



TOWN OF WILTON ZONING BOARD OF ADJUSTMENT
Approved Minutes

DATE: April 13, 2021
TIME: 7:30 PM
PLACE: Remote
PRESENT: Neil Faiman (Chair), Joanna Eckstrom (Vice-chair), Jeff Stone, Andy Hoar, Paul Levesque, Judith Klinghoffer (Alternate), Peter Howd (Alternate)
Staff: Michele Decoteau, Land Use Administrator
Attendees: Jason Walters, Randy King, Chris Guida (Fieldstone Land Services), Clint Hatchet, David Langton, Lynne Stone, Lynn Pentler

1) Call to order and introduction of Board members by the chairperson

- a) N. Faiman called the meeting to order at 7:41 PM. He read the Emergency Declaration and the Right to Know information
- b) Newly reappointed members, Jeff Stone and Andy Hoar confirmed they had been reappointed by the Select Board and needed to see the Town Clerk to be sworn in
- c) The Board agreed to add elections to the next agenda

2) Introduction of Board members by the Chairperson

Roll call attendance:

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

3) Minutes of previous meetings

Minutes of 03.09.21

Line 50 – P. Howd

P. Howd MOVED to accept the minutes of 03.09.21 as amended. J. Eckstrom SECONDED.

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

Roll call vote:

- P. Howd – aye
- J. Eckstrom – aye
- P. Levesque – aye
- J. Stone – aye
- A. Hoar – aye
- N. Faiman – aye. Motion carried.

Minutes of 04.03.21 Site Walk

Line 57 make-up
Line 77 planned stormwater pond

J. Eckstrom MOVED to approve the minute of 04.03.21 specifically to the wetland crossing for which the ZBA has jurisdiction. P. Levesque SECONDED.

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

Roll call vote:

P. Howd – aye

J. Eckstrom – aye

P. Levesque – aye

J. Stone – aye

A. Hoar – aye

N. Faiman – aye. Motion carried.

4) Public hearings continued from previous meetings

Case #03/09/21-1 — River's Edge

N. Faiman opened the public hearing by reading the public notice.

C. Guida, Fieldstone Land Services, introduced himself and reviewed the information about the lot, D-099. He said the wetlands transect the lot and any use would require a wetland crossing special exception.

C. Guida reviewed what had been seen on the site walk. C. Guida said that he'd consulted with Nate Chamberlin about the embedded 30 inch culvert shown on the plan. They both felt it was better to increase the size to 36 inches and keep it embedded.

J. Eckstrom asked C. Guida to explain what embedded meant. C. Guida said that the culvert will be designed to have natural sediment in the bottom of the cylinder and this will allow critters to use the silty material to navigate the culvert. A smaller culvert would be more likely to get plugged.

A. Hoar asked about the riprap shown on the plan and where it was located. C. Guida said that the logging road will be removed and interlocking boulders will help to recreate the natural conditions. J. Eckstrom asked if the 12 inch culvert will be replaced by this culvert. C. Guida said that 12 inch culvert will be removed and replaced by this larger culvert. A. Hoar asked about the size of the riprap. C. Guida said that the rocks will be about 9 inches. On a steep slope riprap can be good at stabilization. DES doesn't like riprap but can be effective in some cases.

J. Klinghoffer joined the meeting at 8:09 PM.

The Chair opened the hearing for abutter questions.

R. King asked about the stream that runs through this wetland crossing and the reasons for the culvert size change.

P. Howd, representing the Conservation Commission, asked how dependent this wetland crossing dependent is on other stormwater engineered structures. C. Guida said they are independent. The water that traveling through the culvert in the wetland crossing travels through the site. The rest of the stormwater travels to the treatment swales.

P. Howd asked the function of the check dam. C. Guida said that the check dam reduces the velocity of water and allows for infiltration.

P. Howd asked about the delineated wetlands near the numbers "104" on the plan. How will these wetlands get filled with water? C. Guida said that the upsizing of the culvert to 36 inches will help. This will improve water quality and reduce velocity so that the stormwater from the newly created impervious surfaces can be used to keep water in the wetlands.

N. Faiman asked if the Conservation Commission had any specific review and advice. P. Howd said the Conservation Commission was concerned about the impacts of this development on wetlands and the Souhegan. They had no specific advice.

A. Hoar MOVED close the public hearing. J. Eckstrom SECONDED.

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

Roll call vote:

J. Eckstrom – aye

P. Levesque – aye

J. Stone – aye

A. Hoar – aye

N. Faiman – aye. Motion carried.

The Board discussed their views and agreed that any use of the property would require a wetland crossing and that they wanted a few details noted in the decision.

