

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

DATE: May 14, 2019
TIME: 7:30 PM
PLACE: Wilton Town Hall
PRESENT: Neil Faiman, Chair; Joanna Eckstrom; Jeff Stone; Paul Levesque; Peter Howd
(Alternate)

Absent: Andy Hoar

Staff: Land Use Administrator Michele Decoteau

Attendees Peter and Pam Clemens (applicants), Jessie Salisbury, Samantha Clemens, Melinda Clemens, Gisele Dailey, Harry Dailey, Melinda Royds, Kevin VanderWoude, Eleanor Owen, Sandy Zielie, Ralph Buschmann, Dawn Brooks, Marc Lancaric, Robert Keller, Mike McGonnagal, Christine Keller, Kim Riendeau, Michael Demers, Karen Demers, Tim Wyllie, Berzen Buffum, Paul Buffum, Stephanie Gorman, Sean Gorman, Daniel Ross, Joan Ross, Sue VanderWoude, Claudine Hessmer, Musi Husainy, Travis Blanchette, Matt Bangert

PRELIMINARIES:

N. Faiman opened the meeting at 7:33 PM. A. Hoar is an abutter to the only case being heard. P. Howd will step in for A. Hoar for this case.

MINUTES:

The Board reviewed the minutes from the 04.09.19 meeting.

Line 32 ... coninuted

Line 96 ... strike "what"

J. Eckstrom MOVED to approve the minutes of 04.09.19 as corrected. P. Levesque SECONDED. All in Favor, P. Howd abstained.

ELECTIONS:

J. Eckstrom nominated N. Faiman as Chair for the ensuing year. P. Levesque SECONDED. All in Favor.

N. Faiman nominated J. Eckstrom as Vice Chair. P. Levesque SECONDED. All in Favor. J. Eckstrom abstained.

PUBLIC HEARINGS:

Case #4/09/19-1

N. Faiman opened the hearing my reading the public notice and he explained the process and the application. The application is for a Special Exception and requests for relief with a Variance. Pam and Peter Clemens chose to wait until there was a five person Board so there was nothing heard on the case last month. The General Rules for the hearing are that Stage One the Clemens will present what they are doing and why they asking for a Special Exception and a Variance. Stage Two more information will be sought from the public. Stage Three will be useful testimony to clarify any remaining issues. Stage Four the Board goes in to deliberation and won't take anymore testimony. The public is welcome to stay and observe.

47
48 Peter Clemens presented the case. He described the purchase and refurbishing they have done to
49 the house and property. He explained how they had open houses for the neighbors and
50 community. They want to share their property with Wilton and be part of the business
51 community. They feel it is incumbent upon them to support other local businesses and that is an
52 important part of their business model. He noted that many neighbors are present at the meeting
53 to show support and Pam Clemens serves on both the Planning Board and the Economic
54 Development Team. Many neighbors have also written letters of support.

55
56 First the Clemens plan to run a Bed and Breakfast and Second the Clemens want to utilize the
57 barn for Victorian-styled tea events.

58 59 Traffic

60 The common themes of the neighbors' concerns were parking and traffic. The Clemens plan to
61 keep the character of their property consistent with the historic Wilton Center. There will be 30
62 cars maximum on the property but on average this will be more like 10-15 cars with events of 20
63 to 25 people. The events will not have everyone arrive all at once but staggered arrival times.
64 There is ample room for parking that many cars.

65 66 Septic

67 The existing septic system on the house is adequate for this. It is pumped once a year. Currently
68 the barn septic is in the design phase but it will have its own system.

69 70 Numbers of Guests

71 The maximum for all events is 60 people. The house can hold 30 and the barn can hold 60
72 people. The barn is really only three season. They would not hold events in both simultaneously.

73 74 Timing and Types of Events

75 Events will be from 11 am to 8 pm. The types of events they are planning to host are Victorian
76 Teas, Bridal and Baby Showers, Family gatherings, small intimate events and if they do have
77 weddings it will be an "elopement package" with the bride and groom and one attendant each
78 kind of thing. There will be no DJs, no vans, no busses.

79
80 The Board asked who will be policing this? The neighbors said they would be and they are not
81 soft spoken individuals!

82
83 P. Levesque asked if they could sleep 60 people? Peter Clemens said no. The 60 people would
84 only be for events such as bridal showers.

85
86 J. Eckstrom asked if there would tea events at the house? Peter Clemens said yes. J. Eckstrom
87 asked what times were these going to take place? P. Clemens said 11am to 2 pm generally and
88 on the weekends. They may expand to include Thursday and Friday as well. If a special event is
89 booked, the tea will be closed.

