



TOWN OF WILTON ZONING BOARD OF ADJUSTMENT
Draft Minutes

7 **DATE:** April 13, 2021
8 **TIME:** 7:30 PM
9 **PLACE:** Remote
10 **PRESENT:** Neil Faiman (Chair), Joanna Eckstrom (Vice-chair), Jeff Stone, Andy Hoar, Paul
11 Levesque, Judith Klinghoffer (Alternate), Peter Howd (Alternate)
12 **Staff:** Michele Decoteau, Land Use Administrator
13 **Attendees:** Jason Walters, Randy King, Chris Guida (Fieldstone Land Services), Clint
14 Hatchet, David Langton, Lynne Stone, Lynn Pentler
15

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

- 17 a) N. Faiman called the meeting to order at 7:41 PM. He read the Emergency Declaration
- 18 and the Right to Know information
- 19 b) Newly reappointed members, Jeff Stone and Andy Hoar confirmed they had been
- 20 reappointed by the Select Board and needed to see the Town Clerk to be sworn in
- 21 c) The Board agreed to add elections to the next agenda
- 22

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

24 Roll call attendance:
25 N. Faiman – here, Lynn Pentler
26 J. Stone – here, Lynne Stone
27 P. Howd – here, alone
28 J. Eckstrom – here, alone
29 A. Hoar – here, alone
30 P. Levesque – here, alone
31

32 **3) Minutes of previous meetings**

33 Minutes of 03.09.21
34 Line 50 – P. Howd
35

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

38 Discussion: Hearing none the chair asked for a roll call vote.
39 Roll call vote:
40 P. Howd – aye
41 J. Eckstrom – aye
42 P. Levesque – aye
43 J. Stone – aye
44 A. Hoar – aye
45 N. Faiman – aye. Motion carried.
46

47 Minutes of 04.03.21 Site Walk
48 Line 57 make-up
49 Line 77 planned stormwater pond
50

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

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

54 Roll call vote:

55 P. Howd – aye

56 J. Eckstrom – aye

57 P. Levesque – aye

58 J. Stone – aye

59 A. Hoar – aye

60 N. Faiman – aye. Motion carried.
61

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

63 *Case #03/09/21-1 — River's Edge*

64 N. Faiman opened the public hearing by reading the public notice.
65

66 C. Guida, Fieldstone Land Services, introduced himself and reviewed the information about the
67 lot, D-099. He said the wetlands transect the lot and any use would require a wetland crossing
68 special exception.
69

70 C. Guida reviewed what had been seen on the site walk. C. Guida said that he'd consulted with
71 Nate Chamberlin about the embedded 30 inch culvert shown on the plan. They both felt it was
72 better to increase the size to 36 inches and keep it embedded.
73

74 J. Eckstrom asked C. Guida to explain what embedded meant. C. Guida said that the culvert
75 will be designed to have natural sediment in the bottom of the cylinder and this will allow
76 critters to use the silty material to navigate the culvert. A smaller culvert would be more likely
77 to get plugged.
78

79 A. Hoar asked about the riprap shown on the plan and where it was located. C. Guida said that
80 the logging road will be removed and interlocking boulders will help to recreate the natural
81 conditions. J. Eckstrom asked if the 12 inch culvert will be replaced by this culvert. C. Guida
82 said that 12 inch culvert will be removed and replaced by this larger culvert. A. Hoar asked
83 about the size of the riprap. C. Guida said that the rocks will be about 9 inches. On a steep
84 slope riprap can be good at stabilization. DES doesn't like riprap but can be effective in some
85 cases.
86

87 J. Klinghoffer joined the meeting at 8:09 PM.
88

89 The Chair opened the hearing for abutter questions.

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

92
93 P. Howd, representing the Conservation Commission, asked how dependent this wetland
94 crossing dependent is on other stormwater engineered structures. C. Guida said they are
95 independent. The water traveling through the culvert in the wetland crossing traveling through
96 the site. The rest of the stormwater travels to the treatment swales.

97
98 P. Howd asked the function of the check dam. C. Guida said that the check dam reduces the
99 velocity of water and allows for infiltration.

100
101 P. Howd asked about the delineated wetlands near the numbers "104" on the plan. How will
102 these wetlands get filled with water? C. Guida said that the upsizing of the culvert to 36 inches
103 will help. This will improve water quality and reduce velocity so that the stormwater from the
104 newly created impervious surfaces can be used to keep water in the wetlands.

105
106 N. Faiman asked if the Conservation Commission had any specific review and advice. P. Howd
107 said the Conservation Commission was concerned about the impacts of this development on
108 wetlands and the Souhegan. They had no specific advice.

