



TOWN OF WILTON
Planning Board
Approved Minutes

DATE: April 7, 2021
TIME: 7:00 PM
PLACE: Remote

PRESENT: Alec MacMartin, chair; Karon Walker, vice-chair; Bart Hunter; Shannen Coffey; Stephanie Kirsch
Absent: Matt Fish; Neil Faiman
Staff: Caleb Cheng, NRPC Circuit Rider; Michele Decoteau, Land Use Administrator
Attendees: Paul Branscombe (Town Administrator), Gail Hoar, Andy Hoar, Daniel Ross, Joan Ross, Matt Bangert, Kenny Lehtonen, Andy Burns, Shannon Linn, Celso Munoz, Chris Owens, Courtney Johnson, Sara Spittel, Michael Dell’Orto, Tim Wylie, Tom Barrett, Mike Wright, Bill Goddard, Laurie Bourgoine, Jerry Aubel, Hart Shorn, Nicholas Kirsh, Rachel Hunter

I. Preliminaries

The meeting was opened at 7:04 PM by A. MacMartin.

A. MacMartin read the emergency declaration and the rules of procedure.

Roll call attendance:

- A. MacMartin – here, alone
- S. Coffey – here, alone
- S. Kirsh – here, alone
- B. Hunter – here, with Rachel Hunter
- K. Walker – here, alone

Minutes

The Board decided to review the minutes later in the meeting.

2. Public Hearings

K. Walker MOVED to continue the Public Hearing to later in this meeting. S. Coffey SECONDED.

Discussion: Hearing none, the chair asked for a roll call vote.

Roll call vote:

- A. MacMartin – aye
- B. Hunter – aye
- S. Coffey – aye
- K. Walker – aye
- S. Kirsh – aye. Motion carries (5-ayes, 0-nays, 0-abstentions).

3. Conceptual Discussion - Isaac Frye Holdings – F-003-2

A. MacMartin said this was to be a process discussion and described the lot in question, F-003-

02. A. MacMartin repeated that any gravel operation on the lot requires a variance. If approved by the Zoning Board, the operation would then require site plan approval by the Planning Board

K. Lehtonen said he believed the gravel removal was incidental and therefore did not require approvals. A. MacMartin said that Wilton's regulations clearly define "incidental" gravel removal as up to only 500 cubic yards and more than this amount had been removed.

K. Lehtonen said he had no problem asking for a variance. A. MacMartin said that this would need to be pursued diligently and nothing further could be done on the site until a variance was obtained.

M. Bangert said that this was the third time the neighborhood has had to deal with what would be an illegal excavation on this lot. He indicated that it is a burden and an expense to the neighborhood and the Town and said that enough was enough.

S. Linn said that her property is adjacent to this lot and her boundary markers were affected by this excavation. A. MacMartin said that she might wish to seek legal advice, as this is a matter outside the jurisdiction of the Planning Board.

A. Burns said that the excavation is causing instability of the retaining wall on his property and material on his lot had been removed. A. MacMartin said that remedies for the encroachment may be something that he will have to address individually. A. Burns said that this is a matter of safety.

K. Lehtonen said the slopes would have been stabilized but he believed that the Cease and Desist order issued for the operation made that impossible.

G. Hoar asked if abutters had to hire attorneys to enforce Town regulations, if the Town would not do so. K. Walker said that the Planning Board does not have enforcement powers, but that, based on public correspondence, the Town was taking action to address this situation.

T. Wylie asked why the Town had taken two months to respond to these activities and said that K. Lehtonen had made a mockery of Town requirements. K. Walker said that the two notices of violation have been posted and careful reading of those notices would give a better idea of when and how the Town had responded.

C. Owen asked about reclamation. P. Branscombe said that was addressed in the Town's second notice of violation. He said that the Town is working with counsel.

C. Johnson asked why the company was being allowed to seek a variance at this time, after unapproved work had already been done. A. MacMartin said that the process must be followed.

T. Wylie asked about the fine that was accruing. P. Branscombe indicated that it continued to accrue because the violations continued.

K. Lehtonen said his intent was to build a house, not conduct a gravel operation. M. Wright asked if there was a building permit in place. M. Decoteau confirmed that there was an incomplete application but no permit.

M. Bangert asked about the process for the necessary ZBA and PB approvals. A. MacMartin confirmed that a variance must first be granted before the Planning Board can consider an application for a gravel operation.

T. Wylie asked about the value of the material that had already been removed. K. Lehtonen said that gravel removed from this lot was transferred without compensation to another job site in Wilton on Goldsmith Drive. K. Lehtonen provided his cell phone number and said that the abutters could call to discuss the lot with him at any time. P. Branscombe said any abutters who want to discuss this further can come to Town Hall or call.

4. Public Hearings

A. MacMartin reopened the Public Hearing on the Master Plan.

C. Cheng reviewed the changes briefly. The Vision chapter was removed and the content was distributed among the other chapters. This necessitated reorganization of the chapters, table of contents, and formatting of the chapters was made consistent. The formatting was done to improve readability.

