

Town of Wilton, New Hampshire
Zoning Board of Adjustment
Draft Minutes
Tuesday, April 10, 2018

DATE: April 10, 2018
TIME: 7:30 PM
PLACE: Wilton Town Hall (Court Room)
PRESENT: Neil Faiman, Chair, Joanna Eckstrom, Paul Levesque Andy Hoar, Jeff Stone
Staff: Land Use Administrator Michele Decoteau
Present from the Community: Chris Gardiner & Michelyne Gardiner, applicants

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.

MINUTES:

J. Eckstrom MOVED to accept the minutes of 03.20.18 with P. Levesque corrected. P. Levesque SECONDED. (5-ayes, 0-nays). Motion passes.

PUBLIC HEARING:

Case #: 04/10/18 - 1

Christopher and Michelyne Gardiner have applied for a variance to Section 6.2.1 of the Wilton Zoning Ordinance, to allow a second dwelling unit in the existing dwelling on Lot H-34, 505 Abbot Hill Road, where the Ordinance allows only a single dwelling unit.

C. Gardiner, the applicant, presented background about the property. This lot is in the Res. Ag. Zoning District and the proposal will not change the outside structure of the house. There would be no impact to the neighborhood as there will be no additional building. This will be beneficial to the owners to allow them to gain the rental income. This will address the justice of allowing the owners the income as they already pay taxes on the full square footage.

There is no door between the two dwelling units – access is via a casement window. There is no access to the back deck from the second unit and two parking places are available for the second dwelling unit. The second unit is over 1,000 square feet.

In 2007 a variance was granted for using the house as a conference facility with a small dwelling unit for an intern.

J. Eckstrom said she drove by and it looked like a house. C. Gardiner said the entrance to the second dwelling unit is up a few steps and the entrance to the main house is further along the same walkway.

The Board discussed lot size and the number of dwelling units allowed per acre. Other Variance applications in the same area or with a second dwelling unit were also discussed.

47 The Board asked the applicants if the house was listed as a two family when they purchased it.
48 Both applicants said no. They discussed that the ordinance already allows an additional 100 sq ft
49 so that will bring the allowable size of an ADU to 900 sq ft. This isn't that much larger. N.
50 Faiman clarified that the additional 100 sq ft was just for ease of layout.

51
52 J. Eckstrom asked about the kitchens. The applicants responded that they were entirely separate
53 kitchens. The Board discussed the history of the property.

54
55 A. Hoar MOVED to close the hearing. P. Levesque SECONDED. (5-ayes, 0-nays). Motion
56 passes.

57
58 The Board discussed what was holding the Board back from granting relief other than the 200
59 square feet. The Applicant asked for relief from lot size requirements not ADU size
60 requirements. N. Faiman said his first reaction is that there is no demonstrated hardship and there
61 is no indication that this was ever used as a two family home. The living area was accessory to
62 the office space.

63
64 J. Stone found the property card and M. Decoteau assisted in the interpretation.

65
66 The Board discussed lot size as the only variance the Applicants requested.

67
68 N. Faiman said there is no evidence of a hardship and no evidence it was ever used as an ADU.
69 The previous variance was not for a second dwelling unit.

70
71 The Applicant was asked if the real estate agent showed it to them, showed it as a two family.
72 Applicants responded that the agent said it was used as dormitory for foreign exchange students.

73
74 The Board discussed that there was no indication that the previous owner had a plan to create a
75 second dwelling unit. The bank did not comment on there being two dwelling units either.

76
77 The applicants have other options:

- 78 • Apply to the ZBA for relief from the ADU size ordinance
- 79 • Ask the ZBA for a Special Exception with a request for a Variance
- 80 • Make the house fully in to a single family

81
82 A. Hoar made a MOTION to **deny** the request for a variance based on insufficient demonstration
83 of hardship. P. Levesque SECONDED.

84
85 J. Eckstrom reminded everyone that the house is already built, it is unique in the neighborhood.
86 N. Faiman said that there is no indication that it had been legally used as a two family home.

87
88 J. Eckstrom asked to look at the 2007 Variance. M. Decoteau provided the Building files and the
89 2007 Variance.

90
91 P. Levesque – aye; N. Faiman – aye; A. Hoar – aye; J. Stone – aye; J. Eckstrom – nay. Motion
92 carries.

93
94 N. Faiman explained the appeal process and closed the hearing.
95
96 BUSINESS:
97 J. Stone noted an error on the Town website.
98
99 ADJOURN:
100 J. Eckstrom MOVED to adjourn at 9:15 PM. A. Hoar SECONDED. All in Favor (5- yes, 0-nays,
101 0- abstentions).
102
103 Respectfully submitted by Michele Decoteau, Land Use Administrator
104
105 Approved on XX,XX
106
107 Exhibits on file at the Land Use office:
108 Approved Minutes form 03.20.18
109 Sign in sheet for 04.10.18