

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

DATE: April 9, 2019
TIME: 7:30 PM
PLACE: Wilton Town Hall
PRESENT: Neil Faiman, Chair; Joanna Eckstrom; Jeff Stone; Paul Levesque; Andy Hoar
Staff: Land Use Administrator Michele Decoteau
Attendees Chris Guida, Fieldstone Land Consultants; Dave Hoagland, Todd Clough

PRELIMINARIES:

N. Faiman opened the meeting at 7:31 PM. The three-person board was explained and applicants were given the option of continuing to next month.

MINUTES:

The Board reviewed the minutes from the 01.018.18 meeting.

Page 2 ... "It if" should be reversed

Page 1 ... remove extra space from J-085

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

The Board review the minutes from the 03.19.19 meeting.

Line ... Levesque

J. Eckstrom MOVED to accept the minutes as amended. P. Levesque SECONDED. All in Favor.

PUBLIC HEARINGS:

Case #: 03/19/19-1

N. Faiman opened the public hearing, read the public hearing notice. This was continued from last month. He reviewed the process.

C. Guida, Fieldstone Land Consultants, represented the owners. He reviewed the previous Variance (Case #09/12/06/-2). This Variance allowed for the use of the two undersized lots for duplexes with the following conditions:

- The two lots are to be accessed by a single shared driveway access to Gibbons Highway (NH Route 101).
- Any new construction on either of the lots is to be conducted in accordance with the recommendations of the letter dated November 13, 2006 from Monadnock Survey to the Zoning Board, signed by Dawn Tuomala.
- This notice of decision, including these restrictions, must be filed with the deeds to the two subdivided lots in the Registry of Deeds.

C. Guida showed photos with the current driveway locations. The plan is still to turn the current single family home into a duplex and build a duplex on the adjacent lot.

The Board discussed the DOT approval of the two driveways that currently are used and have curb cuts. If this Variance was approved with two driveways, this would remove the need for easements. Currently one driveway is paved and the other is gravel but may be paved.

Dave Hoagland (252 Gibbons Highway) said he had the same comments he had the last time this came up. This lot was a dumping ground for stumps, horseshoes, and golf balls. This is not good for a house. It is steep down to the river. The lot next door is the same. N. Faiman said that the ZBA considered this in 2006. Dawn Toumala wrote a letter to address these concerns and the builders are required build according to this letter. D. Hoagland said this area was used for mini golf and croquet. N. Faiman said that the Building Inspector and the town are aware of these issues.

P. Levesque said you could clean this out and put in good fill. Will the house have a full cellar? C. Guida said that the material that is organic and loamy will removed and used elsewhere. Good fill for building on will be brought in. N. Faiman said that the Building Inspector will be attending to this.

N. Faiman said it would be good to review the context and variances. Variance 1 was for frontage. They had 183 feet of frontage before subdivision and that Variance was for the inadequate frontage. This was vested with the Planning Board when the plan was recorded. Variance 2 was to build two dwelling units. This was a Variance for area and was not used. There was an extension but it expired. By right, the owner can build a single family home but wants to put in a duplex.

N. Faiman read parts of the minutes from 2006. Concerns raised in 2006 were about the two driveways with only 186 feet of frontage. A Variance was required to subdivide and the Variance before us is about area. He said he didn't think the ZBA can grant a Variance for a second driveway when it was not formally part of the application.

Previous Variances were granted for the duplexes but with a single point of access. P. Levesque said that the two driveways so close together might be dangerous. C. Guida said that he is hearing that he'd need to go before the Planning Board for a second access. N. Faiman said he was not sure why the common driveway was put on one side and not the middle.

N. Faiman said that all they could grant, if they chose to, is to reinstate the Variance for the duplex where a single family home is allowed. If the owner wants two driveways, they have to go to the planning board.

A. Hoar asked if the ZBA can approve only part of a plan? N. Faiman said the only plan the ZBA has is the reference plan provided from 2006 with a single driveway.

The Board discussed the context of the houses – how they could be used for single family, duplex or triplex.

N. Faiman said that since the Variance has lapsed, it is no longer a thing. It is no longer a Variance, and what is before them is like a new application. J. Eckstrom said she was in favor of granting a new Variance for the duplex with the restrictions stated in D. Toumala's letter. Can we use the same language?

N. Faiman said the restrictions are from the previous Variance. The applicant can request a new Variance without the restrictions. J. Stone asked if the applicant wants a Variance with a single driveway restriction otherwise will vote to grant with the same restrictions that make sense. A. Hoar said if there is to be a driveway Variance, he'd want to know the exact feet. J. Stone said but that isn't what is before us. A. Hoar said one thing that is different is that there is more traffic on Gibbons Highway than there was in 2006.

N. Faiman asked the applicant's representative if they would prefer to go home with a Variance for the two duplexes and one driveway or come back with a new Variance application that included two driveways? C. Guida said the two duplexes was the most important point now.

J. Eckstrom MOVED to grant the Variances to allow duplexes on L-028-2 for a new two family and L-028-1 to permit use as a two family house noting the restrictions imposed by the Variance granted on 9/12/2006 are unaffected by the granting of this Variance. That language is as follows:

The variance will permit the subdivision of Lot L-28, 235 Gibbons Highway, into two lots, and permit the use of the existing house on one of the resulting lots as a two-family house, and will permit the construction of a new two-family house on the other lot. The variance is granted with the following restrictions:

- The two lots are to be accessed by a single shared driveway access to Gibbons Highway (NH Route 101).
- Any new construction on either of the lots is to be conducted in accordance with the recommendations of the letter dated November 13, 2006 from Monadnock Survey to the Zoning Board, signed by Dawn Tuomala.
- This notice of decision, including these restrictions, must be filed with the deeds to the two subdivided lots in the Registry of Deeds.

P. Levesque SECONDED.

P. Levesque, Yes
A. Hoar, Yes
J. Stone, Yes
J. Eckstrom, Yes
N. Faiman, Yes.
Motion carries.

The requested Variance is granted. N. Faiman reviewed the procedures for a request for rehearing.

OTHER BUSINESS:

A. Hoar asked to review the mailing procedure. M. Decoteau explained the steps she took, mailing with a Certified Mail Receipt. He reported he didn't receive his abutter letter.

A. Hoar was reappointed in 2018 and the records needed to be updated.

J. Eckstrom update the ZBA on the Habitat for Humanity house. The building was moving along but there was water in the basement.

J. Eckstrom questioned why her house lot, J-088 was listed as Res Ag when it has always been Res. M. Decoteau will seek an answer.

ADJOURN:

A. Hoar MOVED to adjourn at 9:00 PM. A. Hoar SECONDED. All in favor.

Respectfully submitted by Michele B. Decoteau, Land Use Administrator

Approved on 05.14.19