There were no comments from the Board or the Public.

K. Walker MOVED to accept the amendments to the Master Plan as stated and previously discussed. S. Coffey SECONDED.

Discussion: Hearing none, the chair asked for a roll call vote.

Roll call vote:

A. MacMartin – aye

B. Hunter – aye

S. Coffey – aye

K. Walker – aye

S. Kirsh – aye. Motion carries (5-ayes, 0-nays, 0-abstentions).

B. Hunter MOVED to close the Public Hearing. S. Coffey SECONDED.

Discussion: Hearing none, the chair asked for a roll call vote.

Roll call vote:

A. MacMartin – aye

B. Hunter – aye

S. Coffey – aye

K. Walker – aye

S. Kirsh – aye. Motion carries (5-ayes, 0-nays, 0-abstentions).

5. Minutes

Minutes of 03.17.21

K. Walker MOVED to accept the meeting minutes of 03.17.21 as presented in the redlined version. S. Coffey SECONDED.

Discussion: Hearing none, the chair asked for a roll call vote.

Roll call vote:

A. MacMartin – aye

B. Hunter – aye

S. Coffey – aye

K. Walker – aye

S. Kirsh – aye. Motion carries (5-ayes, 0-nays, 0-abstentions).

Minutes of 04.03.21 Site Walk

The Board asked that the minutes reflect the flagging pattern for the test pits- blue and pink with numbers

B. Hunter MOVED to accept the minutes of the site walk as amended. S. Coffey SECONDED.

Discussion

K. Walker asked about the test pits and how the depth to ground water is determined if there is further site work over the test pit itself. A. MacMartin said that he believed that grading had been taken into account when the calculations were made, but that should be confirmed with the applicant's engineer.

Roll call vote:

A. MacMartin – aye

B. Hunter – aye

S. Coffey – aye

K. Walker – abstained

S. Kirsh – aye. Motion carries (4-ayes, 0-nays, 1-abstentions).

6. Regulation updates

Scenic Road Permit

The Board asked for the information on escrow accounts to be in the same format as that of the Driveway Permit application.

S. Kirsh left the meeting at 8:25 PM.

Fee Schedule Appendix III update

The Board asked that the fees for subdivision applications be updated as approved in a recent meeting. The Board asked M. Decoteau to check other towns for fee comparisons and municipal structure.

Caveat Lot Consolidation (application form in the back of §B)

The Board reviewed the document and found no changes needed.

K. Walker MOVED to schedule a Public Hearing on May 5, 2021, regarding the Caveat Lot Consolidation form and instructions dated 03.03.21. B. Hunter SECONDED.

Discussion: Hearing none, the chair asked for a roll call vote.

Roll call vote:

A. MacMartin – aye

B. Hunter – aye

S. Coffey – aye

K. Walker – aye

Motion carries (4-ayes, 0-nays, 0-abstentions).

Driveway Regulations (§G)

The Board discussed the “hardship” standard for a waiver and the term’s legal meaning. The Board wanted to include erosion control in the list of requirements.

Wetlands on private property was discussed as a concern and staff was directed to look at how other towns address wetlands in driveway requirements and to ask the Road Agent about how culvert need and size is determined.

7. Master Plan

C. Cheng said that he was working Chapter 6 – Historic and Cultural Resources and had met with the Heritage Commission. More details to come.

8. Correspondence and Invoices

Approve spending from Cahoon Escrow and close account

K. Walker MOVED to make the following payments from the Cahoon escrow account: \$295.51 to NRPC and \$40 to the Town of Wilton.

Discussion: Hearing none, the chair asked for a roll call vote.

Roll call vote:

A. MacMartin – aye

B. Hunter – aye

S. Coffey – aye

K. Walker – aye

Motion carries (4-ayes, 0-nays, 0-abstentions).

Approve spending from Buchannan Escrow account

K. Walker MOVED to pay \$1764.80 to JSR Engineering for plan review. S. Coffey SECONDED.

Discussion: Hearing none, the chair asked for a roll call vote.

Roll call vote:

A. MacMartin – aye

B. Hunter – aye

S. Coffey – aye

K. Walker – aye

Motion carries (4-ayes, 0-nays, 0-abstentions).

9. Other Business

Impact Fee Report

The Board noted the Impact Fee Report for 2020.

10. Adjourn

K. Walker MOVED to adjourn at 10:20 PM. S. Coffey SECONDED.

Discussion: Hearing none, the chair asked for a roll call vote.

Roll call vote:

A. MacMartin – aye

B. Hunter – aye

S. Coffey – aye

K. Walker – aye

Motion carries (4-ayes, 0-nays, 0-abstentions).

List of any Exhibits from the meeting

Caveat Lot Consolidation, Form - Draft 6.03.03.21

Impact Fee Report 2020

Complete Master Plan Draft.03.19.21

Historic and Cultural Resources - List of Ideas 210402

F-003-2. Staff Report with Documentation

Respectfully submitted by Michele Decoteau, Land Use Administrator

Approved on 04.21.21