J. Eckstrom MOVED to approve the Wetland Crossing Special Exception with the additional notes that the location of the proposed wetland crossing is in the location shown on the plan labelled "Grading and Erosion Control Plan - River's Edge - Tax Map Parcel D-99 - N.H. Route 101 - Wilton, New Hampshire", dated November 20, 2020, which was submitted with the application, the culvert diameter will be 36" rather than 30" as shown on the Plan, the culvert bed will be lined with natural river stone and the culvert outflow basin will contain approximately 9inch riprap. P. Levesque SECONDED.

J. Eckstrom MOVED to reopen the Public Hearing. P. Levesque SECONDED.

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

Roll call vote:

J. Eckstrom – aye

P. Levesque – aye
J. Stone – aye
A. Hoar – aye
N. Faiman – aye. Motion carried.

C. Guida clarified that the river stone will be inside the culvert and the riprap will be placed at the end of the culvert.

Voting on the motion to approve:

Roll call vote:

J. Eckstrom – aye
P. Levesque – aye
J. Stone – aye
A. Hoar – aye
N. Faiman – aye. Motion carried.

N. Faiman reviewed the appeal process and deadlines.

5) Public hearings on new appeals

Case #04/13/21-1

Robert and Patricia Booraem (owners) and Service Experts, c/o Randy Newalt (applicant) have applied for variances to sections 4.2(b), 12.3(c), and 17.1(d) of the Wilton Zoning Ordinance, to allow the construction of a septic system in highly permeable soils 93 feet from a wetland, where the ordinance would require a 125 foot setback, and the construction of a single-family home with attached garage on Lot B-97, 317 Forest Road, which has only 0.5 acres of non-wetlands and no land outside the flood zone.

N. Faiman opened the public hearing by reading the public notice.

C. Guida, Fieldstone Land Services, said he would be representing the applicant. He said the property had received a variance in the past for a septic system. The system was installed but not given operational approval since there was no building. The property has been for sale and the current buyer wants a single family home there. The house will be similar in footprint to what was applied for in 2013 but a three bedroom house. The septic that was installed was bigger than was probably needed and the leach field has some trees growing in it now. C. Guida said that he has asked for a LOMA (Letter of Map Amendment) from FEMA to amend the floodplain map since the building section has some elevation above the floodplain. C. Guida said the soils were well drained in the area that the septic will go into.

J. Eckstrom said the proposed house location was staked out on the previous site visit. Will the house size change? C. Guida said no, the house will be the same footprint but the septic loading will be different. Similar to the previous variance but a three bedroom house this time.

J. Eckstrom asked about the basement. She said she recalled some unusual construction in the basement for flood protection. C. Guida said there is special construction needed for building in floodplain but he was proposing to grade the site so the slab was out of the floodplain.

J. Stone asked why he thought he needed a variance to Section 17.1? C. Guida said that variance may not be necessary but wanted to replicate what was requested last time.

N. Faiman said that this application is asking for the wrong variances. Section 17.1 is asking for a replacement of a non-conforming use. There is no non-conforming use since the mobile home was abandoned approximately seven years ago. This lot is in the industrial district where residential use is not permitted. The last time a variance was requested, it was to continue a nonconforming use.

The Board discussed how this variance would need to be different to start a nonconforming use compared to the last variance to continue a nonconforming use. The Board discussed the application and if it would achieve what the applicant was seeking.

The Board summarized that an application should contain a list of the required relief at its core but this application is missing many elements. The Board listed a few of the variances they felt would be needed in order for this lot to have a residential use.

C. Guida respectfully requested to withdraw the application without prejudice.

J. Eckstrom MOVED to accept the withdrawal of the application for case #4/11/21-1 without prejudice. J. Stone SECONDED.

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

Roll call vote:

- J. Eckstrom – aye
- P. Levesque – aye
- J. Stone – aye
- A. Hoar – aye
- N. Faiman – aye. Motion carried.

6) Other business

a) Doodle Land follow up

M. Decoteau shared that the conditions had all been met on the Variance application for case #12/08/20-1. The Board discussed if they wanted feedback like this in the future or not. The Board did want feedback on decisions but preferred the feedback in writing privately and not at a public meeting.

7) Adjournment

J. Eckstrom MOVED to adjourn at 9:53 PM. P. Levesque SECONDED.

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

Roll call vote:

- P. Levesque – aye
- J. Klinghoffer – aye

P. Howd – aye
A. Hoar – aye
J. Stone – aye
J. Eckstrom – aye
N. Faiman – aye. Motion carried.

Respectfully submitted by Michele Decoteau, Land Use Administrator and Board Secretary
Approved on 12.07.21