

Zoning Board of Adjustment Meeting

Minutes for July 16, 2026

- Meeting called to Order at 7:30 pm by the Chairman. Secretary announced the meeting was being recorded.
- Pledge of Allegiance led by Herb Healy
- Roll Call -present: Chair- Herb Healy, V Chair- Franz Haase, Loren Patten, Milosh Bukovcan, Bud Record, Doug Summerton
- Alternates present: Milosh Bukovcan
- Members excused: None
- Others present: Noreen & Raymond Durand, Madeline Prior, Ellena Weston, Cameron Prior

Hearing

- Hearing procedures read aloud by Franz.
 - Motion to open the hearing was made by Doug, seconded by Franz , all were in favor.
 - The Secretary read aloud the Notification of Hearing and where it was posted:
 - Appeal by Ellena Weston and Madeline Prior for a Variance to Article III, Section 1 of the Stoddard Community Planning Ordinance for relief to build a new larger garage to replace an existing non-conforming garage that will be demolished, wherein the new garage will intrude three feet further into the setback from the road, on property located at 34 Old Antrim Road, Stoddard, NH 03464, Tax Map #126, Lot #027 in the Lake District
1. Herb announced that the Hearing Notices stated the Variance was to Article III and Section 2. Section 2 referral was in error and was corrected for the record to be Section 1.
 2. Herb explained the five State mandated criteria for a variance to the audience. He then invited the applicant to present their project.
 3. Madeline presented, stating they want to tear down the existing 25 ft wide x 30ft length nonconforming two car garage to build a new two car garage with a one bedroom, one-bathroom ADU above the new garage. The front of the existing non-conforming garage is within the 25 ft setback from Old Antrim Road with the shortest setback being the NE corner at 10.5 ft. The new garage footprint will expand the width to 28 ft and the length to 40 ft. The added 3 ft in width needs a variance as it further encroaches on the setback and reduces it to 10 ft.
 4. Herb asked if they have documentation showing the date of construction of the existing garage to confirm its non-conforming status. Ellena stated they have all the receipts from the previous owner when he built it in 1967. Franz stated he has personal information from working with the previous

owner that it was built no later than 1975, stating it is an old building and built prior to the CPO in 1986.

5. Herb stated it appears there is a large land area between the house and garage. Madeline stated the septic tank is located there. Ellena brought the plans for the existing septic system to the table to show members the location and distances between the tank, leach field, house & garage. Ellena and Madeline also informed there is a large boulder or ledge formation protruding above ground level between the house and the existing garage.
6. Herb asked where the external stairway was. Madeline stated it would not be enclosed and would be on the west side of the garage, the side facing the house.
7. Franz asked the distance of the bottom of the proposed staircase from the roadway. Madeline responded the staircase will be setback from the front of the garage and will be more than 25 ft from the edge of the roadway.
8. Harry stated the applicant needs to be 50 feet from the center of the road to meet setback requirements based on a 3-rod wide RoW for Old Antrim Rd, and the distance of the extended width of the proposed structure will be 35 feet.
9. Herb asked how the construction would affect the neighborhood property valuations. The applicant believes there will be no impact on the neighborhood. The applicants have spoken to each of the abutters and the abutters have no issues with the project. No abutters were in attendance.
10. Franz asked that the written correspondence from Stoddard's Road Agent to the ZBA be read aloud. Franz read the letter which stated the Road Agent had reviewed the proposed placement of the structure and evaluated it's impact relative to the public roadway and maintenance operations. He states that the new garage will not adversely affect road maintenance and public works operations.
11. Herb asked if there are only three abutters as the Town website's GIS shows more. Ellena stated the SW marker of 61 Old Antrim Rd, and the SE corner of the neighboring lot are not accurate as shown on the Town tax map. Ellena presented a survey map, dated 08/17/2024, showing the correct lot markers, proving there are only 3 abutters.
12. Herb asked if there were any other questions.
13. As summary, the proposed project seeks to expand the building on the East side because the leach field is to the south, the septic tank and an enormous boulder exist on the west side, and the road is to the north.
14. Doug made a motion to close the hearing for deliberation, Loren second the motion, all voted in favor.

