



TOWN OF WILTON ZONING BOARD OF ADJUSTMENT

Draft Minutes

DATE: December 14, 2021
TIME: 7:30 PM
PLACE: Florence Rideout Elementary
Board: Joanna Eckstrom (Vice-chair), Judith Klinghoffer (Alternate), Paul Levesque, Jeff Stone, Neil Faiman, Andy Hoar
Absent: Peter Howd
Staff: Michele Decoteau, Board Secretary & Land Use Administrator
Attendees: Karen Artemik, Patricia Sluz, Michael Bronson, Ken Cadrain

1. Call to order by the Chairperson

N. Faiman opened the meeting at 7:32 PM. and introduced the Board. He reviewed the logistics of the meeting.

2. Minutes of previous meetings

November 9, 2021

J. Eckstrom MOVED to approve the minutes of 11.09.21, acknowledging this is a redline version and the redline edits were minor changes. P. Levesque SECONDED.

Discussion: None

Voice Vote: All in Favor. Motion carried (5-aye, 0-nay, 1-abstain (A. Hoar)).

July 13, 2021

J. Eckstrom MOVED to approve the redline minutes of 7.13.21 Draft 2 as corrected. P. Levesque SECONDED.

Discussion: None

Voice Vote: All in Favor. Motion carried (5-aye, 0-nay, 1-abstain (A. Hoar)).

December 7, 2021

Line 68 statute

Line 59 ... discussed

Line 66 ... "said" not -

Line 70 ... delete comma

Line 76 ... add "have"

Line 91 ... sua

Line 98 ... add "?"

Line 99 ... add “on a person by person basis”

Line 116 ... considered

Line 129 ... find “a”

The Board requested Word copy of the Bylaws to be provided to the Board.

J. Eckstrom MOVED to accept the minutes of 12.07.21 as amended, P. Levesque SECONDED.

Discussion: None

Voice Vote: All in Favor. Motion carried (5-aye, 0-nay, 1-abstain (A. Hoar)).

3. Public hearings continued from previous meetings

Case #11/9/21-1

Karen and William Artemik have requested a special exception under section 5.3.1 of the Wilton Zoning Ordinance to allow a firearms exchange business as a home occupation on Lot F-42-3, 106 Intervale Road.

N. Faiman opened the public hearing by reading the public notice. Voting members: A. Hoar, J. Eckstrom, N. Faiman, P. Levesque, J. Stone.

The Board noted that nothing was done regarding this case on 11.09.21 other than a continuation. K. Artemik presented the case as her husband was ill. B. Artemik has a Federal Firearms license (FFL) so if someone buys a rifle on line, they need to send it to a FFL holder. There are some requirements for the State of NH that have to be filled out by a FFL holder. She said that another resident in Wilton used to do this, but Bob Dolinak passed away and this would fill the gap.

She said, currently B. Artemik wants to get a manufacturing firearms license. The Special Exception will allow him to have purchasers come to their home to pick up their purchase. The number of people expected to visit is estimated at 2-3 people per month. When he retires, this may be more visits. He will be gun smithing, and a manufacturing licenses requires that if any changes are made to a rifle or gun an FFL is required.

In response to a question from the Board, K. Artemik said that the Police Department reviewed the range area and they are more than 300 feet from the river and the neighbors' houses

N. Faiman asked about manufacturing. In his mind that is melted metal, but is this really assembly. K. Artemik confirmed that this is assembly of parts.

In response to a question from the Board, K. Artemik said when rifles are ordered on line, B. Artemik is notified as part of the purchase. He knows that this is going to be arriving and who will be purchasing it. She said they may have it about a week. The customer has to be able to come to the house to fill out paperwork and contact the state.

In response to a question from the Board, K. Artemik said they have two gun safes, one that holds 10 fire arms and a second that holds 30. These would be hard to move without a forklift. In response to a question from the Board, K. Artemik said there is a review of the security by the federal government. The ATF agents also show up randomly to spot check.

In response to a question from the Board, K. Artemik said there will be 2-3 visits per month to start, but this is a retirement job. B. Artemik has no aspirations of opening a gun store like Milford Firearms. Might be 1-2 a week once he retires but without a retail outlet, he won't be attracting a random persons.

