

Town of Wilton, New Hampshire  
**Zoning Board of Adjustment**  
**Approved Minutes**  
**Tuesday, January 9, 2018**

**DATE:** January 9, 2018  
**TIME:** 7:30 PM  
**PLACE:** Wilton Town Hall (Court Room)  
**PRESENT:** Neil Faiman, Chair, Joanna Eckstrom, Andy Hoar, Carol Roberts, Jeff Stone  
(Alternate for Paul Levesque)  
**ABSENT:** Paul Levesque  
**Staff:** Land Use Administrator Michele Decoteau  
**Present from the Community: Applicant** David Wirbal, Joe Camara, Stephanie Hogan, Jessie Salisbury

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 for Paul Levesque

MINUTES:

December 19, 2017

- Line 12: Levesque
- Line 58: delete “as he does not”
- Line 101: Delete after “...yes” and add “two variances are requested”

J. Eckstrom MOVED to accept the minutes with corrections noted. A. Hoar SECONDED. (5-ayes, 0-nay). Motion passes.

January 7, 2018

- Line 12: Levesque
- Line 23: change reflective lights to stakes
- Line 25: add “The shed cannot be closer to the house because...”

A. Hoar MOVED to accept the minutes with the single correction. C. Roberts SECONDED. (4-ayes, 0-nays, 1-absention (J. Eckstrom)). Motion passes. J. Eckstrom drove by the property twice to see the site. The second time was at night to see how bright the neighborhood was at that time.

PUBLIC HEARING:

Case #: 12/12/17-1

N. Faiman continued the hearing by reading the legal notice and outlining the process. Tonight was not a reiteration of previous facts, but a time to review what was learned on the site walk and accept new information.

Board members present for both hearings: Neil Faiman, Joanna Eckstrom, Andy Hoar, Carol Roberts, Jeff Stone (Alternate for Paul Levesque). All either participated in the site walk or visited the site.

Applicant D. Wirbal brought in a site plan with the location of the shed noted and additional photographs of the location (Exhibit 3).

S. Hogan, from the audience, asked for clarification on the position of shed on the site map. D. Wirbal said it was the small box near to the blue square, which is his driveway. J. Camara, from the audience, asked if you will be able to see the shed once the proposed garage is built. D. Wirbal said yes, but less so from Greene Street.

N. Faiman reviewed the siting information. The shed will be 12x10. One 12-foot side will face the house and this will have the door access. There will be a single light above the door. Windows will be under the roof line and not low enough to see into. There will be video security. D. Wirbal added that he will plant fir trees as a buffer behind the shed. N. Faiman added that bottling and all other activities will take place in the shed except washing and the shed will be climate controlled.

J. Eckstrom added the lighting will not be obtrusive or offensive. N. Faiman added that the light will be occluded.

J. Stone said that with respect to the location of the shed, no variance is sought or needed. The only variances requested are to have a home business outside the home. N. Faiman said that the intent of this ordinance is a concern to protect the neighbors and neighborhood from outside uses.

J. Eckstrom asked if he decides he doesn't want to brew, can he use the shed for something else? N. Faiman said yes, he could.

J. Eckstrom made a MOTION to close the Public Hearing at 7:50 PM. J. Stone SECONDED. (5-ayes, 0-nay). Motion passes.

The Board discussed the information presented. N. Faiman said that his view was that fundamentally this is simple and falls into the category that no one would know the shed is being used for anything other than as a garden shed. But a variance is based on hardship. Is this a hardship? Also there are concerns raised on how this will impact the neighborhood. This lot is uniquely situated, it is a 1.2 acre lot that is wooded and well screened. This makes it exceptionally suitable for this use.

J. Eckstrom said that he needs a shed, a location that is not his house. N. Faiman added that the shed gives unfettered access to the brewery. J. Eckstrom said that this would provide the relief sought.

C. Roberts said this is a pretty benign use.

N. Faiman summarized that the spirit of the ordinance is to protect the neighbors and neighborhood from externally located businesses, relief from hardship, and justice for the neighbors – not affect property values.

C. Roberts said she appreciated the careful explanation of traffic in the application. There would be no additional cars and no impact on traffic.

J. Eckstrom said all the work would be done by the property owner.

N. Faiman clarified that the applicant is not asking for relief from all of sections 5.3.1(e) and 5.3.1.1(e). There will be no customers on site, limited deliveries, and such a little impact it would be as if there were no business there.

J. Eckstrom made a MOTION to grant the variance to sections 5.3.1(e) and 5.3.1.1(e) as described in the application by David Wirbal for a 120 square foot shed in the approximate location noted on the site plan, with door facing the house, and the exterior lighting facing down. There will be no sales on the property and no customers on the property. C. Roberts SECONDED.

J. Eckstrom made a MOTION to reopen the hearing. A. Hoar SECONDED. (5-ayes, 0-nay). Motion passes.

J. Camara asked if this would set a precedent and everyone in the neighborhood would be allowed to have businesses on their property. N. Faiman stated that each case is unique and it is one by one case assessment.

J. Camara said that the Board doesn't know if this will affect property values. N. Faiman said that the Board uses its best judgement. If someone has information showing that this would affect property values they can present it.

Motion to grant the variance.

J. Stone – yes

A. Hoar – yes

J. Eckstrom – yes

C. Roberts – yes

N. Faiman – yes. Motion passes.

ADJOURN:

A. Hoar made a MOTION that J. Stone seconded to adjourn the meeting at 8:37PM. All in Favor.

Respectfully submitted by Michele Decoteau, Land Use Administrator

**Exhibits on file at the Land Use office:**

Exhibit 2: Sign in Sheet from 12.19.17

Exhibit 3: Site plan with the location of the shed noted and additional photographs of the location

Approved Minutes form 12.19.17

Approved Minutes from 01.07.18

**Approved 03.20.18**

