

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

DATE: January 8, 2019
TIME: 7:30 PM
PLACE: Wilton Town Hall
PRESENT: Neil Faiman, Chair; Paul Levesque; Andy Hoar; Jeff Stone
Absent: Joanna Eckstrom
Staff: Land Use Administrator Michele Decoteau
Attendees Kevin Anderson, Scott Slattery

PRELIMINARIES:

N. Faiman opened the meeting at 7:38 PM.

MINUTES:

The Board reviewed the minutes from 10.09.18 meeting.

Line 63 ... change house to horse

P. Levesque MOVED to approve the minutes as amended. A. Hoar SECONDED. All in Favor.

PUBLIC HEARINGS:

Case #: 01/08/19-1

N. Faiman opened the public hearing, read the public notice and reminded the Board about the standard procedures. With a four person board, it was explained that the applicant had the right to continue the hearing to next month or take the risk of not having enough votes in their favor. If the applicant accepted a four person board, this would not be grounds for appeal should the vote not be in their favor. The applicant accepted a four person board.

N. Faiman and A. Hoar both stated they were long time donors to Habitat for Humanity but felt this would not affect their ability to make a sound decision.

K. Anderson from Meridian Land Service, presented an overview of the property. J-085, 19 Pleasant Street, is burdened by being a non-conforming lot and burdened by topography. These limit the construction area and require a variance to build in the setback.

S. Slattery, the Executive Director of Habitat for Humanity shared that they were intending to build a single family home on this lot. They will be working with a Selection committee to find Wilton residence for the property. Habitat for Humanity has been building goodwill in Wilton receiving donations and sponsors.

K. Anderson shared that they were asking for relief from five sections of the Ordinance. The first two are really housekeeping.

- 1) 6.2.1 minimum lot area – this lot is 0.451 acres and minimum is 0.5 acres
- 2) 6.2.3 minimum frontage – this lot has 129 feet of frontage

- 3) 6.2.4 Setbacks – the original house was 5 feet from the lot line, we are asking for 6 ft
- 4) 6.2.2 configuration – the lot is not 175 feet wide
- 5) 6.2.4 setbacks – the side setback cannot be met as the lot isn't wide enough

K. Anderson read from the first part of the application.

N. Faiman asked if a retaining wall would be needed at the edge of the yard. K. Anderson said yes a small wall is proposed.

N. Faiman asked if there was a specific house plan? S. Slattery shared the plan. This is what the architect is working on and some small changes are anticipated. It will remain about 1000 square feet and 3 bedrooms.

P. Levesque asked if this would be stick built not prefab. S. Slattery said, it would be stick built.

K. Anderson shared the plot plan with the old house on it. Parking was quite tricky and looked like people parked on the lawn and road but no real driveway. This new plan is for a dedicated driveway.

A. Hoar asked if this would have town water and sewer? K. Anderson said yes to both. A. Hoar asked about a basement for storage. K. Anderson said yes there would be a basement. P. Levesque said you are going to run in to water. K. Anderson said they were planning to put in a full basement but if they cannot, they will look at alternatives. S. Slattery said it all depends on cost and everything is on the table at this point. The house isn't going to be large so storage is necessary. It will be a nicer house.

A. Hoar MOVED to close the Public Hearing. P. Leveque SECONDED. All in Favor.

The Board discussed the issues without further input.

N. Faiman started by saying 6.2.1 and 6.2.3 were unnecessary and covered by 17.2. When you have a lot of record, and this has been a recorded lot since the 1800s, a variance wouldn't be required for frontage and size.

Then he said that in 30 years on the ZBA he has never had anyone ask for a variance to 6.2.2, lot configuration. This was intended to prevent developers from making strangely shaped lots in subdivisions.

The Board discussed the lot. It is a problematic lot, if it were flat, a variance wouldn't be necessary. The lots in the immediate area suffer the same particular configuration and steepness.

Is this in the Spirit of the Ordinance? Traditionally the Ordinance is forgiving of non-conforming lots if well-received in the neighborhood. This is a pre-existing non-conforming lot of record. Its topography makes for only one place to build, it is not out of proportion to the other houses and lots, and this is a very low traffic neighborhood.

P. Levesque MOVED to grant the Variance to 6.2.2 and 6.2.4 for reasons presented by the applicant in the application. Variances to 6.2.1 and 6.2.3 are not required as Section 17 specifically waives them. J. Stone SECONDED.

P. Levesque MOVED to reopen the Public Hearing. J. Stone SECONDED. All in Favor.

The Board asked the applicant if there was any further information. Hearing none, the Board votes. Voting on the MOTION, a yes is a vote to grant the variance.

J. Stone Yes

A. Hoar Yes

P. Levesque Yes

N. Faiman Yes. The motion carried and the Variance was GRANTED.

N. Faiman reviewed the appeal process.

OTHER BUSINESS:

The Board reviewed the calendar and moved the March meeting to 3/19 but chose to keep the application deadline the same.

ADJOURN:

J. Stone MOVED to adjourn at 8:15 PM. A. Hoar SECONDED. All in favor.

Respectfully submitted by Michele B. Decoteau, Land Use Administrator

Approved on 04.09.19