



**TOWN OF WILTON  
ZONING BOARD OF ADJUSTMENT BOARD MEETING  
DRAFT MINUTES**

**DATE:** October 11, 2016  
**TIME:** 7:30 PM  
**PLACE:** Wilton Town Hall Courtroom

**PRESENT:** ZBA Board Members: Chairman, Neil Faiman, Co-Vice Chairman Carol Roberts, Paul Levesque, Joanna Eckstrom, Andy Hoar, Secretary: Elizabeth Morison.

Attendance: Wilton Conservation Commission Members Bill Mahar and Jeff Stone. Dawn Tuomala, Monadnock Survey, Inc.

**PUBLIC HEARING**

Chairman Faiman opened the meeting at 7:32 PM.

**Minutes: September 20, 2016 Draft Minutes**

The Draft Minutes from September 20, 2016 were reviewed.

Ms. Eckstrom noted changes to Draft minutes via an email message. It was noted to change wording on line 72. Mr. Levesque asked what the total length of proposed driveway crossing of wetlands will be, not what the total length of proposed driveway will be. Ms. Eckstrom also noted for line 127 to include "as shown on the plan submitted with application". Ms. Eckstrom also stated to add on line 127, Neil took a picture of the details block of the plan.

Mr. Faiman noted Minutes should include Andy Hoar was not able to attend site meeting. Mr. Faiman also stated that Bob Spear was Alternate.

Ms. Roberts stated that the next ZBA meeting was scheduled for October 11<sup>th</sup>, not October 4, 2016.

*A MOTION was made from Ms. Roberts and Seconded by Mr. Levesque to approve the minutes from September 20, 2016 as amended and submitted with changes.*

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42 *Voting: 4 ayes, Motion carried.*

43 *Mr. Hoar abstained, noted was not present at September 20, 2016 meeting.*

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45 **Case # 10/11/16-1 - Holmes**

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47 Mr. Faiman read case and explained procedures of the hearing:

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- 49 • Thomas G. Holmes has applied for a variance to section 4.6.7 of the Wilton
- 50 Zoning Ordinance, to permit the construction of a house and attached deck on Lot
- 51 F-37-2, Intervale Road, which would be closer to a wetland area than is permitted
- 52 by the Ordinance.
- 53

54 Ms. Tuomala is representing Mr. Holmes. Ms. Tuomala passed out updated copies of  
55 application and site plan to the Board. Ms. Tuomala explained application and noted approval  
56 Letter from the NH Natural Heritage Bureau stating it was determined that, although there was a  
57 NHB record (eg., rare wildlife, plant, and/or natural community) present in the vicinity, we do  
58 not expect that it will be impacted by the proposed project. Application also includes present  
59 day photographs of property including two separate wetlands.

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61 Ms. Tuomala stated the following:

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- 63 • Subdivision plan in 1989
- 64 • No setbacks in town or state in 1989 - met and exceeded town regulations
- 65 • 1991 Title L – Water Management and Protection
  - 66 ○ Chapter 483-B Shoreland Water Quality Protection Act
- 67 • In 2004 Town adopted The Comprehensive Shoreland Protection Act, RSA
- 68 Chapter 483-B (“the Act”), originally enacted in 1991.
- 69 • Zoning Ordinance 4.6.7 - Wetlands Conservation District Setback. Buildings
- 70 must be set back fifty (50) feet from delineated wetlands.
- 71 • Client is requesting thirty-two feet (32) from delineated wetlands
- 72 • Proposing mixed berm during construction – filters run off and keeps silt on
- 73

74 Mr. Faiman opened Hearing to questions from the Board:

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76 Mr. Levesque asked how close is flood plain to house? Ms. Tuomala stated that the flood plain  
77 changed in 2009 and that house is not in the flood plain. Mr. Levesque also inquired as to the  
78 size of the house. Ms. Tuomala stated that the house is approximately 28’x 38’ – small house.

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80 Mr. Stone stated that the Wilton Conservation Committee requested a site visit.

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82 Mr. Levesque asked Mr. Stone if there were any specific objections to the plan? Mr. Stone  
83 stated that the Wilton Conservation Committee would just like a further understanding of site. In  
84 addition, Mr. Mahar noted that the new construction would be further away from the wetlands.

