



# TOWN OF WILTON ZONING BOARD OF ADJUSTMENT

## Draft Minutes

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**DATE:** July 20, 2021  
**PLACE:** Wilton Lyndeborough Cooperative High School, 57 School Street, Wilton  
**Present:** Joanna Eckstrom (Vice-chair), Judith Klinghoffer (Alternate), Paul Levesque, Jeff Stone, Neil Faiman, Peter Howd, Andy Hoar  
**Staff:** Michele Decoteau, Board Secretary & Land Use Administrator  
**Attendees:** Peg Duggan, Randy King

### 1) Call to order by the Chairperson

N. Faiman called the meeting to order at 7:30 PM

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

N. Faiman introduced the Board Members and reminded everyone this is a work session and there will be no cases heard.

### 3) Minutes of previous meetings

**J. Eckstrom MOVED to table the minutes to a regular business meeting, not a work session. P. Levesque SECONDED.**

Discussion: The Board talked briefly how long the board had had the minutes, and using time wisely.

Vote:

- A. Hoar - no
- J. Stone - no
- J. Klinghoffer - no
- J. Eckstrom - yes
- N. Faiman - no
- P. Levesque - yes
- P. Howd - no. Motion fails

#### Minutes 07.13.21

The Board reviewed the minutes and made comments but wanted to review the audio recording to confirm one item. M. Decoteau can provide a redline version for the next meeting.

**J. Klinghoffer MOVED to table the minutes of 07.13.21 for final correction. P. Howd SECONDED.**

Discussion: Hearing none, the chair called for a vote.

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

#### Minutes of 07.17.21

51 Board made a few corrections to the draft minutes.  
52 **J. Stone MOVED to accept the minutes of 07.17.21 with corrections. P. Levesque**  
53 **SECONDED.**

54 Discussion: Hearing none, the chair called for a vote.

55 A. Hoar - aye

56 J. Stone - aye

57 J. Klinghoffer - abstain

58 J. Eckstrom - abstain

59 N. Faiman - aye

60 P. Levesque - aye

61 P. Howd - abstain. Motion carried.

62

#### 63 **4) Other Business**

##### 64 Regarding Continuing Cases

65 The Board discussed applicants asking for a continuation without notice. J. Klinghoffer researched the  
66 RSA and she has been advised that state RSA says accepting a continuation request from an applicant  
67 cannot be restricted.

68

##### 69 Meeting Start Time

70 P. Howd suggested that the meeting time be more generic so the Board can be flexible depending on  
71 the location. J. Klinghoffer said having a fixed start time is helpful for the public. J. Eckstrom agreed and  
72 suggested starting earlier, at 7:00 PM. N. Faiman said the Board could change the end time and set a  
73 scheduled second meeting. This would give everyone the chance to put that in their schedule. The  
74 Board discussed the end time of the meeting and scheduling a second meeting. The Board thought that  
75 everyone might be more willing to end at 10:30 PM if there is already a second meeting scheduled. J.  
76 Eckstrom said if there is an agenda with more than two cases, the Board could give the applicant the  
77 option to continue right then. This courtesy could be given when there is a third case, advise them that  
78 they can be first on the agenda rather than waiting until the end (other than carry over). If an applicant  
79 cancels at the last minute, they go to the end of the line and will be scheduled after all new hearings at  
80 the next meeting.

81

82 J. Eckstrom shared her experience with the FCC platform for meetings. This was discussed as an option  
83 for hybrid meetings. She said it was inexpensive and no limited to the number of attendees or time  
84 constraints. Share screen is an option.

85

86 The Board decided to keep the start time at 7:30 PM.

87

88 **J. Klinghoffer MOVED to ask that the Board Secretary inform applicant of schedule options**  
89 **in the likely event that earlier case consuming the entire meeting time. J. Eckstrom**  
90 **SECONDED.**

91 Discussion: None

92 The Board discussed rationing time for applicants if the agenda is full. The Board decided that it was  
93 important to hear from the applicant and the abutters with direct relationships to the case. Then the  
94 public. It is important that everyone be heard but the practicality of that is challenging. The Board  
95 discussed prioritization of speakers.

