

Town of Wilton
Zoning Board of Adjustment
Final

Date: September 13, 2022
Time: 7:30 p.m.
Place: Wilton-Lyndeborough Cooperative High School Cafeteria
Present: Neil Faiman (Chair), Joanna Eckstrom (Vice Chair); Andy Hoar, (remote); Paul Levesque; Jeff Stone; Peter Howd (alternate); Judith Klinghoffer (alternate)
Absent: None
Attendees: Ashley Saari (MLT)
Heika Siegert, 55 Maple St.
David Siegert, 55 Maple St.
Christina Rubio-Sprague, 47 Maple St. #9/13/22-1
Kristi Legere 106 McGettigan Rd. #9/13/22-1
Chris Guida, Fielstone Allen
Gregory M. Allen, 11 Singer Brook Rd, Milford Allen
Alexus Lefort, Manchester Allen
Randy King, 70 Proctor Rd

1) Call to order by the Chairperson

N. Faiman opened the meeting at 7:33pm and introduced the board members, and presented the Notice of Public Hearing. Two items on the Notice of Public Hearing will be continued to November:

- Isaac Frye Holdings, LLC, has appealed a decision of the Wilton Planning Board that, notwithstanding the variance granted on November 9, 2021 in Wilton ZBA Case #5/11/21-1, the excavation on Lot F-3-2, Isaac Frye Highway, which is permitted by that variance is or would be contrary to sections 6.1, 9B.6.1, and 9B.6.4 of the Wilton Zoning Ordinance.
- On August 9, 2022, the Zoning Board denied Susan M. Latham's request for variances to sections 5.1(d), 5.5.1, and 5.5.3(b) of the Wilton Zoning Ordinance to allow construction of a detached garage containing and accessory dwelling unit on Lot K-89, 23 Clark Court, where the ordinance allows accessory dwelling units only in the same dwelling as the primary dwelling unit. The Zoning Board will consider Ms. Latham's request that it hold a new hearing on the case. The decision on whether to grant a rehearing is made on the basis of the written request and the case record. No additional testimony, evidence, or other input will be taken. (Case #6/14/22-1)

It is noted that A. Hoar is attending remotely because he is out of state and that his wife will be in and out of the room during the meeting.

2) Minutes

J. Eckstrom requested the minutes of Case #6/14/22-1) be reviewed and approved prior to the Public Hearings and the rest of the minutes be differed until after the Public Hearings.

Minutes of Previous Meetings:

a.) Minutes 9/9/22

J. Eckstrom MOVED to approve the minutes as amended. J. Stone SECONDED.

Discussion: None

Vote: J. Eckstrom, aye, A. Hoar, aye, J. Stone, aye, P. Levesque, aye, P. Howd, aye; J. Klinghoffer, aye, N. Faiman, aye.

Motion carries.

b.) Minutes - Site visit 6/21/22

J. Eckstrom MOVED to approve the minutes as amended. J. Stone SECONDED.

Discussion: None

Vote: J. Eckstrom, aye, A. Hoar, abstain, J. Stone, aye, P. Levesque, aye, P. Howd, aye; J. Klinghoffer, abstain, N. Faiman, aye.

Motion carries.

3) Public Hearings

Case#9/13/22-1

Willreign Properties, LLC has requested variances to sections 5.1 and 5.2 of the Wilton Zoning Ordinance to allow two dwelling units in the existing rectory building and three dwelling units and an office and workshop in the existing church building at Lot K-72, 47 Maple Street and 49 Maple Street, where the ordinance does not allow more than one dwelling unit, more than one dwelling, or commercial uses. ([Case #9/13/22-1](#))

J. Klinghoffer left the meeting. J. Stone recused himself from case.

N. Faiman reviewed the procedure on how to present their case, to include why there is a need for variance and why the board should grant the variance. The board may ask questions and the public may comment.

Voting board: N. Fainman, J. Eckstrom, A. Hoar, Paul Lavesque, Peter Howd.

Christina Rubio-Sprague, Applicant, presented the summary of the application. The original variance was granted in July of 2017, however, not all of the work was completed and the variance has expired. The new application is to allow the continuance and completion of the work as outlined in the original application. Permits were granted and dwelling units in the Rectory were built and a Certificate of Occupancy was approved in 2020. However, the units planned for the church building were never built.

J. Eckstrom asked about the status of hooking up to the town sewer system. Applicant responded that since the church reconstruction has not begun, the connection to the sewer system has not started yet. J. Eckstrom asked if it will be done. Applicant responded, yes. Property will be served by municipal water and sewer since it is within 100 ft of the line. (Sewer/Water Clerk has confirmed this in a letter to Mr. Boise for the planning board.)

N. Faiman asked if the application was the same as the prior application presented to the board. The 2017 variance required that the required parking be included. Applicant responded that it is the same.

