

Town of Wilton, New Hampshire
Zoning Board of Adjustment
Approved Minutes
Tuesday, June 13, 2017

The Wilton Zoning Board of Adjustment convened on Tuesday, June 13, 2017 at 7:30 pm in the Wilton Fire Station, Main Street, Wilton, NH 03086.

In attendance were Neil Faiman, Chairman; Andy Hoar, Member; Carol Roberts, Co-Vice Chairman; Joanna Eckstrom, Co-Vice Chairman; Member; Paul Levesque; Bob Spear, Alternate Member; & Jeff Stone, Alternate Member.

Chairman Faiman called the meeting to order at 7:30 pm. He began by introducing members of the Zoning Board of Adjustment to the public in attendance.

Minutes:

No action was taken on the draft minutes of May 9, 2017 and were tabled to the next meeting on July 11, 2017.

NOTICE OF PUBLIC HEARING:

Chairman Faiman announced that the ZBA has (2) Zoning Board of Adjustment applications to review tonight and read the Public Hearing Notice into the record:

Notice is hereby given that the Town of Wilton Zoning Board of Adjustment will meet on Tuesday, June 13, 2017 at 7:30 pm in the Wilton Fire Station to hold public hearings on the following applications. The applications for these cases, and any other documents submitted with them, are available in the Wilton Town Offices.

Willreign Properties, LLC has applied for a variance to Sections 5.1 and 5.2 of the Wilton Zoning Ordinance to permit the conversion of the former Catholic Church and rectory on Lot K-72, 47 Maple Street, to a mixed use facility including five dwelling units, an educational center, and a commercial business, which would not otherwise be permitted in the Residential District. (Case # 6/13/17-1)

Linda and Roger Ladouceur have applied for a variance to Section 5.2.1 of the Wilton Zoning Ordinance to permit a lot line adjustment between Lots J-26, 21 Whiting Hill Road, and Lot J-29, 34 Park Street, which will result in Lot J-29 having less area than is required in the Residential District (Case # 6/13/17-2)

Chairman Faiman proposed to reverse the presentation of the Cases due to the anticipated length of time needed to hear the Willreign Properties, LLC Case and in the best interest in people's time, he

requested to begin with Case # 6/13/17-2. Hearing no opposition to that, he opened the floor to the applicants.

PUBLIC HEARING – LINDA AND ROGER LADOUCEUR, 21 WHITING HILL ROAD, LOT J-29

Present: Linda and Roger Ladouceur, 21 Whiting Hill Road, applicant and owner of Tax Map Lot J-29

For the record, Alternate Member Jeff Stone recused himself from this Case.

The applicant has applied for a variance to Section 5.2.1 of the Wilton Zoning Ordinance to permit a lot line adjustment between Lots J-26, 21 Whiting Hill Road, and Lot J-29, 34 Park Street, which will result in Lot J-29 having less area than is required in the Residential District (Case # 6/13/17-2)

Chairman Faiman began by explaining the procedure for the public hearing that the ZBA will follow and how the ZBA will facilitate the meeting with regards to information presented by the applicant and any interested parties. He stated that after all the information is obtained, the Board will deliberate and either render a decision or if necessary, will require the hearing to be tabled to a later date if more information is needed to render a decision. He said that all interested parties are welcome to speak to the Case, however, he requested that the audience state their name, address and their relationship to the Case before they speak.

Chairman Faiman stated that regular members, Andy Hoar, Carol Roberts, Joanna Eckstrom, Paul Levesque and himself will be the sitting Board and will vote on the Case. He said that Bob Spear will be participating in the discussion but will not be voting on the final decision.

Linda Ladouceur provided each ZBA member with a zoning exhibit map prepared and certified by Michael Ploof, P.E. of Fieldstone Land Consultants, PLLC (Project No. 1557.00 dated June 12, 2017) for the record. She stated that both lots were surveyed and the purpose of the plan is to show a proposed lot line adjustment between existing Tax Map Lots J-26 and J-29. She said the zoning for both parcels are within the Residential District (RD).

Ms. Ladouceur stated that Mr. Ploof will not be attendance tonight because he felt that the plan was self-explanatory and “easy to understand”. Ms. Ladouceur directed the Board to the map area chart on the proposed plan and stated that this describes how the lots will be changed.

Ms. Ladouceur stated that she and her husband reside at 21 Whiting Hill Road (Tax Map J-26) for 34 years, however, it is not a conforming lot. She stated that her front yard looks at the back yard of Tax Map Lot J-29, 34 Park Street which is a conforming lot. She stated that this lot has always been kept in pristine condition by all the previous owners. She stated that the current owners have decided to sell the property and it is their intent to purchase the land and are proposing to divide it. She stated that they are requesting a lot line adjustment to have Lot J-26 larger and Lot J-29 smaller. She stated that they are not proposing any buildings and only want to preserve the “greenness” that is currently there.