90
91 P. Howd asked if they will take "walk in" guests for tea? Peter Clemens said yes. P. Howd asked
92 how special event teas with walk-ins and a restaurant are different? Peter Clemens said it is the

93 same food services and we'd take walk-ins and reservations only. At this is a home occupation,
94 we recognize it we get too big, and we'd have to move it.

95
96 P. Levesque shared concerns about traffic. A variance runs with the property. What if new
97 owners have a different philosophy? N. Faiman said that "By Reservation Only" events and a
98 restaurant are very different in some sense. J. Eckstrom asked if this would be like comparing
99 this to something like Pickity Place where you can make reservations to eat, but also come visit
100 the gift shop and visit the grounds without a reservation. Peter Clemens said now we are By
101 Reservation Only but in the future we may be open to walk-ins.

102
103 N. Faiman said that this is not unique to other small businesses who want to have a little of this
104 and a little of that and hop to grow. You need to be sure you have asked for everything you want
105 to do. Pam Clemens said they are not looking for a 7 days a week operation. Might look at
106 extending the schedule for tea events. J. Eckstrom asked if the B & B was 7 days a week. Pam
107 Clemens said yes.

108
109 N. Faiman asked how many rooms were in the B & B? Peter Clemens said there were three
110 rooms in the house and a fourth room in the barn wasn't used as it didn't have a bathroom.

111
112 J. Eckstrom said you could have 90 guests. P. Howd added in addition to the B & B guests. Peter
113 Clemens said no. There would be a maximum of 60 people between the B & B and guests. Pam
114 Clemens added that typically they get requests for weekends only and the occasional Monday
115 and Friday.

116
117 P. Levesque asked if there is room for 60 people in the barn? P. Howd asked will you put in one
118 or two bathrooms? P. Levesque asked if that would be adequate. J. Eckstrom asked if there will
119 be cooking facilities on the barn? Peter Clemens said there would be a Service Kitchen in the
120 barn with a dishwasher and sink.

121
122 N. Faiman said that the point he'd like to make is that Parking Variance is requesting a lot of
123 spaces. If you look at the Home Occupation that is limited in intensity and this is a request for 30
124 parking spaces, it is a larger and more intense use than a Home Occupation. Peter Clemens said
125 that it will all be on site. Right now it is grass, but they plan to remove the asphalt and put in
126 crushed brown stone.

127
128 P. Levesque asked about the months of operation. Peter Clemens said the B & B will be year
129 round. The barn will be open until the snow flies, it will be variable. It has heaters installed but
130 isn't warm in the winter. P. Levesque asked about a Fire Department Inspection. J. Eckstrom
131 asked about sprinklers. Peter Clemens said they have had an inspection. The barn is not required
132 to have sprinklers but the B & B is.

133
134 P. Howd asked about alcohol. Peter Clemens said that it is not allowed and is part of the contract.
135 N. Faiman asked about guest of the B & B.

136
137 The meeting was opened to Public Comment.

138 M. Demers, 38 W. Center Road, asked about the location of the parking. N. Faiman invited him
139 up to the table and indicated where it was on the photo from the application.

140
141 D. Ross, it is possible to put a sunset clause in a Variance? N. Faiman said if a Variance is not
142 acted upon in two years, it expires, but if it is vested it is attached to the property not the owner.
143

144 M. Demers said he'd seen the improvements to their property but how has this improved the
145 property values of the neighborhood? Peter Clemens said that in general the only way to see that
146 events are happening on the property are cars so that it won't look like a business. Assessed
147 property values have increased. We continue to improve our property as well as build to add
148 value to our home and neighborhood. J. Eckstrom said if she understood the question correctly,
149 how do the improvements made to the B & B and barn improve *his* property value. Peter
150 Clemens said that they took the house what was in need of repair and upkeep and improved it by
151 repairing the stairs, fixing the porches, and painting, make it more aesthetically pleasing. J.
152 Eckstrom asked if the Clemens had any evidence that this improved property values of Mr.
153 Demer's property. Peter Clemens said he didn't.

154
155 M. Bangert asked for clarification of serving alcohol. What triggers state assembly laws? Is the
156 intent to serve no alcohol by the applicant and guests at events? N. Faiman said that guests may
157 want to bring a bottle of wine to their room. M. Bangert asked how this would be policed. Is it
158 incumbent on the neighborhood? Would the Building Inspector require an event permit? What
159 is the policing mechanism? Peter Clemens said there are many things left unsaid. I won't serve
160 marijuana to my guest either. Pam Clemens said we have an event agreement that no alcohol will
161 be served. So guests will be informed.