In response to a question from the Board, K. Artemik said her husband would be the only employee and she'd have to get her FFL to handle anything.

In response to a question from the Board, K. Artemik said she did not anticipate a shooting range being a part of this business, he will test some of them to make sure they are in working order but not a range.

In response to a question from the Board, K. Artemik said she didn't know this would be advertised.

The Board asked for comments from abutters.

P. Sluz, said she had a prepared statement, which she read and provided the Secretary. She said that this use is not compatible with the character of the neighborhood. She said that this will affect the value of property. The home address of the licensed dealer is public information. She was concerned storage of the guns, proper storage of ammunition, the hours of operation, if there would be walk in customers, security and the required oversight and inspections required suggested that this is not compatible with this neighborhood.

K. Artemik said she understands the concerns. They are very serious about security. Guns are in a locked safe in a locked house. The shooting is at the target when it happens, testing firearms, we have not had anyone request that who has received delivery.

J. Klinghoffer asked about hours of operation. K. Artemik said 8am-4pm since he has to speak with someone at the state

In response to a question from the Board, K. Artemik said her husband is filling a void left by the passing of Mr. Dolinak, who this as a side gig then more intensely after being injured. He serviced many of the firearms for the Wilton PD. One Board member noted Mr. Dolinak lived on Curtis Farm Road.

J. Klinghoffer asked if there is a restriction of where or when to discharge our own firearms. K. Artemik said that you need to be 300 feet from your neighbor. J. Klinghoffer noted without a business, there are few restrictions on shooting your own firearms.

The Board expressed concern about noise and wanted a clearer understanding of the building of firearms part of the business and how that fits in the application. The Board wanted to do a site walk and hear from Bill Artemik directly.

J. Eckstrom MOVE to continue to January 11, 2022, and site walk on January 8, 2022, at 10 am with a snow date of January 9. J. Stone SECONDED.

Discussion:

The Board discussed dates.

Voice Vote: All in Favor. Motion carried (5-aye, 0-nay, 1-abstain (A. Hoar).

The Board discussed the need for an amended application. J. Klinghoffer said that if the current application is adequate and if they choose to include the manufacturing they may need to amend by Dec 28 or come back in the future.

Case #11/9/21 - 2

Michael Bronson has requested a special exception under section 5.3.1 of the Wilton Zoning Ordinance to allow a state inspection station as a home occupation on Lot L-6-1, 8 Seagroves Street.

N. Faiman opened the Public Hearing by reading the Public Notice. Voting members: A. Hoar, J. Eckstrom, N. Faiman, P. Levesque, J. Stone. The Board noted that nothing was done regarding this case on 11.09.21 other than a continuation

M. Bronson spoke about the proposed home occupation. He wants to put in a state inspection station in his garage as a part time side business. When he was here before, there were concerns about noise. He provided information about the sound readings when a horn was honked in the garage.

In response to a question from the Board, M. Bronson said he had tools and a lift.

In response to a question from the Board, M. Bronson said he would do car repairs, whatever it is going to take to get a car to pass inspection.

In response to a question from the Board, M. Bronson said he is asking to take his hobby to the next level to be a repair business. He does repairs right now 1 or 2 every few weeks. The inspection station would just help people out.

In response to a question from the Board, M. Bronson said to do state inspections, you need a lift of a specific size, headlight aimer, ball joint gauge, and room inspect brakes and drums. In response to a question from the Board, M. Bronson said he would test emissions and the state gives you the machine to do that. In response to a question from the Board, M. Bronson said he did have to test horns with a sound meter. In response to a question from the Board, M. Bronson said he would only be inspecting personal vehicles and that may include pickup trucks.

In response to a question from the Board, M. Bronson said he would be working Sunday and Monday late in the morning to 5 or 6 PM, but on other days, 6-8 PM. He said he is not looking to inspect a whole lot of cars, but would be working with local garages that don't have state inspection equipment.