Ms. Ladouceur stated that flags were put up showing the proposed lines. She stated that when Fieldstone Land Consultants came to survey, they did it in two parts and it is 18 feet from the garage shed on the other piece of land so there is sufficient room in which 15 feet is needed.

Discussion followed regarding the perimeter information as shown on the plan. Member Levesque questioned whether the lots would be put together and become one lot. Ms. Ladouceur stated “yes” and that the conforming lot becomes non-conforming and the non-conforming lot becomes conforming. She said they would be buying the whole lot and then divide it.

Member Andy Hoar observed that Lot J-29 is non-conforming because it doesn’t have the required 100’ frontage – it has only 75’. Chairman Faiman felt that it didn’t matter to the application. Member Joanna Eckstrom questioned whether it was a lot of record and it was confirmed that it was.

Chairman Faiman questioned whether there were any other comments or concerns from the Board. Member Roberts had questions about the driveway on Lot J-26 and asked if they would be changing that. Ms. Ladouceur stated “no”. Member Roberts asked if someone buys the other half of Lot J-29, would they have any backdoor access or is their only access off the front lot? Chairman Faiman stated they would have frontage off Park Street where their house and driveway faces.

Member Eckstrom questioned whether the house on J-29 was a single-family residence. Ms. Ladouceur stated it was and that the house had a shared driveway.

Chairman Faiman stated that the Zoning Board has heard applications similar to this in the past where residents want to change a conforming lot into a non-conforming lot and is not permitted without action from the Zoning Board.

Chairman Faiman asked if there were any questions, comments, or concerns relative to this Case. Hearing none, he called for a motion to close the public hearing.

MOTION:

Member Eckstrom motioned to close the public hearing, Member Roberts 2nd. *VOTE: All in favor. Motion carried.*

Chairman Faiman asked if any ZBA member wished to speak. Member Eckstrom stated that she has driven by the property and appreciated how the area would remain as green space and felt it was a good exchange in order to preserve the green space. Other members agreed with her. Member Roberts stated that it would leave a viable piece of land if someone wanted to purchase it. Chairman Faiman felt it was hard to pinpoint a hardship here. He said the applicant is not changing the balance of the neighborhood – the applicant is only drawing a lot line between two usable lots.

Member Roberts motioned to reopen the public hearing, Member Eckstrom 2nd. *VOTE: All in favor. Motion carried.*

Chairman Faiman announced that the Board is ready to vote on the application as submitted and questioned whether there was anyone present who felt that the Board has missed anything with this Case. Hearing no other comments or concerns, he called for a Motion:

MOTION:

Member Eckstrom motioned to approve Case # 6/13/17-2 as submitted, Member Spear 2nd. *VOTE: All in favor. Motion carried.*

Chairman Faiman informed the applicant that they will be receiving a written Notice of Decision. He informed the applicant that the Selectmen, or any person directly affected, may apply for a rehearing of this decision by submitting a request in writing to the Zoning Board of Adjustment on or before 30 days from today's date and must fully specify all grounds for the rehearing request based on some error or misinformation with this Case. He stated that a request for a rehearing is a necessary prerequisite for a court appeal of the Zoning Board's decision. He stated that if in the absence of a written request for a rehearing is received within 30 days, the ZBA decision is final.

Ms. Ladouceur stated that it was their intention to apply with the Planning Board to meet with them in July. She asked whether that would affect the 30-day appeal period. Chairman Faiman stated "no" because there is a decision rendered by the ZBA and the fact that the decision could be reversed doesn't make it any less of a decision. Ms. Ladouceur stated that they would move forward with the Planning Board.

PUBLIC HEARING – WILLREIGN PROPERTIES, LLC – CHRISTINA RUBIO SPRAGUE & JOHN SPRAGUE – 47 MAPLE STREET, TAX MAP K-72

Present: Christina Rubio-Sprague & John Sprague, abutters and interested parties.

The applicants have applied for a variance to Sections 5.1 and 5.2 of the Wilton Zoning Ordinance to permit the conversion of the former Catholic Church and rectory on Lot K-72, 47 Maple Street, to a mixed-use facility including five dwelling units, an educational center, and a commercial business, which would not otherwise be permitted in the Recreational District. (Case # 6/13/17-1)

Chairman Faiman asked whether everyone understood outlined from the last Case on how the ZBA would proceed. Hearing no questions from the public, he asked the applicant to begin her presentation.

Ms. Rubio-Sprague began by stating that they are present tonight seeking relief for a variance to Sections 5.1 and 5.2 of the Zoning Ordinance to convert the former Sacred Heart Catholic Church and rectory to a mixed-use facility consisting of multi-family housing units and an educational center and retail use. She stated that they have purchased the Church because they believe in preserving the history and architecture of the Church. She said they are proposing that the former rectory be converted into a two-unit dwelling and convert the Church into a three-unit dwelling while preserving it. She said they are proposing to use it as part of their business for educational use with adults with developmental disabilities. She said they want to reach out to the community and teach life skills by

using crafts and other methods of education. She said it is their hope to also sell products that help in this area.

