

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

DATE: July 11, 2019
TIME: 7:30 PM
PLACE: Wilton Town Hall
PRESENT: Neil Faiman, Chair; Joanna Eckstrom; Paul Levesque; Peter Howd (alternate), Bob Spear,
(Alternate)
Absent: Andy Hoar, Jeff Stone
Staff: Land Use Administrator Michele Decoteau
Attendees Chris Foley (Fieldstone Land Consultants), Jim Knight (applicant)

PRELIMINARIES:

N. Faiman opened the meeting at 7:30PM. N. Faiman reminded everyone that this is a continuation of the meeting from 07.09.19. Both cases will be heard. Then he introduced the Board. Both alternates will be sitting as regular board members for J. Stone and A. Hoar.

MINUTES:

PUBLIC HEARINGS:

N. Faiman introduced the Board Members

Case #7/9/19-2 Knight

N. Faiman read the public notice. He outlined the process for the applicant.

J. Knight introduced the project. He would like to put in two items: a 10x 16 shed that will be 20 feet from the side setback, and a carport that is an extension of the garage. This will be about 15 feet from the lot line but will not extend closer than the garage does currently. He has a seasonal creek on his property.

P. Levesque asked if the driveway was paved. J. Knight said it was paved.

Findings of Facts: The house was built in 1983 (Building Permit #728) and the garage in 1984 (Building Permit #872). There was a permit for each one. The permit for the garage stated that it was to be built 25 feet from the side lot line and 163 feet from the front lot line.

P. Howd asked if J. Knight was going to extend the driveway to the shed. JK said no, it will be gravel.

B. Spear asked what the current setback of the garage is? J. Knight said 10 feet.

P. Howd asked where the well and septic were located? J. Knight said the septic was in front of the house and the well was behind the back corner of the house.

B. Spear asked if he had any letters from abutters? J. Knight said no but he talked to the abutters and they didn't mind. He said he will run a drainage pipe underground to move the stormwater behind the garage.

46
47 B. Spear MOVED to close the public hearing. P. Levesque SECONDED. All in favor.
48
49 The Board discussed the case and no one had any strong objection to this given that it was an approved
50 Building permit and had been in place for more than a decade.
51
52 J. Eckstrom MOVED to reopen the Public Hearing. B. Spear SECONDED. All in favor.
53
54 The meeting was opened for questions. P. Howd asked how the roof was pitched. J. Knight said it was
55 pitched toward where the carport was located. He added that he might not start on the carport until next
56 year.
57
58 N. Faiman said that these are two separate Variances.
59
60 P. Levesque MOVED to close the Public Hearing. P. Howd SECONDED. All in favor.
61
62 J. Eckstrom said she the Board could grant relief by pointing out the two separate structures. And that the
63 carport be no closer to the lot line than is shown on his plan.
64
65 N. Faiman said he had qualms about this. Could the Board get there with a Section 17 Special Exception
66 and Equitable waiver since it was over 10 years in the setback?
67
68 B. Spear asked about a previous variance. No previous variance could be found. But that could be. Should
69 we consider giving him an equitable waiver for a building that was illegally constructed over 10 years
70 ago? J. Eckstrom asked if this could be referenced in a decision. N. Faiman said that the Board couldn't
71 reference something that hadn't been granted.
72
73 N. Faiman explained what an Equitable Waiver is and how it retroactively legitimized a mistake. The
74 Board discussed the options.
75
76 J. Eckstrom MOVED to grant the variance with the restriction that carport be no closer to the lot line than
77 the garage and the shed will be no closer than 15 feet from the lot line. The expiration date will reflect
78 each structure independently. B. Spear SECONDED.
79
80 J. Eckstrom MOVED to reopen the Public hearing. P. Levesque SECONDED. All in favor
81
82 J. Knight clarified the placement of both structures.
83
84 J. Eckstrom ... yes
85 B. Spear ... yes
86 P. Levesque ... yes
87 P. Howd ... yes
88 N. Faiman ... yes. Motion carries.
89

90 NF reviewed the appeal process and the reconsideration process. The Board discussed the exact language
91 to be used in the Variance.

92
93 J. Eckstrom MOVED to adopt the language for the Variance that the applicant provided. B. Spear
94 SECONDED.

95 All in Favor.

96

97 *Case #7/9/19-3 -Demers*

98 N. Faiman read the public hearing notice. C. Foley, brought a map of the lot and explained the lot that is
99 being subdivided and where the driveway will need to be placed. They looked at putting it closer to the
100 road but with wetland setbacks there was no buildable location. They placed in near the back of the lot
101 and are crossing the wetlands at the narrowest location on what looks to have been a logging road.

102

103 C. Foley said that the Conservation Commission has already had a site walk and he showed on the map
104 the location they walked. This subdivision is before the Planning Board too. He showed where there is a
105 septic test pit and well site at the back of the the lot. The driveway will be 560 feet log. Once the
106 driveway is installed, the impacted area will be 490 square feet with 710 square feet impacted during
107 construction.

108

109 P. Levesque asked about the elevation of the house. C. Foley said the house is 468 feet and the wetlands
110 are 492 feet but they drop down. The wetlands are pretty still water.

111

112 B. Spear asked if the intended culvert has a floor. C. Foley said the culvert will be a 24 inch corrugated
113 pipe. P. Howd asked if the stream is intermittent. C. Foley said intermittent.

114

115 P. Howd said he was at Conservation Commission meeting and they approved the plan but the ZBA
116 hasn't gotten notice.

117

118 Remaining Action Items:

119 Ask ConCom for their review

120 Site Walk - August 13, 2019 at 6:30 PM. This area is not flagged but it will be before the site walk.

121

122 B. Spear MOVED to continue the Public Hearing August 13, 2019, at 7:30 PM with a site walk at 6:30
123 PM the entrance to C-085, 38 Center Road,. J. Eckstrom SECONDED. All in favor.

124

125 OTHER BUSINESS CONTINUED FROM PREVIOUS MEETINGS: None

126

127 OTHER NEW BUSINESS:

128 a. August Review of Land Use Administrator

129 The Board discussed two options

130 i. Formally do a board review as a group

131 ii. Do this personally - Board members on their own

132 The Board discussed the options and decided that any Board member can review the Land Use
133 Administrator as an individual.

134
135 Action Item:
136 M. Decoteau will ask Paul Branscombe to send form or solicit input for a formal process
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138 COMMUNICATIONS AND MISC.: None
139
140 ADJOURNMENT:
141 J. Eckstrom MOVED to adjourn at 8:33 PM. P. Levesque SECONDED. ALL in favor.
142
143 Respectfully submitted by Michele Decoteau, Land Use Administrator
144
145 Approved on XXXXXXXXXXXXXXXX