

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

DATE: December 17, 2019

TIME: 7:30 PM

LOCATION Town Hall, Courtroom, 42 Main Street, Wilton

PRESENT: Neil Faiman, Chair; Joanna Eckstrom, Vice-chair; Andy Hoar; Jeff Stone; Paul Levesque; Bob Spear (Alternate); Judith Klinghoffer (Alternate)

Absent: Peter Howd (Alternate)

Attendees: R. Kahn, Lynne Pentler, Marilyn Jonas, Deb Abrams-Dematte, Sherry Jennings, Nancy Wallace, Bill Abrams-Dematte, Dodi Finlayson, Dan Muller, Chris Balch, Andrew Finlayson, Andrew Kennedy, John Zavgren, Bridget Mooney, Sussy-Rose Shields, Robert Silva, Tom Quinn, Ashley Saari, Jim Quinn Jr.

PRELIMINARIES:

N. Faiman opened the meeting at 7:31PM. N. Faiman introduced the Board members. B. Spear will remain on the case tonight along with P. Levesque, J. Eckstrom, N. Faiman, J. Stone.

A. Hoar is a regular member and will not be voting on the case. J. Klinghoffer is an alternate and will not be voting on the case.

The Board discussed whether a recused board members should comment on the minutes. The Board decided that no a recused members should not comment on minutes.

MINUTES:

Minutes of 10.23.19

- Line 178 ... port change to part
- Line 232 ... change with to about
- Line 235 ... Acres to Akers
- Line 275 ... change anything to any
- Line 284 ... delete "if"
- Line 350 ... change distraction to dispersion
- Line 376 ... know to known
- Line 378 ... determinant not determinate
- Line 383 ... change plat to plant
- Line 403 ... change "want" to "wanted"
- Line 407 ... change "healthy" to "health"

Line 412 ... close up hand book
Line 428 ... indisputable to indistinguishable
Line 459 ... change conservatism to conservation
Line 485 ... change capitalize to capitalism and add a comma after “worse”
Line 505 ... delete “that
Line 506 ... Strike “and” and add

B. Spear MOVED to accept the minutes of 10.23.19 as corrected. P. Levesque SECONDED.

Discussion

None

Vote

J. Stone – aye

N. Faiman – aye

P. Levesque – aye

B. Spear – aye

J. Eckstrom – abstained

A. Hoar – abstained

J. Klinghoffer - abstained

OTHER BUSINESS:

Request by the applicant for rehearing on case #07/09/19 -1

Request was made on December 10, 2019 within the 30 day appeal period.

N. Faiman briefly reviewed history of this case and the appeal.

VOTING: B. Spear, P. Levesque, J. Eckstrom, N. Faiman, J. Stone

A. Hoar will be included in the discussion but will not vote

J. Klinghoffer stepped off the Board and joined the audience at 8:03PM.

After the ZBA on 12.10.19, N. Faiman directed M. Decoteau to send the request for rehearing and the decision to Town Counsel. The Board has a copy of a brief email communication about this.

J. Eckstrom MOVED to keep the email from Town Counsel, Justin Passay, as a confidential discussion with our attorney. B. Spear SECONDED.

Discussion

None

Vote

J. Stone – aye
N. Faiman – aye
P. Levesque – aye
B. Spear – aye
J. Eckstrom – aye

The Board reviewed the request and felt that point 5 of the request was a gratuitous threat of litigation to the Town. The Board discussed having a private discussion with Town Counsel.

The Board discussed the three response options they had to the request:

- 1) do nothing and that becomes a denial
- 2) rule to hear the rehearing
- 3) choose a date and time certain and need to consult their attorney

B. Spear said he thought this had reached the point where it was absolutely necessary to work with Town Counsel. The Board discussed requesting a Town Counsel meet prior to the regular meeting in January. The Board directed M. Decoteau to contact Town Counsel to schedule a time. She was directed to ask about attending the Public meeting.

As an aside, the Board discussed how does the ZBA cancel a meeting if there is bad weather? N. Faiman said that usually he is the one who cancels a meeting. He would call all the Board members. That information is put on the Town and ZBA website and on the doors at Town Hall. M. Decoteau will work with J. Stone to get the permissions needed to post on the front page of the Town Website.

J. Eckstrom MOVED to continue the consideration of the request for rehearing to January 14, 2020, at 7:30PM and inform applicant. B. Spear SECONDED.

Vote
J. Stone – aye
N. Faiman – aye
P. Levesque – aye
B. Spear – aye
J. Eckstrom – aye

J. Eckstrom MOVED to request M. Decoteau coordinate a private meeting with Town Counsel before the Jan 14, 2020 meeting. B. Spear SECONDED.

Vote
J. Stone – aye
N. Faiman – aye
P. Levesque – aye

B. Spear – aye
J. Eckstrom – aye

J. Eckstrom MOVED that if we are not able to coordinate a meeting before Jan 14, 2020 with Town Counsel, we find an alternate date.

Discussion

The Board discussed if this was necessary.

No Second.

ADJOURN:

A. Hoar MOVED to adjourn. 8:30. B. Spear SECONDED. All in favor.

Respectfully submitted by Michele B. Decoteau, Land Use Administrator

Approved on 01.14.20