162
163 M. Bangert said this Variance extends in perpetuity. How does this information get passed to the
164 next owner? This could go forward but the new owners not know. J. Eckstrom asked if there
165 was a mechanism for recording these. N. Faiman said that in general, when someone comes to
166 the Planning Board with a ZBA decision, that decision becomes part of the Planning Board plan
167 that gets recorded and they have the power to revoke approval as well. J. Eckstrom said so there
168 is a mechanism. N. Faiman said there is always been the tacit belief that people will do what they
169 say but what if they don't... M. Bangert said he was not worried about the Clemens. He was
170 worried about the next person. How is this information conveyed to the next owner? N. Faiman
171 said it is our responsibility to write a crisp decision that incorporates the limits agreed to and we
172 can require the decision be attached to the deed.

173
174 M. Demers said how his property values will be improved when he has to park his car next to a
175 commercial endeavor that will get bigger. It is a slam in the face to live next to a house that has
176 60 cars every weekend. He lives in Historic Wilton Center which won't remain historic.

177
178 J. Ross, 20 Wilson Road, asked about bathrooms in the barn. She heard there would be only one
179 bathroom. And wanted to clarify that there would be a separate septic system. Pam Clemens said
180 that it was possible to have two bathrooms. J. Ross asked about porta potties. Peter Clemens said
181 no they were not planning to use porta potties.

182

183 J. Ross asked about parking. If there is a shower with 60 people. What if they all drove alone?
184 Where would they park? Peter Clemens said they would let people know that there was limited
185 parking.
186
187 J. Stone said that the number of bathrooms would be part of the application and be part of the
188 certificate of occupancy.
189
190 J. Eckstrom asked if there was an approved sept plan. Peter Clemens said they expected to have
191 it a couple of weeks. J. Eckstrom asked if it was based on bathrooms or people? Did it include
192 cooking? Peter Clemens said it is based on both people and includes the kitchen.
193
194 N. Faiman paused to remind everyone to address question to the Board and ask questions. We
195 need to figure out how the proposal meets the guidelines. Conversations that are about
196 personalization, motivations, and what the law should be are not useful.
197
198 C. Husainy said this property is an anchor property in the neighborhood and as it improves, it
199 will increase the property values of the neighborhood.
200
201 T. Wyllie said he agreed with C. Husainy, a rising tide raises all boats.
202
203 C. Husainy, representing Andy's Summer Playhouse, said they are also undergoing a
204 revitalization. The Clemens B & B and events business bring a lot of value to Wilton. It becomes
205 more of a destination. She said that they deal with kids, 8-18 years old and are concerned with
206 drunk loud parties
207
208 S. Clemens said that her mom can keep this dream, she and her sister may be the next owners.
209
210 M. Bangert suggested splitting the application between the B & B and Events. He doesn't see
211 how they can address the ordinance. Traffic is a big concern. When Andy's has a play, parking is
212 problematic. How does this address simultaneous events?
213
214 M. Lancaric said he was supportive of the application. He is working with Andy's Playhouse.
215 Right now they have an Eagle Scout working with them to expand the parking. They are the
216 largest commercial enterprise. We have 120 people at plays and at intromission with only 2
217 bathrooms, we have no lines. Parking is not going be a problem. It is critical to have somewhere
218 for people to stay when they are working for Andy's. They are very thankful for Pam and Peter
219 and have worked to keep this a good working relationship.
220
221 S. Gorman said she has been to several events and she cannot remember ever seeing a car parked
222 on the street.
223
224 J. Ross said she and her husband encourage approval of the B & B. They aren't concerned about
225 events with the Clemens but the people after them.
226
227 M. Clemens said she and her family want to accentuate the cool beauty of the house and barn.
228 And hope to continue this dream with her sister.

229
230 M. Demers said that the B & B is a great idea but don't believe the same of the events. He thinks
231 the Clemens are winging it. Unless specific boundaries are put in place he expects they will
232 exceed it. He is vehemently against the events in the barn. It is easy to expand.

233
234 R. Bushman is confident about what the Clemens are going to do, it will be First Class. But he is
235 concerned about property values. What is detrimental to a quiet neighborhood and house. Will
236 this set a precedent? There are many larger houses along this neighborhood will this cause a
237 cascade of new businesses. N. Faiman said that the ZBA looks at each case and decide. There
238 has yet to be a torrent of home businesses over the years.

