

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

DATE: May 12, 2020
TIME: 7:30 PM
PLACE: Remote only
PRESENT: Neil Faiman, Chair; Joanna Eckstrom; Jeff Stone; Paul Levesque; Andy Hoar, Peter Howd (Alternate); Bob Spear (Alternate), Judith Klinghoffer (alternate)
Staff: Land Use Administrator Michele Decoteau
Attendees: N. Ditri, Wilton Building Inspector; L. Trudeau, Lyndeborough Building Inspector; Kathryn Rockwood, Kristin Marois, John Marois

PRELIMINARIES:

N. Faiman opened the meeting at 7:37 PM and he read the emergency declaration regarding emergency Order #12 pursuant to Executive Order 2020-04.

He reviewed the Right to Know declaration on how people can participate:

The public can participate in one of two ways:

- Online (audio and video) at <https://tinyurl.com/ZBA051220>
- By telephone at (646) 558-8656, using Meeting ID: 873-4205-6996 and Password: 043149 Further details of the meeting procedure are available at <www.wiltonzba.org/emeeting.html>.

If you have issues accessing the meeting, please call our Land Use Administrator, Michele Decoteau, at (603) 654-9451 x309, or email her at mdecoteau@wiltonnh.gov.

Roll Call Attendance

J. Eckstrom – here, alone	N. Faiman – here, Lynn Pentler
A. Hoar – here, alone	P. Howd – here, alone
J. Stone – here, Lynne Stone	J. Klinghoffer – here, alone
P. Levesque – here, alone	

Election of Officers

J. Eckstrom MOVED to nominate N. Faiman as chair. P. Levesque SECONDED.

J. Eckstrom – aye
A. Hoar – aye
J. Stone – aye
P. Levesque – aye
N. Faiman – abstain
P. Howd – aye
J. Klinghoffer– aye. Motion carries. N. Faiman will remain the chair.

A. Hoar nominated J. Stone for Vice Chair. J. Stone declined.

N. Faiman MOVED to nominate J. Eckstrom as Vice-Chair. P. Levesque SECONDED.

J. Eckstrom – abstain
A. Hoar – aye
J. Stone – aye
P. Levesque – aye
N. Faiman – aye
P. Howd – aye
J. Klinghoffer– aye. Motion carries. J. Eckstrom will remain the vice-chair.

MINUTES:

04.07.20 Minutes

J. Eckstrom MOVED to approve the minutes of 4/7/20 as written. J. Stone SECONDED.

J. Eckstrom – aye
A. Hoar – aye
J. Stone – aye
P. Levesque – aye
N. Faiman – aye
P. Howd – abstain
J. Klinghoffer– abstain. Motion carries.

04.14.20 Minutes

Correct Brannon
Line 85 ... change to 60 not 65
Line 104 ... add “it”
Line 112 ... add not contrary to public
Line 123 ... requireMENTS
Line 141 ... the buffer
Line 157 ... add “,”
Line 169 ... effect
Line 172 ... distinguishes
Line 173 ... add a “-“ before hardship and remove one “this”
Line 179 ... not a time for public input
Line 191 ... “remain”
Line 192 ... to remain
Line 195 ... “asked”
Line 217 ... unclear
Line 296 ... “room”
Line 251 ... delete “?” and add “.”
Line 203/4 ... meets the IRC (spell out)
Line 305 ... spell out ADU
Line 305 ... delete “was”
Line 308 ... the construction was completed as permitted
Line 312 ... “acting”
Line 422 ... Registry of Deeds

J. Eckstrom MOVED to approve the minutes from 4/14/20 as amended. J. Stone SECONDED.

Roll call vote

J. Stone - yes

P. Levesque - yes

J. Eckstrom - yes

A. Hoar - yes

J. Klinghoffer - yes

N. Faiman - yes

P. Howd - abstain

Motion carried.

J. Eckstrom noted that it took 40 minutes to complete the minutes.

PUBLIC HEARINGS CONTINUED FROM PREVIOUS MEETINGS

Case #2/18/20-1

Determination of Regional Impact

The Board discussed if the Special Exception for Lot J-029 would have a regional impact.

J. Eckstrom MOVED to determine there was no regional impact of the Special Exception.

A. Hoar SECONDED.

Roll call vote

J. Stone - yes

P. Levesque - yes

J. Eckstrom - yes

A. Hoar - yes

N. Faiman - yes

Motion carried.

N. Faiman opened the Public Hearing by reading the public notice.

Kathryn Rockwood has applied for a special exception under section 5.3.1 of the Wilton Zoning Ordinance, to allow the hosting of small events (up to 30 people) as a home occupation on Lot J-29, 34 Park Street.

K. Rockwood presented her business plan for hosting small events as a home occupation. She said there would be no changes to the exterior of the building. She described her plans for parking: there are three places to park inside her two garages, there is an additional spot next to the small garage, and there are spaces available for six other cars. K. Rockwood reviewed her hours and that she didn't plan to have any employees other than one other person who lives nearby and walks over.

The Board asked for clarification on the parking. If K. Rockwood planned to have 30 guests, where would 30 cars be parked? K. Rockwood said that she would inform guests that they would need to carpool or be dropped off. The Board questioned how much carpooling people would do - even if she had 20 cars, where could they park. K. Rockwood said that the neighbors park in the front of the school when people have guests. N. Faiman reminded everyone of Section 5.3.1.F - parking for clients must be on-site and a maximum of two new parking places may be added.