Deliberations:

- The current garage is non-conforming as it was built years prior to the CPO.
- Criteria 1 & 2 - is granting the variance in the public interest and in the spirit of the ordinance: Franz stated the spirit of the ordinance is to negate the overcrowding of neighborhoods and roadways. He has driven past that garage for several years and never experienced or observed a problem with its location. The planned expansion is small and the front NE corner should have no impact on the road per Stoddard Road Agent's evaluation.
- Criteria 3 - does granting the variance do substantial justice: The applicants state they have spoken with all the abutters who have no objection to the project. No objections received. There is no perceived public harm to weigh against the benefit to the applicant.
- Criteria 4 – does the proposed project diminish surrounding property values: This property has already been greatly improved and the tearing down of the old garage and building the planned new structure will improve the area's property values.

- Criteria 5 – will denial of the variance pose unnecessary hardship to the owner. The project meets Criteria 5.A: There is an enormous rock formation and septic tank on the west side of the building, the leach field is to the back side (south), and the road to the north. The uniqueness of the property has been established showing there is no other alternative to placement of the expanded width on the east side. Further, the proposed use is a reasonable use of the property. The expansion of the width of the footprint of the garage to 28 ft is a reasonable width for a two-car garage, as well providing reasonable space for living quarters for the ADU, and will not change the character of the neighborhood.
- Franz made a motion to approve the application, Doug second the motion.
- Roll Call Vote on the motion: Loren approve, Franz approve, Herb approve, Bud approve, Doug approve.

Regular Business Meeting

- Review and approval of preliminary minutes from June 18, 2026. Motion made by Loren to approve the minutes as drafted, Franz seconded the motion and all agreed.
- Correspondence & Reports
 - o Secretary:
 - Received end-of-year ZBA financial reports. Herb verbally reviewed the reports with members.
 - Contacted Marlow Post Office, left phone & email; Postmaster hasn't begun working there yet but may be in on Wednesday.
 - Received a Variance application from Raymond Durand, Map 135 Lot 17 re setback for a proposed garage.
 - o Compliance Officer: Has nothing currently pending.
 - o Board members: N/A
- At this point, Doug was asked to be excused from remainder of the meeting and Milosh agreed to fill in for him.
- Old Business
 - o Reviewed updated list of sealed non-public session meeting minutes; tabled further action to next regular meeting.
- Public comment – non-agenda items: Members agreed to alter agenda for public comment and invited the Durand's to speak.
 - o Mr. Durand is asking for a special ZBA meeting prior to the regular scheduled meeting August 20th for purpose of a hearing for variance that they seek. Mr. Durand explained they want to build a garage on a property they own, and they were surprised they needed both a Shoreland Permit and a ZBA variance. This process has taken significant time and their contractor's window to construct is at risk. Herb explained meeting options to the members. Members agreed to hold a site visit on July 30th at 7:00 pm on the property at 437 Rt 123 North, with the hearing immediately following at 7:30 pm at the Town Hall.

- New Business
 - o Franz and Loren have been reappointed by the Select board. Loren has been sworn in and Franz will follow. Doug's re-appointment is pending his decision.
 - o Election of Officers:
 - Franz nominated Herb as Chair, Loren seconded the motion. There were no other motions for Chair. Herb is willing to do it. Roll Call: Milosh yes, Loren yes, Franz yes, Bud yes.
 - Milosh nominated Franz as Vice chair, Herb seconded the motion. There were no other motions for Vice Chair. Franz is willing to do it. Roll Call: Bud yes, Herb yes, Loren yes, Milosh yes
 - The Board expressed their gratitude for both Franz and Herb for the work they do.
- Non-public session (if necessary) None

Motion to adjourn made by Franz second by Loren. Meeting adjourned at 9:15 pm. The next regular monthly ZBA meeting is scheduled for August 20, 2026, at 7:30pm the Stoddard Hall.