

Town of Wilton, New Hampshire
Zoning Board of Adjustment
Tuesday, June 12, 2018

DATE: June 12, 2018
TIME: 7:30 PM
PLACE: Wilton Town Hall (Court Room)
PRESENT: Neil Faiman, Chair; Paul Levesque; Andy Hoar; Jeff Stone; Joanna Eckstrom
Staff: Land Use Administrator Michele Decoteau
Present from the Community: Scott Andrews, Tyler Andrews, Don Booth, Gareth Dimery, Christopher Gardiner

PRELIMINARIES:

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.

Elections of Officers

J. Eckstrom nominated N. Faiman for Chair. P. Levesque SECONDED. All in Favor (AIF).

P. Levesque nominated J. Eckstrom for Vice-Chair. A. Hoar SECONDED. AIF.

MINUTES:

Line 81 ... 81 change "less" to "letter"

P. Levesque MOVED to accept the minutes as corrected. A. Hoar SECONDED. All in Favor, J. Eckstrom abstained.

PUBLIC HEARINGS:

Case #: 06/12/18 - 1

N. Faiman opened the public hearing, read the public notice, and explained the process. Scott Anderson of NH Signs described the plan for the removal of one sign and the replacement of the price sign at the Mobil Station on Route 101. The new sign will be safer for employees to change. The prices can be changed remotely. It is currently internally illuminated. The canopy sign is 11 square feet and the blue strip also is illuminated but not a sign. The Brookside sign will be removed bringing the total square footage of signs to 79.81 square feet. The price changing sign will have an automatic dimmer that will dim at night.

S. Anderson read his application.

J. Eckstrom asked if removing the Brookside sign will reduce the number of customers for the convenience store. S. Anderson said no – most customers come in for the Mobil gas and expect a store.

The Board discussed if this would bring the site into full compliance with the Ordinance. The site will still have two signs, not one as Ordinance allows, and the signs will be internally illuminated.

P. Levesque asked how the owner felt about being asked to remove the Brookside sign. S. Anderson said the owner was happy to see it go. The Board asked for clarification on the reduction in size of the price changing sign. The sign will only have two prices, regular and diesel, which are the two most needed signs.

J. Eckstrom said this was more efficient. N. Faiman commented that these signs have been here for at least a decade and it was a fine use of this location.

J. Eckstrom MOVED to grant the relief to ENI for two internally illuminated signs based on the information in the application and the removal of the Brookside sign. P. Levesque SECONDED.

N. Faiman reviewed the information and the specific request. J. Eckstrom confirmed the removal of the Brookside sign. S. Anderson confirmed.

N. Faiman – aye; J. Eckstrom – aye; P. Levesque – aye; A. Hoar – aye; J. Stone – aye. All in Favor.

N. Faiman reviewed the process for reconsideration.

Case #: 06/12/18 - 2

N. Faiman opened the public hearing, read the public notice, and explained the process. All Board members present attended the site walk earlier in the evening.

G. Dimery reviewed the history of his purchase of the property. The external changes proposed would be to add a deck off the back with a sliding glass door. On the side, windows and a small entrance porch will be added. His parents are snow birds and he wants a place for them to live here.

1. He said that this is not contrary to the ordinance as this will not be visible from the street as a second living area.
2. This will be consistent with the Ordinance – the only part of the ordinance that will not be met is the shared interior wall requirement.
3. This will provide substantial justice in allowing his parents to live nearby.
4. Surrounding house values will not be diminished as there will be no external changes visible from the street.
5. This will improve the value of the house and neighborhood.

G. Dimery read from his application.

The Board asked about Abutters. The Abutters who are closest to the garage were in support of the application.

A. Hoar asked if the property was on Town water and sewer. Yes the house is on both. J. Eckstrom said that if it is a separate building, both will have to be provided separately.

P. Levesque asked about tools. He expressed concerns about CO. G. Dimery said that he was storing his dive equipment and home maintenance tools. P. Levesque asked about CO₂ detectors. G. Dimery said he would build to code.

