

TOWN OF WILTON
Zoning Board of Adjustment

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5 **DATE:** February 8, 2022
6 **TIME:** 7:30 PM
7 **PLACE:** Wilton Lyndeborough Cooperative High School Cafeteria
8 **PRESENT:** Neil Faiman (Chair), Jeff Stone, Paul Levesque, Andy Hoar, Peter Howd (alternate)
9 **Staff:** Michele Decoteau, Board Secretary
10 **Attendees:** Justin Dean

11
12 **1) Call to order by the Chairperson**

13 N. Faiman opened the meeting at 7:32 PM. He introduced the Board members. P. Howd will be sitting in
14 for J. Eckstrom.

15
16 **2) Minutes**

17 Minutes of 01.11.22

18
19 Line 37 ... change the second “that” to “the”

20 **P. Levesque MOVED to accept the minutes from the redline version and as amended at**
21 **the meeting. J. Stone SECONDED.**

22 Discussion: None

23 Voice Vote: All in Favor. Motion carried (3-aye, 0-nay, 2-abstain (A. Hoar & P. Howd)).
24

25 **3) Public hearings**

26 Case ##2/8/22-1

27 Bethany and Justin Dean have requested variances to sections 5.1(d) and 6.2 of the Wilton Zoning
28 Ordinance to allow a fourth dwelling unit and a second dwelling on Lot K-8, 2 Jowders Drive, where the
29 Ordinance only allows one dwelling and one dwelling unit.
30

31 N. Faiman opened the public hearing by reading the public notice. N. Faiman reviewed the process.
32 Voting members on the case are: N. Faiman, P. Levesque, J. Stone, A. Hoar, and P. Howd.
33

34 J. Dean described the house and the garage with the room above that is about 1000 square feet. They
35 want to make the room above the garage into a one or two room apartment. This would require a
36 variance for two dwellings on a single lot and for a fourth dwelling unit.
37

38 The Board discussed the grandfathered nature of the three dwelling units on this property.
39

40 In response to a question from the Board, J. Dean said this property is on town water and sewer.
41

42 In response to a question from the Board, J. Dean said he would need to further insulate the garage and
43 room to bring the apartment and garage to code.
44

45 P. Levesque asked about the room dimensions. J. Dean provided a sketch of the possible layout of the
46 room. He said he would be willing to move things around to meet code for egress, but this indicated it
47 was possible in the space to make an apartment.
48

49 N. Faiman reviewed the background needs for the variance. He said the heart of the variance is that a
50 lot cannot be used due to a hardship on a lot.

51 The Board asked about the neighbors and if this would affect them. J. Dean said that he didn't think it
52 would harm his neighbors. He has spoken with all his neighbors and they have no issues with adding an
53 apartment. He has adequate parking as there are 12 spots and he would only allow 2 cars per unit. He
54 wants to utilize the space as best he can and add housing during a time where housing is tight.

55
56 P. Levesque asked about the deck in the back. He didn't see supports on the back deck. J. Dean said
57 there is a support on one side. J. Dean said that he would add supports for the deck if needed. A. Hoar
58 there have to be two egresses. A. Hoar said he didn't see two egresses. P. Howd asked if there were
59 internal stairs since there was a personnel door. J. Dean said yes, there were internal stairs and he knew
60 that he would need a second egress.

61
62 The Board said they had all done a drive by of the property and knew what it looked like.

63
64 P. Levesque asked about the area between the house and the garage? J. Dean said that there is about 6
65 to 8 feet between the buildings and there are stairs that go up to the room above the garage.

66
67 P. Howd asked if the only access was outside. J. Dean said no, there is still as staircase inside. He was
68 considering taking it out but that would leave only one egress. A. Hoar said that would be the building
69 inspector's problem.

70
71 P. Howd asked how many bedrooms are in the house currently. J. Dean said there are three bedrooms
72 in his house. In the apartment above his is a one bedroom apartment and the one in the ell is a studio
73 apartment. N. Faiman said the property card says living space is about 28000 square feet. J. Dean said
74 that sounded right.

