

**Town of Wilton, New Hampshire**  
**Zoning Board of Adjustment**  
**Minutes**  
**Tuesday, October 10, 2017**  
**Approved**

The Wilton Zoning Board of Adjustment convened on Tuesday, October 10, 2017 at 7:30 pm in the Wilton Fire Station, Main Street, Wilton, NH 03086.

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

Chairman Faiman called the meeting to order at 7:30 pm and began by introducing members of the Zoning Board of Adjustment to the public. He stated that Alternate Jeff Stone will be sitting on the Board this evening, however, he will not be voting on the Case.

Chairman Faiman thanked Debra Butcher for filling in as Recording Secretary until a full time Land Use Administrative Assistant is hired.

Minutes:

No action was taken on minutes.

NOTICE OF PUBLIC HEARING:

*Chairman Faiman announced that the ZBA has one Zoning Board of Adjustment application to review tonight and read the Public Hearing Notice into the record:*

Case #: 10/10/10/17-1

*Notice is hereby given that the Town of Wilton Zoning Board of Adjustment will meet on Tuesday, October 10, 2017 at 7:30 pm in the Wilton Fire Station to hold public hearings on the following application. The application for this Case, and any other documents submitted with them, are available in the Wilton Town Offices.*

*Brenda Tighe has applied for a variance to Section 5.2.1 of the Wilton Zoning Ordinance to permit a lot line adjustment between Lot K-74, 25 Clark Court and Lot K-75, 27 Clark Court, which will result in both lots having less area that is required in the Residential District.*

PUBLIC HEARING – Brenda Tighe, 25 Clark Court (Lot K-74) & 27 Clark Court (Lot K-75)

Present: Brenda Tighe, Owner of both properties; Jeanne Lajoie, 5 Defoe Alley (neighbor)

Chairman Faiman opened the hearing by stating that Ms. Tighe has applied for a lot line adjustment between lots K-74, 25 Clark Court & K-75, 27 Clark Court. He described the process in which the Zoning Board of Adjustment will conduct their hearing. He stated that the applicant should describe her Case - what it is that she wants to do, why a variance is needed to proceed, and why she thinks the Board

should grant the variance. He stated that the Board may ask questions once she has completed her statement. Chairman Faiman stated that any interested parties will be allowed to speak.

Chairman Faiman stated that once all the testimony is taken and there are no other comments or concerns, the Board will close the public hearing and begin deliberations. Chairman Faiman circulated a copy of the site plan received with the application for members to view. He said it was a hand annotated version of a boundary plan dated May 30, 2017 of the two lots in question.

Ms. Tighe began by stating that she owns both properties. She said that she resides at 25 Clark Court, which is the smaller of the two lots, and her front yard abuts 27 Clark Court's side yard in which she would like to extend the boundary approximately 10 feet to leave 15 feet to 27 Clark Court. She said that this is because her front yard and their side yard are all one big piece of property. She said she would be maintaining all yardage if her variance is approved.

Member Levesque noted that there is a curve in place and questioned whether the curve in the sidewalk will be included in the area. Ms. Tighe stated "yes but only part of it". She stated that there is a small drainage with a pipe that runs from Maple Street to Main Street and that drainage area is not on her property. She reported that the pipe runs underneath her house so she wants to extend her property to include that drainage area so nothing can be done if ownership changes.

Chairman Faiman noted that it looks like her property crosses over to the other lot. Ms. Tighe stated it does. Member Levesque questioned whether there was a right-of-way. Ms. Tighe stated "yes" and that her property was landlocked. She said she has a quit claim deed to the driveway and that her next-door neighbor owns part of her driveway. She said he has no problem with her application and is not present tonight.

Chairman Faiman stated that looking at the lines, she is maintaining the setback of the houses for both properties. He said the only issue with the Zoning is that both lots are less than ½ acre already and both lots will still be less than ½ acre but one of them will be more than less than ½ acre than it is now. Ms. Tighe stated "yes".

Ms. Tighe stated that she would like to extend the left side of her house 10 feet towards the fence. Co-Vice Chair Eckstrom questioned whether that will become her new property line. Ms. Tighe stated "yes". Member Levesque asked whether Ms. Tighe plans on selling the other lot. Ms. Tighe stated "yes".

Discussion followed regarding the Planning Board application process and needing Planning Board approval once the application is approved by the Zoning Board of Adjustment. Chairman Faiman recommended that Ms. Tighe contact the Town Hall and obtain an application to be scheduled on their agenda.

Co-Vice Chair Eckstrom stated that she drove by the property and asked whether the driveway that she resides at comes out onto Clark Court. Ms. Tighe stated "yes". Ms. Eckstrom questioned whether there was an easement on the sewer line and whether it was recorded. Ms. Tighe stated that she has a right-of-way. Ms. Eckstrom asked whether Ms. Tighe planned on changing the driveway portion. Ms. Tighe said it was not her intent to do that. Additional discussion occurred regarding the driveway concerning entrance and exiting.

Chairman Faiman summarized the Case and what was presented by the applicant. He called for a motion to close the public hearing.

**MOTION:**

Co-Vice Chair motioned to close the public hearing, Member Levesque 2nd. *VOTE: All voted in favor. Motion carried.*

Co-Vice Chair Eckstrom & Member Levesque both voiced their support of the variance. Ms. Eckstrom stated that she thought there was no impact on the neighborhood or increase in density and buildings were remaining in place. Other members agreed and were satisfied with the evidence presented to approve the variance and all areas of law required of the Ordinance.

Co-Vice Chair Eckstrom motioned to reopen the Case, Member Levesque 2nd. *VOTE: All voted in favor. Motion carried.*

Chairman Faiman stated that the Board feels that this Case was simple and are inclined to approve it. Hearing no other comments or concerns, he called for a Motion to approve the variance:

**MOTION:**

Co-Vice Chairman Eckstrom motioned to approve the variance to Zoning Ordinance 5.2.1 as stated on the application submitted by Brenda Tighe, Member Levesque 2nd. All members voted individually.

*VOTE: All voted in favor. Motion carried.*

Chairman Faiman explained that Ms. Tighe will receive a written approval in the mail. He stated that the Selectmen, abutters or anyone directly affected by the decision may request a rehearing of the Case by a written request filed in the Town Hall within 30 days from tonight. He said if no request is filed, the decision then becomes final.

**ADJOURN:**

Motion was made and seconded to adjourn at 7:55 pm. *VOTE: All in favor. Motion carried.*

Respectfully Submitted,  
Debra A. Butcher  
Recording Secretary