96

97 **P. Howd MOVED to direct the ZBA Chair to prioritize testimony of noticed abutters,**  
98 **applicant, Board questions, public comments from abutters, public comment from the**  
99 **public. J. Klinghoffer SECONDED.**

100 Discussion: Hearing none, the chair called for a vote.  
101 A. Hoar - aye  
102 J. Stone - aye  
103 J. Klinghoffer - aye  
104 J. Eckstrom - aye  
105 N. Faiman - abstain  
106 P. Levesque - aye  
107 P. Howd - aye. Motion carried.

108  
109 The Board reiterated the need for questions to applicants be made through the Board. The Board  
110 requested that an abutter list be sent to them with the applications.

111  
112 A. Hoar asked about town entities such as the Fire Department or Police Department. Can they come  
113 before abutters? The Board discussed clarifying the last resolution/motion.

114  
115 **J. Klinghoffer MOVED to amend the previous list to include persons and entities from the**  
116 **Town to be heard before abutters who received specific notice. P. Howd SECONDED.**

117 Discussion: Hearing none, the chair called for a vote.  
118 A. Hoar - aye  
119 J. Stone - aye  
120 J. Klinghoffer - aye  
121 J. Eckstrom - aye  
122 N. Faiman - abstain  
123 P. Levesque - aye  
124 P. Howd - aye. Motion carried.

125  
126 Application Withdrawal Process

127 The Board discussed how and when an applicant can withdraw their application. The Board discussed  
128 the idea that once deliberations on a case start, an applicant cannot withdraw a case. This line seemed  
129 to make the most sense to the Board. The Board wanted to review the steps for accepting a withdrawal  
130 during a hearing and when to do so with or without prejudice with Counsel.

131  
132 The Board discussed reviewing the list of all the amendments to the Bylaws with Counsel.

133  
134 Section 5 – Appeals to the Board

135 The Board discussed the order of cases and abutters. The Board discussed adding the Rules of  
136 Procedure to the application to give notice to applicants.

137  
138 The Board discussed written submissions and if it were possible to get them at least 5 days before a  
139 meeting. They discussed the deadline and if changing it would make sense. The Board discussed  
140 continuing hearings if they needed more information and the educational role of the ZBA.

141  
142 Fees

143 The Board discussed the fee and that the fees will be changing on August 1. The Board discussed the  
144 option to waive fees.

145  
146 Deadlines for submissions

147 The Board discussed changing the application deadline to three weeks before a meeting. The Board  
148 discussed public noticing deadlines and written submissions need to arrive early enough the Board has a

149 chance to review them. Written submissions that substitute for testimony need to be available for  
150 review. Submissions after a case is decided were discussed.

151

152 Res Judicata

153 The Board disused adding this review to the standard review of cases. The Board asked that a Staff  
154 Review be added to the application and a list of any previous cases on a particular lot is provided to the  
155 Board. M. Decoteau will provide a written checklist for the Board to review.

156

157 **5) Communications and miscellaneous**

158 Budget

159 The Board asked for a current budget. M. Decoteau will ask.

160

161 Scheduling

162 The applicant for Case #07/13/21 asked the Board if the meeting could be rescheduled. The Board  
163 decided that August 11, 2021 is the preferred date pending that date being open at the Florence Rideout  
164 Elementary School.

165

166 **6) Public Comment/Questions**

167 P. Duggin and R. King said they were curious how the ZBA worked and just wanted to see a meeting.

168

169 **7) Adjournment**

170 **P. Levesque MOVED to adjourn at 10:19 PM. A. Hoard SECONDED.**

171 Discussion: Hearing none the chair called for a vote.

172 All in favor.

173

174 Respectfully submitted by Michele Decoteau, Board Secretary and Land Use Administrator

175 Approved on XX.XX.XX