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86 In response to a question from Mr. Hoar, Ms. Tuomala was not sure of the timing of the project.

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88 Mr. Levesque and Ms. Eckstrom inquired about existing maple trees, would they be removed?  
89 Ms. Tuomala stated that she was unsure.

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91 Ms. Roberts inquired if there was a shed and/or barn on the property that was being used for  
92 storage. Ms. Tuomala stated that she was unsure. Ms. Tuomala also stated that Mr. Holmes  
93 does not live on lot F-37-1, property was subdivided in 1984. Ms. Roberts followed up her  
94 question with concerns for what is/if stored in barn has run off.

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96 Mr. Hoar asked what is the white stripe in photograph number 4? Ms. Tuomala identified the  
97 white stripe as a water slide and noted that it is on the neighbor's property.

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99 Mr. Faiman stated that there is no need to grant a continuance to the case due to a site visit. Mr.  
100 Faiman stated he appreciates the input of the Conservation Committee, but does not see need for  
101 input. Mr. Faiman noted that the level of detail and quality of the application, including  
102 photographs, is reasonable and satisfactory to the Board.

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104 *A MOTION was made by Ms. Eckstrom and seconded by Mr. Hoar that the application by*  
105 *Thomas G. Holmes for a variance to section 4.6.7 of the Wilton Zoning Ordinance has been*  
106 *granted. The variance will permit the construction of a house and attached deck on Lot F-37-2,*  
107 *Intervale Road, which will be closer to a wetland area than is permitted by the Ordinance, as*  
108 *shown on the plan labeled "Proposed Plot Plan / Lot F-37-2 / Thomas G. Holmes / Wilton, New*  
109 *Hampshire / September 23, 2016", which was filed with the variance application.*

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112 *Voting for Approval:*

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114 *Mr. Levesque – Yes*

115 *Mr. Hoar – Yes*

116 *Ms. Eckstrom – Yes*

117 *Ms. Roberts - Yes*

118 *Mr. Faiman – Yes*

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120 *Voting: 5 ayes, Application approved unanimously.*

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123 *Mr. Faiman stated this decision shall expire if the construction or use permitted by it has not*  
124 *begun by Thursday, October 11, 2018. (Wilton Zoning Ordinance section 17.4)*

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126 *The selectmen, any party to the action or proceedings, or any person directly affected thereby*  
127 *may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with*  
128 *the Zoning Board of Adjustment on or before Thursday, November 10, 2016, and must fully*  
129 *specify all grounds on which the rehearing is requested. (N.H. RSA 677:2).*

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131 *A Motion was made by Ms. Eckstrom and SECONDED by Mr. Levesque to accept reasons of*  
132 *decision 1-5 as stated in application submitted this evening.*

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*Voting: 5 ayes, Motion carried unanimously.*

Ms. Tuomala thanked Board for their time.

**Other Business:**

Mr. Stone stated that he was also present as a representative of the Wilton Conservation Commission and that he was attending as a prospective member of the ZBA Board.

Board Members stated that they would welcome new Members.

Mr. Faiman gave a quick overview of the Zoning Board:

- ZBA Members are appointed by Selectman
- There are up to 5 regular Members and up to 5 Alternates
- ZBA meets once a month - 2<sup>nd</sup> Tuesday of the month
- 1-3 Cases per meeting
- 3-year term

Ms. Roberts questioned who makes changes to Zoning Ordinances. In response to Ms. Roberts' question, Mr. Faiman stated that changes are proposed by the Planning Board. Mr. Faiman further stated that a vote to adopt is voted on at Town Meeting and Amendments can be submitted by Petition.

*A Motion was made by Mr. Hoar and Seconded by Ms. Eckstrom to adjourn the meeting.*

*Voting: 5 ayes, motion carried unanimously.*

Chairman Faiman declared the meeting adjourned at 8:29 PM.

The next scheduled monthly meeting will be held on the third Tuesday of the following month, (due to the election), November 15, 2016. At 7:30 PM.

Respectfully Submitted,

Elizabeth Morison  
Secretary