J. Eckstrom asked how often this would be occupied. G. Dimery said about four months per year. J. Eckstrom asked if he had plans to rent the apartment. He said no. His parents were paying for the renovation and said no renters.

J. Stone asked why there was a requirement for a common wall. N. Faiman shared the history of the ordinance and that it came from the state requiring attached ADUs with the provision that each town could choose to allow or not allow detached ADUs. He summarized the Wilton ordinance that doesn't allow for two separate dwellings (buildings) on a single lot. The ADU ordinance is no different. One main house with an accessory use. This applicant is seeking a variance to allow for a detached ADU.

A. Hoar MOVED to close the public hearing. P. Levesque SECONDED. All in Favor.

J. Stone said the applicant did an excellent job with the exterior of the barn and the application but was concerned about the ZBA setting precedent. ZBA is not a precedent setting board, each application is unique.

N. Faiman said that he was not convinced about hardship. All the arguments brought up are personal, not about the lot. There are a lot of other houses with outbuildings that could be ADUs but are used for other things.

P. Levesque said he didn't see the hardship either. J. Eckstrom was concerned that this was a separate building. A. Hoar said he felt the same.

N. Faiman said he didn't think this was consistent with the ordinance which uniformly requires a single residence per lot. The ADU ordinance continues that. He didn't see the hardship – there was nothing special about this property that it can't be used for other things. He also said that this was not substantial justice. There has been no change in the ordinance since he purchased the property and it was never allowed. There is no variance by right. The proposal seems reasonable but it doesn't meet the criteria for a variance in this particular case.

J. Eckstrom said you can use the property for other uses.

P. Levesque MOVED to deny the variance as there was no distinct hardship, this was not consistent with the ordinance that allows one dwelling per lot, and there was no substantial justice leading them to believe they could use the garage as and ADU. J. Eckstrom SECONDED.

Discussion:

P. Levesque MOVED to reopen the public hearing. J. Eckstrom SECONDED. AiF.

The Board asked the applicant for clarification
N. Faiman – aye; J. Eckstrom – aye; P. Levesque – aye; A. Hoar – aye; J. Stone – aye. All in Favor.

N. Faiman reviewed the process for reconsideration.

Case #: 06/12/18 - 3

N. Faiman opened the public hearing, read the public notice, and explained the process. All Board members present attended the site walk earlier in the evening.

C. Gardiner presented the special exception for the ADU. The ADU now is 893 square feet as he measured it but after the site walk, some parts will be excluded and it will be slightly less. C. Gardiner reviewed the requirements for an ADU and how he met them all with the exception of 5.5.3.d – one dwelling unit must be no more than 800 square feet.

J. Eckstrom asked when the septic system was last updated. C. Gardiner said 1996. J. Eckstrom asked if it had been evaluated since. C. Gardiner said yes, it was added on to so that it was adequate for 5 bedrooms and 7 people. The Board and C. Gardiner discussed the septic system and expressed concerns that it was an older system and the ADU would add another dwelling. N. Faiman summarized that according to RSA 485-A:38 you need to get a permit from the state when you add another dwelling unit and this is best addressed by the Building Inspector.

J. Eckstrom MOVED to grant the Special Exception to C. Gardiner as requested for 505 Abbott Hill Road. P. Levesque SECONDED. N. Faiman – aye; J. Eckstrom – aye; P. Levesque – aye; A. Hoar – aye; J. Stone – aye. All in Favor.

N. Faiman reviewed the process for reconsideration.

OLD/NEW BUSSINESS

Live Streaming – The Board discussed the pros and cons of Live Streaming the ZBA meetings.

J. Stone MOVED that a decision to stream or videotape meetings be unanimous before taping. A. Hoar SECONDED.

N. Faiman – aye; J. Eckstrom – aye; P. Levesque – nay; A. Hoar – aye; J. Stone – aye. Motion Carries.

ADJOURN

J. Stone MOVED to adjourn at 9:19 PM. J. Eckstrom SECONDED. AIF.

Approved: 09.08.18

Respectfully submitted by Michele Decoteau, Land Use Administrator