Discussion followed where the Board asked whether there were any drawings available. Ms. Rubio-Sprague stated “no”. She said the architecture will remain as it is today – there will be no change to the outside. She said it will only be divided internally.

Ms. Rubio-Sprague proceeded to describe the internal changes being proposed. She stated that where the downstairs cafeteria was will be divided into apartments. She stated that the beauty of the Church will remain the same and it would be sad to take away the architectural elements.

The Board questioned how many students would be served. She stated that they wanted to limit the classrooms to 10 students because those with development needs require extra care. She added that teachers would be hired to facilitate their needs.

A question was raised by the Board on the number of parking spaces would be needed. Ms. Rubio-Sprague stated that parking is a consideration as they wish to expand. They just want to ensure that the surrounding residents have ample parking and is their primary focus. She said she feels there will be ample parking available.

Member Levesque stated that he needs to review a plan before any decision is reached particularly for parking. Ms. Rubio-Sprague stated that during her review of the Zoning Regulations, there was no mention about parking which is why she doesn't have anything to provide the Board. The Board stated that there are two parking spots per dwelling unit required. The Board would like to see architectural drawings for the inside of the Church and how the dwellings are going to be built.

Member Eckstrom stated that she didn't think the Board needed internal plans but stated that a concern she has is that they would be putting dwelling units in two separate buildings on the same lot which is prohibited in the Zoning Ordinance and doesn't see a way to waive that.

Member Hoag stated that they would need to give the Board some visual guidance on the parking concerns under Section 5.3.1 F.

Member Roberts commented on the request for residential housing, education and retail and felt that the retail stuck out as unusual. Discussion followed regarding those concerns in the district. Chairman Faiman wanted to ensure that the Board be very clear on what they are allowing and permitting.

Member Eckstrom had questions concerning employees for the proposed retail area. Ms. Rubio-Sprague stated that they would use teachers and students for retail sales. Member Eckstrom asked about hours of operation. Ms. Rubio-Sprague stated that they are very concerned about maintaining quiet time for the neighbors so they envision being open 5 days per week which would include shutting down two days during the week but open both weekend days until 6 or 7 pm for the retail use. Member Eckstrom questioned whether the applicants plan on living on the property. Ms. Rubio-Sprague stated they reside in another home in Wilton.

Discussion occurred regarding signage, lighting and bedroom concerns. The Board requested that they be allowed to conduct a site walk on the property. Member Levesque stated that he has driven by the property but doesn't have a good feel for what is being proposed and is reluctant to render a decision before the Board can view the site.

Chairman Faimain asked if there were any questions from the public.

Susan Childress of 50 Maple Street commented that she will be deeply affected by what happens to the Church. She said she has lived in Wilton for many years and has put a lot of work into her home and is concerned about how her neighborhood will be affected by this proposal. She requested that the Board practice due diligence on this application and asked the Board to "strike a balance" in their final decision. Ms. Rubio-Sprague assured Ms. Childress that it is essential to them to maintain the integrity of the building and is aware of their surrounding residents.

Ms. Childress questioned whether the Board has received any written correspondence. Chairman Faiman stated not to his knowledge.

Chairman Faiman questioned whether the Board should continue the public hearing once a site walk is conducted. Members agreed. Chairman Faiman stated that the point of the site visit is to have the Board observe the site conditions and to become familiar with the property as it pertains to the application and their observations will be discussed at the next meeting. He said that site walks are usually conducted on weekend mornings a week or two prior to the next meeting.

Chairman Faiman stated the purpose of the continuance would be to address parking, bedroom count, details of the proposed education and commercial uses and hours of operation and signage and lighting specifications.

The Board agreed to conduct a site walk on Saturday, July 8, 2017 at 9am at the former Catholic Church at 47 Maple Street. Chairman Faiman stated that the site walk is a continuation of the public hearing and is open to the public. He stated that there will be a public notice posted in Town Hall, however, there will not be a mailing sent out. He advised folks who are present tonight to notify their neighbors who may be interested in attending.

MOTION:

Chairman Faiman called for a motion to continue the Case to a site visit on Saturday, July 8, 2017 at 9am at 47 Maple Street and the public hearing to Tuesday, July 11, 2017 at 7:30 pm at the Wilton Fire Station. The motion was moved and seconded. *VOTE: All in favor. Motion carried.*

ADJOURN:

Motion was made and seconded to adjourn at 8:45 pm. *VOTE: All in favor. Motion carried.*

Respectfully Submitted,
Debra A. Butcher
Recording Secretary