239
240 C. Keller, 605 Issac Frye, said she is the most affected by the Red House, Andy's Summer
241 Playhouse, and this property. This is an asset to the neighborhood. It brings back the historic feel
242 of the neighborhood. This is a historic asset that accentuates the historic feel of the area. It brings
243 in people from all over. She has attended tea events and they are an amazing historic experience.

244
245 E. Owens says she is completely in favor of the B & B. Conflicted about the business. Pam and
246 Peter have amazing intentions. She has concerns about parking on such a beautiful property.
247 Many of her neighbors have larger homes and having trouble keeping them up.

248
249 R. Keller said he hasn't heard anyone complain about the Red House or Andy's Summer
250 Playhouse. Many live close by and appreciate the historic location. It sounded like to him that the
251 Clemens are willing to accept parameters. And every single abutter, minus one, have written
252 letters of support. They are A1 – a class act.

253
254 J. Ross said when she moved into her house, she knew about Andy's Summer Playhouse and the
255 Red house. The Clemens' house was just a house. This is new.

256
257 M. McGonnigal asked about the two year sunset clause. What if Pam's daughters live in the
258 house for two years and one day but don't open the B & B? Would they be able to pass on the
259 Use? N. Faiman said that the notion of an abandoned use is challenging. It can be inactive but
260 owners may still have intent to reopen.

261
262 M. Bangert said that after having been victimized by the Girl Scout camp subdivision, there were
263 promises made but never codified. He is firmly in favor of codifying everything. There needs to
264 be no room for interpretation.

265
266 J. Eckstrom asked when in Peter and Pam Clemens' mind would it reach the point that the
267 business exceeded a home occupation? Peter Clemens said the number of people is literally what
268 they have used as a gate. They plan to keep the events by reservation.

269
270 K. Demers asked about parking. They are asking for more than the two spots allowed but not in
271 the front yard. How is that going to work? If you look at their website and The Knot they
272 advertise for events up to 50 people. They advertise for weddings, showers and after parties. But
273 with no alcohol? Also what about service vehicles? With 50 parking spots at 9x 18 feet that is
274 8100 square feet. Section 4.4 b says that the business should be consistent with the neighborhood

275 and parking and lighting might be not consistent. How do you have weddings and rehearsal
276 dinners without alcohol. They have been in violation of the Ordinance for two years. Mrs.
277 Clemens says they need to have the events to pay for the property. The best predictor of future
278 behavior is past behavior, and they have been in violation for two years. Events are over the top
279 and uncalled for. She then requested clarification that the Clemens were asking for three rooms
280 at the B & B.

281
282 R. Keller said there was misinformation. They are allowed to have private parties.

283
284 K. VanderWoude, 88 Dale Street, said he is in favor of home based businesses. There are two in
285 his neighborhood. He said he may have noticed the businesses on rare occasions. He said it was
286 his duty and privilege to support his neighbors.

287
288 N. Faiman said he can speak to the past. r penalized someone for something without a permit nor
289 given them a bonus for not. However, they are not encouraging people to ask forgiveness later.

290
291 Pam Clemens said that the only events they have hosted have been personal and private. They
292 have not hosted big events.

293
294 D. Ross said there are great arguments pro and con for this proposal. He would like to see this
295 application split into two applications, one for the B & B and one for events. He supports the B
296 & B but the events look “swervy” to him.

297
298 N. Faiman said he thought the ZBA would take two votes.

299
300 Pam Clemens said they have been required by Wilton to put in a sprinkler system for the B & B
301 but not for the barn.

302
303 N. Faiman said he would summarize the discussion. 1. No one seemed to be against the B & B.
304 2. Events are a benefit t to the neighborhood and overall in the best interests of the applicant, and
305 3 Events are immediately problematic with parking, noise, traffic and good intentions aside, they
306 could become deleterious.

307
308 M. Bangert said he wanted to reinforce for everyone the idea that a variance is forever and goes
309 forward with the land.

310
311
312 S. Zielie, 74 Wilton Center Road, said she was the new owner of Hilltop Cafe. It was a process
313 to get approved for 60 people. If the process is honored, it will determine the viability of the
314 business. We done to know enough t about what it is going to take to have food service.

315
316 C. Keller said she understood there are other steps needed with the Planning Board, Fire Chief
317 and why would they not take those steps.

318

319 The Clemens were asked what licenses and permits they had in place. Peter Clemens said they
320 have a license from the state for a B & B and they had an inspection from the Fire Chief. For
321 events they will need a state permit but it is a different process.

