

TOWN OF WILTON  
ZONING BOARD OF ADJUSTMENT  
NOVEMBER 10, 1993

VOTING BOARD: Chairman Neil Faiman; members Steve Blanchard & Tom Mitchell;  
alternate member Joanna Eckstrom.

CLERK: Diane Nilsson

AGENDA: Anne M. Godley Moorhouse - Special Exception  
David & Lisa Fait - Variance  
Amy Miller/Gertrude & Willis Lyford - Special Exception

Chairman Faiman called the meeting to order at 7:40 p.m.

Case # 10/13/93-1 - MOORHOUSE (continuation)

Anne M. Godley Moorhouse, Lot B-125, Isaac Frye Highway, in the Residential/Agricultural District, requested a Special Exception under the terms of Section 11.4B of the Wilton Zoning Ordinance to permit construction of a driveway and sewer line through a wetland area.

Mr. Faiman explained that this case is a continuation of a case heard last month which would fill two sections of wetland to permit a driveway crossing & septic line crossing.

Mr. Faiman read from the Wilton Zoning Ordinance pertaining to this request and stated that since the last meeting several Board members had walked the land and/or did a site visit with a member of the Hillsborough County Conservation District.

Mr. Mitchell stated that the HCCD reported that this project represents a minimum impact to the wetlands areas involved and there should be no change to the water flow in the area.

Ms. Eckstrom agreed with the HCCD findings.

MOTION: Mr. Mitchell moved to grant the Special Exception as written, seconded by Ms. Eckstrom with all in favor.

Mr. Faiman stated that the applicant will be receiving written notice of the Board's decision within a few days. He also stated that the selectmen, any party to the action or proceedings, or any person affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before Tuesday, November 30, 1993, and must fully specify all grounds on which the rehearing is requested.

Case # 11/10/93 - 1 - FAIT

David & Lisa Fait, Lot D-158-5, Rebeckah's Way, in the Residential/Agricultural District, requested a Variance to the terms of Section 6.2.4 of the Wilton Zoning Ordinance to allow construction of a home less than 35' from the nearest lot line.

Mr. Faiman explained that the ordinance requires 35' setbacks for all structures from all lot lines in the District. He also explained that there were only four Board members present at this meeting. Mr. Fait stated that he wished to go ahead with the hearing. Mr. Faiman further stated that all board members present with the exception of Mr. Mitchell had viewed the property.

Mr. Howard Watkins, surveyor, represented the Fait's and explained that the foundation was inadvertently poured closer to the lot line than planned. At it's closest point, the foundation is 31½' from the front lot line. It does not encroach on any side or rear lot lines. Another survey done by Monadnock Survey of Wilton agrees with this assesment. He explained that the rear slope of the land necessitated locating the foundation as near to the front lot line as possible.

Mr. Howard then read thru the five criteria as written in the application. The size of the foundation is 24' X 36'.

Abutter Leslie Wharton stated that she is in favor of granting the variance. She also stated a concern that the road doesn't quite match the easement and is not sure where it should be.

Mr. Faiman pointed out that if this variance is granted, it would be based on a variance of 31½' from the lot line. If in the future it was found that the house was actually say, 25' from the lot line, this variance would not stand.

Mr. Watkins stated that the driveway will be located on the right side of the house (if you are looking at the house.)

Mr. Faiman felt that the physical properties of this lot were reason to move the foundation as close to the property line as possible.

MOTION: Ms. Eckstrom moved to approve the Variance as written, seconded by Mr. Mitchell with all in favor.

MOTION: Ms. Eckstrom moved to accept the language of the findings as written, seconded by Mr. Blanchard with all in favor.

Mr. Faiman stated that the Variance was approved and the applicants will receive written notice of the Board's decision within a few days. He also stated that the selectmen, any party to the action or proceedings, or any person affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before Tuesday, November 30, 1993, and must fully specify all grounds on which the rehearing is requested.

**Findings of fact:**

1. The proposed use would not diminish the surrounding property value because **the use is still residential and allowing the variance would not affect the aesthetics of the property.**
2. Granting this variance would be in the public interest because **it would allow reasonable location due to severe slopes.**
3. Denial of the variance would cause unnecessary hardship because of the following special circumstances which make my property unique from other properties in the same zone: **Due to the slope at the rear of foundation, it necessitated setting the foundation as near to the street as possible.**
4. Granting the variance would do substantial justice because **it would allow the lot to be used as intended.**
5. The use is not contrary to the spirit of the ordinance because **it would allow use under Res/Ag zoning as intended.**

Case # 11/10/93-2 MILLER/LYFORD

Amy Louise Miller (applicant) and Gertrude & Willis Lyford (owners), Lot H-072, Mason Road, in the Residential/Agricultural District, requested a Special Exception under the terms of Section 6.6.1 of the Wilton Zoning Ordinance to allow an office for the practice of psychotherapy as a home occupation.

Mr. Faïman explained to Ms. Miller that she had the option of waiting for a full Board next month or going ahead with the hearing tonight. She chose to go ahead.

Ms. Miller stated that she wishes to use a wing of the house for a psychotherapy practice for individuals and groups with occasional workshops. She currently practices only 4-6 hours per week at her present location.

She stated that the house is on 5 acres of land and is approx. 200' back from the road. She further stated that the only changes to the house that she might make would be a separate entrance to the wing. The space would remain a residential space. The parking area can easily hold 15-18 cars. She may wish to erect a sign near the mailbox in the future.

Mr. Mitchell stated that if the Board does grant the Special Exception, the applicant must be aware of the Special Exception regulations such as noise, storage etc.

Mr. Blanchard questioned the requested hours of operation: 9 a.m. - 10:30 p.m. 7 days a week. Ms. Miller explained that she was allowing herself the flexibility to have appointments in the day or evening and to hold weekend workshops occasionally.

Ms. Eckstrom asked when the applicant would see fit to move to a commercial property, seeing that she is now asking for 80 hours/week for a home occupation.

The applicant answered that she plans to work alone, is not planning to develop staffs. If the usage became intense she would not want it in her home. She also reemphasized that she is not planning to work 80 hours per week, but wanted the option of clients being able to come at different hours. Late nites would only be Friday or Saturday nites. She will be working on an appointment-only basis and will not be taking any court referrals or active substance abusers.

MOTION: Mr. Mitchell moved to grant the Special Exception with the provision that hours be kept to a maximum of 40 per week, seconded by Mr. Blanchard with all in favor.

Mr. Faïman stated that the applicant will receive written notice of the Board's decision within a few days. He also stated that the selectmen, any party to the action or proceedings, or any person affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before Tuesday, November 30, 1993, and must fully specify all grounds on which the rehearing is requested.

#### NEW BUSINESS

MINUTES - October 13, 1993

MOTION: Ms. Eckstrom moved to postpone approval of 10/13/93 minutes, seconded by Mr. Mitchell with all in favor.

Mr. Mitchell will mail his annotations to the clerk so she can add them to the minutes.

Ms. Eckstrom brought up the subject of much-needed new Board members and alternate members. Mr. Faiman agreed to attend the next Selectman's meeting and explain to them in person that the Board is having a real problem with enough members and alternates.

The Board moved to adjourn the meeting, and it was adjourned at 8:35 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane Nilsson". The signature is written in dark ink and is positioned above the printed name.

Diane Nilsson, Clerk

Posted: 11/16/93