109
110 **A. Hoar MOVED close the public hearing. J. Eckstrom SECONDED.**

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

112 Roll call vote:

113 J. Eckstrom – aye

114 P. Levesque – aye

115 J. Stone – aye

116 A. Hoar – aye

117 N. Faiman – aye. Motion carried.

118

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

121

122 **J. Eckstrom MOVED to approve the Wetland Crossing Special Exception with the**
123 **additional notes that the location of the proposed wetland crossing is in the location shown**
124 **on the plan labelled "Grading and Erosion Control Plan - River's Edge - Tax Map Parcel D-99 - N.H.**
125 **Route 101 - Wilton, New Hampshire", dated November 20, 2020, which was submitted with the**
126 **application, the culvert diameter will be 36" rather than 30" as shown on the Plan, the culvert**
127 **bed will be lined with natural river stone and the culvert outflow basin will contain approximately**
128 **9inch riprap. P. Levesque SECONDED.**

129

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

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

132 Roll call vote:

133 J. Eckstrom – aye
134 P. Levesque – aye
135 J. Stone – aye
136 A. Hoar – aye
137 N. Faiman – aye. Motion carried.

138
139 C. Guida clarified that the river stone will be inside the culvert and the riprap will be placed at
140 the end of the culvert.

141
142 Voting on the motion to approve:

143 Roll call vote:
144 J. Eckstrom – aye
145 P. Levesque – aye
146 J. Stone – aye
147 A. Hoar – aye
148 N. Faiman – aye. Motion carried.

149
150 N. Faiman reviewed the appeal process and deadlines.

151
152 **5) Public hearings on new appeals**

153 *Case #04/13/21-1*

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

160
161 N. Faiman opened the public hearing by reading the public notice.

162
163 C. Guida, Fieldstone Land Services, said he would be representing the applicant. He said the
164 property had received a variance in the past for a septic system. The system was installed but
165 not given operational approval since there was no building. The property has been for sale and
166 the current buyer wants a single family home there. The house will be similar in footprint to
167 what was applied for in 2013 but a three bedroom house. The septic that was installed was
168 bigger than was probably needed and the leach field has some trees growing in it now. C.
169 Guida said that he has asked for a LOMA (Letter of Map Amendment) from FEMA to amend
170 the floodplain map since the building section has some elevation above the floodplain. C. Guida
171 said the soils were well drained in the area that the septic will go into.

172
173 J. Eckstrom said the proposed house location was staked out on the previous site visit. Will the
174 house size change? C. Guida said no, the house will be the same footprint but the septic
175 loading will be different. Similar to the previous variance but a three bedroom house this time.
176

177 J. Eckstrom asked about the basement. She said she recalled some unusual construction in the
178 basement for flood protection. C. Guida said there is special construction needed for building in
179 floodplain but he was proposing to grade the site so the slab was out of the floodplain.
180

181 J. Stone asked why he thought he needed a variance to Section 17.1? C. Guida said that variance
182 may not be necessary but wanted to replicate what was requested last time.
183

184 N. Faiman said that this application is asking for the wrong variances. Section 17.1 is asking for
185 a replacement of a non-conforming use. There is no non-conforming use since the mobile home
186 was abandoned approximately seven years ago. This lot is in the industrial district where
187 residential use is not permitted. The last time a variance was requested, it was to continue a
188 nonconforming use.
189

190 The Board discussed how this variance would need to be different to start a nonconforming use
191 compared to the last variance to continue a nonconforming use. The Board discussed the
192 application and if it would achieve what the applicant was seeking.
193

194 The Board summarized that an application should contain a list of the required relief at his core
195 but this application is missing many elements. The Board listed a few of the variances they felt
196 would be needed in order for this lot to have a residential use.
197

198 C. Guida respectfully requested to withdraw the application without prejudice.
199

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

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

203 Roll call vote:

204 J. Eckstrom – aye

205 P. Levesque – aye

206 J. Stone – aye

207 A. Hoar – aye

208 N. Faiman – aye. Motion carried.
209

210 **6) Other business**

211 a) Doodleland follow up

212 M. Decoteau shared that the conditions had all been met on the Variance application for
213 case #12/08/20-1. The Board discussed if they wanted feedback like this in the future or
214 not. The Board did want feedback on decisions but preferred the feedback in writing
215 privately and not at a public meeting.
216

217 **7) Adjournment**

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

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

220 Roll call vote:

221 P. Levesque – aye

222 J. Klinghoffer – aye

223 P. Howd – aye
224 A. Hoar – aye
225 J. Stone – aye
226 J. Eckstrom – aye
227 N. Faiman – aye. Motion carried.
228
229
230 Respectfully submitted by Michele Decoteau, Land Use Administrator
231 Approved on XX.XX.XX