322
323 N. Faiman proposed the Board close the deliberations then open them to the applicants to
324 determine constraints.

325
326 J. Eckstrom as for clarification of the food service license. Is it just for the B & B? Pam Clemens
327 said yes.

328
329 J. Eckstrom MOVED to close the hearing to consider the Bed and Breakfast application for a
330 Special Exception under Section 5. 3.2. J. Stone SECONDED. All in Favor.

331
332 N. Faiman reviewed the process. The Board discussed the application. They discussed that this
333 application was a straightforward Home Occupation.

334
335 J. Eckstrom MOVED to grant a Special Exception for up to three rooms for a Bed and Breakfast
336 at 602 Isaac Frye Highway in the existing house with meals served to only for guest s of the Bed
337 and Breakfast. J. Stone SECONDED.

338
339 J. Eckstrom MOVED to reopen the public hearing. P. Levesque SECONDED. All in favor.

340
341 N. Faiman asked if anyone thought the Board has missed something. There was no discussion
342 from the public. The process was reviewed.

343
344 Voting on the motion to grant:

345 P. Howd yes

346 P. Levesque yes

347 J. Stone yes

348 N. Faiman yes

349 J. Eckstrom yes. The motion carries.

350
351 Returning the discussion of the Events Business as a home occupation. Remaining issues to
352 discuss fall into two categories. The first are concerns of the neighbors:

- 353
- 354 • Parking
 - 355 • Traffic
 - 356 • Noise
 - 357 • Enforcement
 - 358 • Future

359 Many other comments can be summarized as:

- 360
- 361 • Lovely idea
 - 362 • Asset to the community
 - 363 • Improve the value to the town

364 The ZBA also has some issued and needs the Clemens to enumerate their answers to:

- 365 • Outside events
- 366 • Alcohol
- 367 • Toilets
- 368 • Hours and days of the week for events and lighting
- 369 • Walk-ins
- 370 • Parking
- 371 • Music/noise
- 372 • Visibility and signage

373
 374 Without committing to approve, we can craft a motion that will be something the Clemens can
 375 use to open to the public.

376
 377 N. Faiman said the basic policy says no alcohol and that is part of the rental policy that
 378 guess/attendees cannot bring alcohol. The applicants will need to enforce this.

379
 380 J. Eckstrom said rather than decide tonight, let's continue the hearing and give the Clemens a list
 381 they can come back with along with documentation of how they will comply. J. Stone said that
 382 since this is a document that will outlive the Clemenses, who will we trust to honor their
 383 intentions? N. Faiman said it might make more sense to give the Clemens the list and let them
 384 take a turn crafting what they can live with.

385
 386 J. Eckstrom said she would like a site visit. N. Faiman said that a site visit is legally part of the
 387 hearing. It is open to the public.

388
 389 The Site Visit will be May 19, 2019 at 11 am at 602 Isaac Frye Highway. J. Eckstrom will be
 390 leading that Site Visit. She said that the Site Visit will be to look at the Barn and House where
 391 the Teas will be served, grounds, and sales area.

392
 393 J. Eckstrom MOVED to continue the Public Hearing for a Site Visit on May 19, 2019, at 11 am
 394 at 602 Isaac Frye Highway. P. Levesque SECONDED. All in Favor, N. Faiman abstained.

395
 396 J. Eckstrom MOVED to continue the hearing to May 28, 2019, in the Town Hall Courtroom at
 397 7:30 pm. J. Stone SECONDED. All in Favor.

398
 399 The list of questions to be answered by the Clemens:

- 400 • Alcohol - service and consumption by guests
- 401 • Sanitary facilities - no portable, look at the code, ask M. Decoteau for assistance
- 402 • Hours of operation - hours and days
- 403 • Maximum number of hours per week
- 404 • Frequency of events? Anything other than tea service?
- 405 • Number of guests
- 406 • Guests without reservations
- 407 • Parking - location, number of spaces, on site only, agreements for overflow
- 408 • Lighting? Do events need to be done by sunset?
- 409 • Music - not amplified, but what?

- 410 • Visibility - what outside activities will occur
- 411 • When will they feel they have outgrown the site?
- 412 • Caterers? Only two non-family employees
- 413 trash pick up?

414

415 P. Howd MOVED to adjourn at 10:44 pm. J. Eckstrom SECONDED. All in Favor.

416

417

418

419

420

421

422

423 Respectfully Submitted by Michele Decoteau, Land Use Administrator

424 Approved on XXXXXXXXXXXXXXXXXXXXX

425