



ZONING BOARD OF ADJUSTMENT
WILTON
NEW HAMPSHIRE 03086

Minutes

October 5, 1988

Acting Chairman Grayson Parker called the meeting to order at 7:38 PM. ZBA present were Cindy Harris, Herbert Klein, Eddie J. Lamminen Jr, George Infanti and Secretary Joanna K Eckstrom. Press represented by Peter Ferrand and Ron Bitten.

Chairman Parker announced there would be one public hearing for the evening. Minutes of the September 14th meeting were reviewed. Ms Harris moved to accept minutes as written, second by Mr Klein. Motion carried unanimously.

Robert Dion's request for Special Exception was called. Parker noted that site visit had been conducted prior to meeting. Attorney Carol Rolf and Monadnock Survey's Dawn Tuomala represented Dion.

Atty Rolf cited request for Special Exception to Article XI Section D 1 & 2; proposal to build duplex or triplex building and have sewer easement through wetlands. Easement is for sanitary sewer. Extensive soil studies completed by private enterprise and Town engineers; conclusions are type 663 and 523 soils in area. 663 was identified as man-made wetland; this would have building and sewer easement. 523 characterized as somewhat poorly drained (pillsbury effect) with several clay pockets. This is site for other building and parking area.

Addressing the criteria for allowing use of wetlands, Rolf stated there would be no pollution; sewer easement would tie in with Town system. "Natural" wetlands would not be destroyed. Area 663 is man-made; so Board's concern should be with 523, the poorly drained area. Dion proposes to divert an intermittent stream. Any changes to the area also would be occurring 25 feet (elevation) above the river and approximately 200 back from the river. Houses (buildings) would be located here.

The Town would not suffer unnecessary expense. Weston Engineers (Town engineers) says it would be beneficial to fill in man-made pond. Expense for this would be developer's, not Town.

Finally, Rolf said siting for project is both appropriate and safe, again citing recommendations of filling man-made pond.

Rolf said all letters except that from Soil Conservation Service condone the project. SCS generally recommends not filling in wetlands. She said the utility (sewer) was essential to protective use of land.

Ms Harris asked for clarification on Wetlands Conservation Commission vis a vis this project. Parker read into record the

report of SCS agent. Also read into record was memo from Tom Mitchell, Chairman ZBA, who was unable to attend this hearing.

Klein noted reference to dredge and fill permit and original drainage pattern. Lamminen asked what exactly had been approved in dredge and fill permit. Ms Tuomala noted that same plan as before board was sent to Concord for State review/approval. Harris said she felt it hard to doubt a recommendation by SCS.

Ms Tuomala said before site walk on Sept. 29, Jerry Rosenberg SCS said he was going to reject plan. It's policy of SCS to do so.

Lamminen said he had to decide from the heart. If conditions have been met, Board must grant. Ms Rolf said again that ordinance addresses naturally occurring wetlands.

Klein asked if Lamminen could recall any ducks or geese there. Lamminen responded that he'd only seen seagulls from dump there. Lamminen continued that Board can't let personal opinion bias Board's decision on this. Board must decide if applicants meet requirements and if it is in Town best interest to approve.

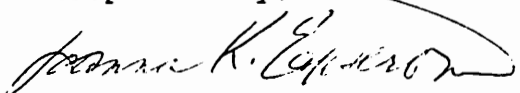
Klein asked for more detail on drainage. Ms Tuomala pointed out existing catch basins and showed where diversions would occur. She said parking area likely to be paved and would have bales, green space and swales.

Infanti said what he'd do and developer would do in the case are two different things; but he must rely on engineering reports (Town's included).

Lamminen moved to accept, approve and grant Special Exception as requested. Infanti seconded. Vote on motion 3 - 2 in favor, votes cast as follows Harris - no, Klein - yes, Parker - no, Lamminen - yes and Infanti - yes.

With no other business, meeting was adjourned at 8:30 PM.

Respectfully,



Joanna K. Eckstrom
Secretary

Addendum:	SCS Letter	Tom Mitchell Letter
	Weston Engineers Letter	Rutherford Survey Letters
	Department of Environmental	Services Wetlands Board
	Dredge and Fill application	