J. Klinghoffer said she was not persuaded that 30 people could park on-site. K. Rockwood said that they could park some on the road. J. Klinghoffer asked if the maximum number of people could be adjusted from 30 down to 15 people. K. Rockwood said she could adjust it to 20 and see how it goes.

J. Eckstrom asked if these events would be at the same time as B&B guests would be staying? K. Rockwood said that it would be case specific - sometimes B&B guests were related to an event. N. Faiman suggested counting any B&B guests in the final numbers. But the guests would have all to park on-site.

J. Klinghoffer asked if attendees were coming from out of town, would they be aware of the location being so close to a school and arriving or departing at the same time as students. K. Rockwood said she'd never had a guest who was disrespectful of the school. J. Klinghoffer asked if notice could be given to guests. K. Rockwood said most of her events would be on the weekends and is unlikely to have events when school is starting or letting out.

P. Levesque asked how she informed guests about restrictions. K. Rockwood said she has been very clear about restrictions with B&B guests.

K. Rockwood asked about using town-owned parking lots. The Board discussed that the Ordinance says that parking needs to be on-site for Home Occupations.

The Board expressed concerns about the next owner of the property. Special Exceptions run with the property. The Board discussed enforcement in the future.

J. Eckstrom asked if it would be possible to add two parking spaces. K. Rockwood said she could add them next to the pad next to her smaller garage.

J. Klinghoffer asked if there would be more than three helpers. K. Rockwood explained her current staffing plan of one additional person.

The Board asked if the events would be year-round. K. Rockwood said yes, but it would be an occasional offering. The Board asked how often was "occasional." K. Rockwood said she had 40 stays at her B&B over 18 months. After further discussion, K. Rockwood suggested limiting it to two events per month with a maximum of 24 per year. The Board was still concerned about parking in the winter.

After further discussion, the Board made a list of potential restrictions.

- *No on-street parking
- * Events not to begin or end within 30 minutes before or after the beginning or end of school at FRES
- * Duration of events limited to 5 hours.
- * Events shall end by 9 PM
- * No alcohol.
- * No more than 2 non-family employees
- * Decision to be filed with property deed at HCRD

J. Eckstrom MOVED to allow the Special Exception to permit a Home Occupation of Occasional Small Events at 34 Park Street with the above list of restrictions. P. Levesque SECONDED.

Discussion

The Board asked K. Rockwood if these restrictions worked for her. She said they would.

Roll call vote

J. Eckstrom - aye

A. Hoar - aye

P. Levesque - aye

J. Stone - aye

N. Faiman - aye. Motion carries.

N. Faiman reviewed the appeal process.

PUBLIC HEARINGS ON NEW CASES

Case #5/12/20-1

Determination of Regional Impact

J. Eckstrom moved to determine that there this case has no potential for Regional Impact.

J. Stone SECONDED.

Roll call vote

J. Stone - yes

P. Levesque - yes

J. Eckstrom - yes

A. Hoar - yes

N. Faiman - yes

Motion carried.

N. Faiman opened the Public Hearing by reading the public notice.

The John and Kristen Marois Revocable Trust has appealed a decision of the Wilton Building Inspector that a newly constructed accessory dwelling unit in the existing home at Lot B-39-3, 303 Curtis Farm Road, requires payment of an impact fee pursuant to Article 25 of the Wilton Zoning Ordinance.

J. Marois reviewed the facts. Early in October 2019, he discussed adding an Accessory Dwelling Unit (ADU) with N. Ditri, the Building Inspector, and during that time, she never mentioned that he'd have to pay Impact Fees. He continued saying that the town doesn't track the impact fees correctly. He provided an example from the two previous Town Reports. He said that impact fees were unevenly assessed.

He was asked for specific examples of impact fees not being assessed correctly. M. Decoteau provided receipts of the payment of impact fees on the properties in question. These properties weren't listed in the last Town Report because they were completed in the current year.

The Board discussed assessment and the meaning of assessment. Town Counsel has in the past said that Impact Fees are assessed through the schedule of Impact Fees in Appendix VIII that was approved in 2014 at Town Meeting. N. Ditri said that she has added Impact Fees specifically on the building permit but that was added after J. Marois had his permit approved by the Building Inspector.

J. Stone MOVED to grant the appeal on the ground that the fees were not assessed before the Building Permit was approved.

A vote yes, is a vote to grant the appeal.

J. Stone - yes

P. Levesque - no
J. Eckstrom - yes
A. Hoar - no
N. Faiman - no. The motion did not carry.

A. Hoar MOVED to deny the appeal because the Impact Fee was assessed via the table in Appendix VIII and the ZBA doesn't have the authority to waive a properly assessed fee.

A vote yes is a vote to deny the appeal. P. Levesque SECONDED.

A. Hoar - yes
J. Stone - no
J. Eckstrom -no
P. Levesque -yes
N. Faiman yes. The appeal is denied.

N. Faiman reviewed the appeal process.

Other Business

The Board decided to table the Budget until the DRA approves the numbers.

ADJOURN

J. Eckstrom MOVED to adjourn at 10:52 PM. P. Levesque SECONDED.

Roll call vote
J. Stone - yes
P. Levesque - yes
J. Eckstrom - yes
A. Hoar - yes
J. Klinghoffer - yes
N. Faiman - yes
P. Howd - yes
Motion carries.

Respectfully Submitted by Michele Decoteau, Land Use Administrator

Approved 06.16.20