The Board discussed with the applicant if he would be comfortable restricting hours of operation or the number of vehicles. M. Bronson asked if this was a commercial location, would he be here? The Board said no, but he was asking for permission for a commercial use in a residential area.

In response to a question from the Board, M. Bronson said even if someone failed inspection, he could not keep the car. He wants to repair the cars and save people time.

P. Levesque said there was not much parking and he was having a hard time vitalizing this location.

J. Stone would like to learn, what would differentiate this from a commercial business. Home occupations are pretty much self-contained and done in the house. This sounds like it is outside and goes hand in hand with the repair. M. Bronson said the state inspection will be done inside the garage. If they needed a few things here and there, what it takes to pass the state inspection, he would fix. N. Faiman asked if all the work would take place inside the garage? M. Bronson said yes, there will no cars and only a few old tires beneath the back deck. He said you would have no problem converting this back to a three car garage. In response to a question from the Board, M. Bronson said he will not be doing oil changes, he doesn't have the storage for that.

In response to a question from the Board, M. Bronson said K. Cadrain built the garage and it looks like a garage. It will be easy to convert back into a three car garage. He said his wife won't let him leave it a mess.

N. Faiman described how conditions work and are restrictions that are enforceable. This might have substantial conditions. The Board discussed concerns about the extent of the repair side of the operation and the hours of operation. N. Faiman said for a Home Occupation Special Exception, consider the location, type and density of lot, buffers, and compatibility with the surrounding neighborhood.

K. Cadrain said Seagroves is a private drive with only three other house. He said he did the maintenance and the residents pay a portion of the expenses.

The Board and applicant discussed the number of cars, employees and future plans for expansion. M. Bronson said that if the business got too big he would find a commercial site. He said that too big would be working 3 or 4 days per week.

The hours of operation were discussed as was limiting the number of cars. M. Bronson said the nature and timing of parts availability, he might need assess the needs for a repair and get the parts the next day.

J. Stone said a reason to be choosy about conditions is that this Special Exception goes with the land. The next owner might not be as reasonable. J. Stone said this is also near river and that needs to be protected. The Board discussed what would happen if there was an oil or other fluid leak. M. Bronson said he had a spill plan.

The Board discussed keeping this operation small and how to restrict the types of repairs might be permissible. The Board asked about where waste oil or fluids would be kept. M. Bronson said he has two 55-gallon drums he uses and once they are full, he disposes of them off site.

The Board discussed noise. M. Bronson said that his garage is insulated and that dampens the sound.

The Board discussed some potential conditions
Hours 8 am - 8 pm, limited to 6 visits per week.
Work is inside with doors closed
No more than one customer car at the same time parked outside.
No non-resident employees
Permitted repairs - repairs necessary to pass inspection
No oil changes
No body work
No work Sunday - not the day to impose on neighbors or noon - 6pm on Sunday
Waste must be contained and disposed of off site
The insulation of the garage needs to stay for sound insulation

The Board also discussed the need for a sign. This will need a sign permit.

A. Hoar MOVED to approve the requested Special Exception to allow a state inspection station as a Home Occupation at 8 Seagrove, subject to the following conditions:

- **Hours 8 am - 8 pm**
- **No more than 6 vehicles per week**
- **Repairs limited to those identified as necessary for a vehicle to pass inspection**
- **No body work will be done**
- **All work inside a closed sound-insulated garage**
- **No outside storage**
- **Only one customer vehicle parked outside at any one time**
- **No non-resident employees**
- **All waste has to be contained inside the building and disposed of off site**

P. Levesque SECONDED.

Discussion: None

J. Stone - abstain

P. Levesque yes

A. Hoar yes

J. Eckstrom- yes

N. Faiman - yes. Motion carries (4 - ayes, 0 - nays, 1 - abstain).

N. Faiman reviewed the appeal process and reviewed the site plan requirements.

4. Other new business - none

5. Communications and miscellaneous

Invoices - done

6. Adjournment

J. Stone MOVED to adjourn at 10:13 PM. J. Eckstrom SECONDED.

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).

Respectfully submitted by Michele Decoteau, Board Secretary

Approved on XX.XX.XX