

TOWN OF WILTON
ZONING BOARD OF ADJUSTMENT MINUTES
NOVEMBER 14, 1990

VOTING BOARD: Neil Faiman, Herb Klein, Tom Mitchell & Grayson Parker.

CLERK: Diane Nilsson

AGENDA: Anne Colby Hines, request for Special Exception: minutes of 7/17/90 and 8/8/90 meetings.

Chairperson Neil Faiman called the meeting to order at 7:37 p.m.

Case # 11/14/90-1 COLBY HINES

Anne Colby Hines, Wilson Road, Lot D-136 in the Residential/Agricultural district requested a Special Exception according to the terms of Section 5.3.1 of the Wilton Zoning Ordinance to permit the propagation & seasonal sales of meadow & wetland plant materials as a home occupation.

Mr. Faiman stated that he and Mr. Mitchell had visited the site. He then stated that since there were only four board members present, Ms. Colby Hines had the right to postpone the hearing of her case to a future meeting when all five members might be present. Ms. Colby Hines chose to proceed with the members present.

Ms. Colby Hines presented a drawing of her land showing propagation beds and parking areas. She stated that 8-9 cars could park on-site. She also stated that she plans to be open for business from April through October, 2-3 days per week for a few hours each day. She also stated that she plans to specialize in plants which are not easily obtainable elsewhere.

Ton Mitchell stated that the proposal she had just outlined was a general farming and forest activity which is permitted in the Residential/Agricultural district according to the terms of Section 6.1 of the Wilton Zoning Ordinance and therefore the Board has no authority to consider this application for Home Occupation.

MOTION: Mr. Mitchell moved that the Board has no jurisdiction in this matter since the use is permitted. He also moved that all monies paid to the Town for the ZBA hearing be returned to her with the Board's apologies for the misadvice.

Mr. Parker agreed with the first part of the motion but not the second part.

The Board then discussed the process whereby Ms. Colby Hines ended up coming before the Board.

Mr. Klein seconded the motion.

Mr. Faiman suggested that the Board could offer the opportunity to the applicant to withdraw the application. If the application were withdrawn, then the Board would have nothing to act on and then he could support a motion to refund the fees on the grounds that the applicant should not have been led on this far. If the application were not withdrawn, Mr. Faiman felt that the Board had an obligation to either approve or not approve the Special Exception.

Ms. Colby Hines stated that she would be willing to withdraw her application but was concerned about how that action would affect her appearance before the Planning Board scheduled for 11/15/90.

MOTION: Mr. Faiman amended the previous motion to state: The Board has no authority to consider this application for a Special Exception according to Section 5.3.1 for a home occupation because the applicant's proposal is for a general farming and forest activity which is a permitted use according to Section 6.1 in the Residential/Agricultural district. Therefore the Board offered the applicant the opportunity to withdraw her application and receive a refund of her fees. Mr. Klein seconded the motion as amended.

VOTE: Yes - Mr. Faiman, Mr. Klein & Mr. Mitchell. Mr. Parker abstained.

Ms. Colby Hines accepted the offer.

Mr. Faiman stated that the Board would send a letter to the Selectman regarding the matter of the refund.

The hearing ended at 8:15 p.m.

MINUTES OF MEETING - July 17, 1990

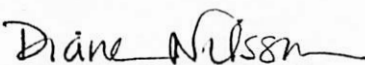
Only one member present at this meeting was also present at the 7/17/90 meeting. Since approval by three members who were present at the 7/17/90 is required, the Board will approve these minutes at a later meeting.

MINUTES OF MEETING - August 8, 1990

MOTION: Mr. Mitchell moved to approve 8/8/90 minutes, seconded by Mr. Klein with all in favor.

A motion was made and seconded to adjourn the meeting, with all in favor. The meeting was adjourned at 8:32 p.m.

Respectfully submitted,


Diane Nilsson, Clerk

Posted: November 19, 1990