



TOWN OF WILTON ZONING BOARD OF ADJUSTMENT

*Approved Minutes*

- DATE:** August 11, 2020  
**TIME:** 7:30 PM  
**PLACE:** Remote Only  
**PRESENT:** N. Faiman (Chair), Paul Levesque, Andy Hoar, Jeff Stone, Peter Howd (Alternate)  
**Absent:** Joanna Eckstrom, Judith Klinghoffer, Bob Spear  
**Staff:** Michele Decoteau, Land Use Administrator  
**Attendees:** Stephanie Gilbert (applicant), Dennis Gilbert (applicant), Collette Paro, Lynne Stone, Lynn Pentler, Elizabeth Levesque

**1) Call to order by the Chairperson**

N. Faiman opened the meeting at 7:34 PM and read the emergency declaration and the right to know information.

**2) Introduction of Board members by the Chairperson**

Roll call attendance

N. Faiman –here, with Lynn Pentler

P. Howd – here, alone

A. Hoar – here, alone

J. Stone – here, Lynne Stone

P. Levesque – here, Elizabeth Levesque.

P. Howd was appointed to serve for J. Eckstrom.

**3) Minutes of previous meetings**

Tabled to later in the meeting.

**4) Public hearings continued from previous meetings**

*Case #8/11/20-1 – Gilbert*

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N. Faiman opened the Public Hearing by reading the Public Notice.

D. Gilbert said the deck they built is 16 feet off the back of the barn. They didn't realize the pond in the back was considered wetlands. He was not aware of the 50-foot setback for the wetlands. The house was built in the 1800s. He said he was still unclear on the exact property lines since he couldn't find one corner. D. Gilbert asked about primary and accessory uses. He believes the deck is accessory. The Board looked at the site plan.

S. Gilbert said they just want to finish their deck and enjoy the peace and quiet. D. Gilbert said they were unaware of the setbacks.

N. Faiman asked about the deck location. The site plan showed it to be 10 feet from the lot line. And the lot line to the pond is 54 feet. M. Decoteau clarified that the lot isn't square in the back. One side is about 25 or 30 feet from the water and the other is about 50 feet from the water.

P. Levesque asked about the water body. D. Gilbert said that is the mill pond behind Label Art. P. Levesque asked about the exact location of the deck and asked the applicants some questions to orient the Board on the site plan. P. Levesque asked if the deck would be open or have railings or a roof. D. Gilbert said it would be open but with railing.

A. Hoar asked if the Gilberts had applied for a Building Permit. D. Gilbert said yes. M. Decoteau said they had applied, the Building Inspector asked for some further information and the application was never completed.

P. Howd asked how complete the deck was currently. D. Gilbert said there was decking in place and a framed. There are posts sticking up without railings.

P. Levesque confirmed that the abutters were properly notified. M. Decoteau confirmed this. N. Faiman asked C. Paro if she, as an abutter, would like to speak.

C. Paro asked about the right of way along the pond behind their properties. Was this deck going to interfere with the right of way on lot owned by Label Art. N. Faiman said that if there is a right of way on the Gilberts' lot that is being interfered with by the deck is a civil matter. P. Levesque asked if the right of way was a fire lane. N. Faiman said that if the Town isn't an easement holder, it is a civil matter.

The Board discussed how to proceed and decided to decide each Special Exception or Variance in order one at a time.

#### Special Exception to Section 17.3 – lot line set backs

**A. Hoar MOVED to close the Public Hearing for the Special Exception. P. Levesque SECONDED.**

Discussion: Hearing none the chair asked for a roll call vote.

Roll call vote:

A. Hoar – aye

P. Howd - aye

P. Levesque - aye

J. Stone - aye

N. Faiman – aye. The Motion Carries.

The Board reviewed the criteria for a Special Exemption. The Board discussed the fact that this is an older historic neighborhood and the houses are on smaller lots. This is deck is not inconsistent with the neighborhood. The Board thought the Site Plan was clear enough for a decision.

**A. Hoar MOVED to grant the Special Exception because it fits within the Spirit of the Ordinance. J. Stone SECONDED.**

Roll call vote:

A. Hoar – aye

P. Howd - aye

P. Levesque - aye

J. Stone - aye

N. Faiman – aye. The Motion Carries.

#### Variance to Section 4.6.7 – waterbody setbacks

N. Faiman said he didn't think that Section 4.6.7 did apply since this is not a building as defined in our Ordinance. P. Levesque said it might be a building since it was attached to a building. The Board discussed that this waterbody might make this subject to the Shoreland Protection Program. The Board discussed if this was an accessory structure or a building.

**J. Stone MOVED to find the proposed deck is not prohibited by Section 4.6.7 and does not need a variance. A. Hoar.**

Roll call vote:

A. Hoar – aye

P. Howd - aye

P. Levesque - no

J. Stone - aye

N. Faiman – aye. The Motion carries.

#### Equitable Waiver

**P. Howd MOVED to table the equitable waiver request because it is moot. J. Stone SECONDED.**

Roll call vote:

A. Hoar – aye

P. Howd - aye

P. Levesque - yes

J. Stone - aye

N. Faiman – aye. The Motion carries

N. Faiman reviewed the appeal process. P. Howd said he wanted to show his support of the Building Inspector, she is doing a great job. He also suggested the applicants check with the State about the Shoreland Permit.

#### **5) Minutes of previous meetings**

##### June 16, 2020

Line 100 ... describe what the "letter" is being referred to.

##### June 30, 2020

No comments

##### July 14, 2020

Line 48 ... delete "was issued"

Line 55 ... noT

Line 74/75 ... posted inside

Line 88 ... add "not" adequately

Line 91 ... have not "has"

Line 98 ... "open ended"

Line 103 ... "if" the person

Line 118 ... 25.10a; which

Line 179 ... move to ask Town Counsel

**P. Howd MOVED to accept the minutes of June 16, June 30, and July 14, 2020, as amended. J. Stone SECONDED.**

Roll call vote:

A. Hoar – aye  
P. Howd - aye  
P. Levesque - yes  
J. Stone - aye  
N. Faiman – aye. The Motion carries

**6) Adjournment**

**P. Levesque MOVED to adjourn at 8:43PM. J. Stone SECONDED.**

Discussion: Hearing none the chair asked for a roll call vote.

Roll call vote:

A. Hoar – aye  
P. Howd - aye  
P. Levesque - yes  
J. Stone - aye  
N. Faiman – aye. The Motion carries

Respectfully submitted by Michele Decoteau, Land Use Administrator  
Approved on 10.03.20