

Town of Wilton, New Hampshire  
**Zoning Board of Adjustment**  
**Approved Minutes**

**DATE:** October 9, 2018  
**TIME:** 7:30 PM  
**PLACE:** Wilton Town Hall  
**PRESENT:** Neil Faiman, Chair; Paul Levesque; Andy Hoar; Jeff Stone; Joanna Eckstrom  
**Staff:** Land Use Administrator Michele Decoteau  
**Attendees** Chad Branon (applicant's representative)

PRELIMINARIES:

N. Faiman opened the meeting at 7:35 PM.

MINUTES:

The Board reviewed the minutes from 09.18.18 meeting.

J. Eckstrom MOVED to approve the minutes as written. A. Hoar SECONDED. All in Favor.

PUBLIC HEARING:

Case #: 10/09/18-1

N. Faiman opened the public hearing, read the public notice and reminded the Board about the standard procedures. Chad Branon, spoke for the applicants who send their apologies for not being able to attend.

C. Branon explained how the lot was situated on Brown Road. It is a 10.3 acre parcel with an open field. They own the lot across the road with a barn. The house was built in 1772. The Owners want to put in garage with a first floor master bedroom with a bathroom. The inherent hardship is that putting an addition will be within 2.6 feet off the Right of Way. The owner worked hard to consider many designs and orientations but all would still be building the Right of Way.

C. Branon showed an elevation and the floor plan for the proposed addition.

J. Eckstrom asked about the discrepancy between the application (10 acres) and the tax card (14 acres). C. Branon said the 10 acres is from the reference plan.

J. Eckstrom asked if the access to the garage will be from Brown Road. C. Branon said yes, there is no current driveway. P. Levesque asked if it was Class VI as the road is very overgrown.

N. Faiman said yes it is a public road and open to the public.

The Board discussed the two requested variances: 1) Can you enlarge a non-conforming structure and 2) can you build in the setback?

P. Levesque asked how close the garage would be to the road? C. Brandon said it will be 14.2 feet to the road and 2.6 feet from the Right of Way. The homeowner has chosen to make the garage smaller than he wanted to better comply with the Ordinance.

A. Hoar asked how wide the property was. C. Branon said it was 1000 feet.

J. Eckstrom asked about the historic plaque. Is it on the National Registry? C. Branon said no, it is a Wilton Historical Society plaque. A. Hoar added that they were given to anyone with an older home.

A. Hoar MOVED to close the hearing. P. Levesque SECONDED. All in Favor. N. Faiman explained the process to the applicant.

The Board discussed the lack of traffic on the road, the lot shape and history, and the historical road configuration. A. Hoar said he was still hung up on increasing a non-conforming structure more than it being in a setback. Zoning says you can keep a grandfathered building but you cannot expand the non-conformity. A. Hoar said that if this were a Class V and it might be different. The road is a historical feature. J. Stone said that the Ordinance reads that you cannot increase a non-conforming building – not expand or enlarge it. N. Faiman said that the ZBA has traditionally interpreted this as not increasing the non-conformity.

A. Hoar said this was a Class VI road is maintained by the lot owner. J. Stone said it was access to the property at the end of Brown Road before there was a subdivision at the end. Now this property can be accessed from the other side.

A. Hoar noted that there is 1348 feet of frontage on Ledgewood but the access to the property is off of Brown. Brown Road really doesn't go anywhere. P. Levesque added that the road is fairly overgrown past this house.

N. Faiman said this wouldn't in any way to interfere with what the setback is protecting. New addition isn't much of a hazard and won't obscure line of sight since this is the only house. The rest of the road is really a footpath or horse trail. P. Levesque added that this acts more like a driveway. N. Faiman said that this cannot be subdivided further as Brown Road is a Class VI road.

J. Stone said he is still stuck with 17.1 e (Non-conforming Buildings, Structures, and Uses). A *non-conforming building or structure may not be extended or enlarged*. N. Faiman said that the purpose of 17.3e is to maintain the non-conformity but not increasing. In this case they are the same.

J. Eckstrom said the location is reasonable. If they move it to the other side of the house, it would still be non-conforming.

J. Eckstrom MOVED to grant the variance based on the reasons stated in the application and built to the specifications in the Plan titled: Existing Conditions Plan Tax Map Parcel H134-1 – 9 Brown Road Wilton, New Hampshire dated March 15, 2016 drawn by Fieldstone Land Consultants. A. Hoar SECONDED the MOTION.

P. Levesque MOVED to reopen the hearing. J. Eckstrom SECONDED. All in Favor.

N. Faiman asked for any additional comments from the applicant's representative. C. Branon commented on 17.3e and the inherent difficulty of such a broad brush. There are a number of

non-conformities and this is more a question of setbacks. The increase in the nonconformity is incremental but in no way will be detrimental to the neighborhood.

Voting on the MOTION, a yes is a vote to grant the variance.

J. Eckstrom - Yes

P. Levesque – Yes

A. Hoar – Yes

N. Faiman – Yes

J. Stone – Yes. Motion carries. N. Faiman reviewed the process for appeals and rehearing.

BUSINESS:

Order for new NH Planning and Land Use Regulation books is due soon. The Board chose to order three as book/ebook combos, and the rest as books.

ADJOURN:

J. Eckstrom MOVED to adjourn at 8:25 PM. J. Stone SECONDED. All in Favor

Respectfully submitted by Michele Decoteau, Land Use Administrator

Approved on 01.09.09

Exhibits on file at the Land Use office:

Approved Minutes form 09.18.18

Sign in sheet for 10.09.18