call Vote: Loren Approve as written, Franz Approve, Herb Approve, Doug Approve, Bud Agree.

Herb made the offer to the Applicants to ask for a vote to accept the Variance as written without the condition. The applicants stated they are good with the vote as done.

Doug was excused from the remainder of the meeting.

Regular Meeting Business

Meeting Minutes

- The preliminary minutes from July 16, 2026 were reviewed. Loren identified a correction to the address number from 537 to 437 cited for the Durand project discussion. Loren made a motion to accept the corrected minutes, Bud seconded, and all approved.

Correspondence - None

After discussion the Board was in agreement that if no new application for relief was received by Aug 6, the August 20, 2026, ZBA meeting will be cancelled as there will not be time to process the application, and there is no other pressing business in front of the ZBA at this time.

Motion made by Bud to adjourn the meeting. Loren seconded the motion and all were in favor. Meeting adjourned at 8:45 pm.

The next scheduled meeting will be Aug 20, 2026 at 7:30 pm at the Stoddard Town Hall, unless cancelled per above agreement of the Board.

Public Comment – None

Respectfully submitted,

Kathleen Ellis, Secretary