75
76 P. Howd asked about hardship. What hardship are you facing that requires us to grant the variance? J.
77 Dean this will help offset the cost of maintaining and operating the building. He covers the cost of
78 heating and the price has gone up this year and he doesn't want to raise the rent if he can help it. A.
79 Hoar said the hardship is the space is there and it is not being used except to party. J. Dean said yes and
80 they aren't interested in having it as a party room.

81
82 P. Levesque expressed concern about the size of the lot.

83
84 **A. Hoar MOVED to close the Public Hearing. P. Howd SECONDED.**

85 Discussion: None

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

87
88 A. Hoar said his main concerns were with the sewer. If they are on town sewer, that concern goes
89 away.

90
91 J. Stone said it looks like the Board is a bind and this doesn't leave room for discretion. This is a
92 grandfathered, non-conforming unit. This would add to the non-conformity. N. Faiman said if the Board
93 granted a variance that would address the non-conformity. As a historical fact, there are three dwelling
94 units.

95 J. Stone said he lives on a lot half this size and has a single dwelling until. His is a non-conforming lot and
96 non-conform use. If he wanted to push the deck out to encroach on a setback, could we do that? N.
97 Faiman said that yes and we have done that before.

98
99 J. Stone in order to grant a variance, the applicant needs to show that the Zoning Ordinance, as applied
100 to this lot, is unfair compared to similar lots.

101 N. Faiman said he also doesn't see the hardship. The only unique character is that it has a big house and
102 it isn't that large compared to other houses in the Residence and Agricultural District. The Zoning
103 Ordinance specifically prohibits more than three dwelling units. It should have eight acres to have that
104 many dwelling units and this is asking for a 20 fold density bonus. This board has turned down a second
105 dwelling unit on a lot with over 2 acres.
106

107 N. Faiman said the fact this lot has sewer and water reduces the concern, but there is nothing unique on
108 this property. J. Stone said we don't have what we need to legally grant a variance. P. Howd said he
109 agreed. A. Hoar said had a problem with this high a density. He said that in the Residential district they
110 have looked at affordable housing on some applications but not the Residence and Agricultural District.
111

112 N. Faiman said the proposal sounds reasonable but there is no justification for a variance. It is
113 understandable and reasonable to want to use the property fully, but not enough of a reason to vary
114 zoning for a fourth dwelling unit. If we grant this, what variance would we not grant? No unique or
115 unusual characteristics of the property that rise to the level of a hardship. There is no substantial justice
116 - there are already three dwelling units on this property. The cost to the owner is greater than the
117 benefit to the town and the owner already has three dwelling units, he has a surprising amount of
118 benefit.
119

120 **P. Howd MOVED to deny the variance due to a lack of hardship. P. Levesque SECONDED.**

121 Discussion: None

122 Vote (a vote yes is a vote to deny the variance):

123 A. Hoar - yes

124 P. Levesque - yes

125 P. Howd - yes

126 J. Stone - yes

127 N. Faiman - yes. The Variance is denied.
128

129 N. Faiman reviewed the appeal process. The Board discussed the Housing Board of Appeals.
130

131 **4) Rules of Procedure**

132 a) Tabled until the next meeting for the full board.

133 b) A. Hoar wants to review the form used for applications. Wants to add a box that notes "town
134 water and sewer"

135 c) J. Stone wants to elicit more information about hardship on the form.
136

137 **5) Communications and miscellaneous – None** 138

139 **6) Adjournment**

140 **A. Hoar MOVED to adjourn the meeting at 8:36 PM. J. Stone SECONDED.**

141 Discussion: None

142 Voice Vote: All in Favor. Motion carried (5-aye, 0-nay, 0-abstain).
143

144 List of any Exhibits from the meeting

145 Exhibit A: proposed floor plan by Justin Dean

146 Respectfully submitted by Michele Decoteau, Board Secretary

147 Approved on XX.XX.XX