P. Howd stated that he was new to the board and was not at prior discussions. He said he would appreciate a site visit or he might recuse himself from these discussions. J. Stone said he was present at the prior discussions but would also appreciate a site visit.

P. Howd wanted to confirm his understanding that this was commercial use with an office and a workshop. Applicant responded yes, but commercial use would be limited to owner. The owner would not be living at the address but the commercial office would be for the personal use by owner. It will be closed to residents. P. Howd asked how large was the commercial space was. Applicant responded the upper floor would be approximately 4000 sq. ft. of commercial space.

J. Eckstrom asked how many clients/customers would visit the space. Applicant stated not often maybe 1-2 on occasion.

P. Howd commented that as commercial use, the status would stay with the property after being sold and this could be a problem.

The church property is 7000 sq ft. The dwelling area is around 3195 sq ft. Plans are submitted that show the dwelling units will be in the main portion of basement hall. The proposed office space is approximately 3980 sq ft. The office entrance is located on Maple St. The dwelling access is separate and located through the back doors. This information needs to be included in the docs.

The number of parking spaces is 12-16 and is based on amount of commercial square footage. The lot is 0.4 acre. P. Howd commented that rules and regulations have changed and believes that 17 spaces would be the new requirement. When asked, applicant stated that there are currently 3 bedrooms in the old rectory building and that there are plans for 2-3 units depending on the layout to be submitted in the church building.

Then A. Hoar stated that Plans, including floor plans and layout of parking are required. P. Howd stated the case should be continued. P. Levesque requested a 2nd site walk. J. Eckstrom asked if the plan changed and Applicant responded no.

N. Faiman opened the meeting to the public. J. Stone asked if the rectory was always connected to the town waste system. J. Eckstrom confirmed.

Heika Siegert, 55 Main Street asked what would be the purpose of the workshop and Applicant responded that it would be for repurposing wood products. H. Siegert then asked if this would be full time and had concerns about the noise level. Applicant responded it would not be full

time and there would not be a lot of noise. H. Siegert asked if the outside of the building would be remodeled and if it would look commercial.

Kristi Legere, Wilton resident who also worked at school district at one time, stated the need for apartments is high and something Wilton needs. In response to the question, the work/office space is for personal use, low intensity, no machinery, and no employees. This was quoted from the 2017 decision. The use of power tools such as saws, sanders would be standard home equipment. P. Howd stated the noise of power saws may exceed noise ordinance and that noise dampening should be included. P. Howd requested a statement that the noise would not exceed the ordinance.

K. Legere also stated that no significant changes are to be made to the exterior of the building. J. Eckstrom stated that it was a condition of the previous decision. N. Faiman stated that this case was basically the same and not expecting anything new. Variance would include the same restrictions from previous decision.

A. Hoar asked if the property included commercial use in a residential area. N. Faiman confirmed yes, it would include an office with workshop. He also stated that the variance would include P. Howd's requests for a statement addressing noise ordinance.

J. Stone commented if it was in fact commercial use, that a variance may not be needed at all. P. Howd commented that the reference to commercial use was only in the notice posted by N. Faiman. N. Faiman referenced 5.1 permitted use includes all sub-categories, even if not explicated stated. He then referenced 5.1.c is listed in this application. Altogether 5.1-5.3 would address any request for variances.

J. Eckstrom asked if the property is currently for sale. Applicant responded that there is "sale pending". N. Faiman asked if the potential use by new owner is the same or not and commented they may be asked to reapply.

P. Howd MOVED to schedule a site walk prior to next meeting with details to be arranged. P. Levesque SECONDED an amended motion to include continuance to next meeting.

Discussion: None

Motion to continue case to next meeting:

Vote: J. Eckstrom, aye, A. Hoar, aye, J. Stone, recused, P. Levesque, aye, P. Howd, aye, N. Faiman, aye

Motion carries.

J. Eckstrom asked if variances are granted to applicant, how does a new property buyer comply to what board applies.

Applicant asked if board needed to look at inside and outside. Board requested to be able to look at both the inside and outside of the building. A site visit was schedule for Saturday, October 8, at 9:00am. Kristi Legere, realtor, will provide access to the building.

J. Eckstrom MOVED to schedule site walk on October 8, at 9:00am. P. Howd SECONDED.
Discussion: Applicant asked what would the board need from applicant for the site walk. Board

would like to have key, parking lot layout, floor plans for apartments, workshop, and office area, and proof of sewer/ water connection. Ms. Rubio-Sprague will not be in attendance.

Vote: J. Eckstrom, aye, A. Hoar, aye, J. Stone, recused, P. Levesque, aye, P. Howd, aye, N. Faiman, aye

Motion carries.

P. Howd MOVED to close the hearing. J. Eckstrom SECONDED.

Discussion: None.

Vote: J. Eckstrom, aye, A. Hoar, aye, J. Stone, recused, P. Levesque, aye, P. Howd, aye, N. Faiman, aye

Motion carries.

Case#9/13/22-2

Gregory Marshall Allen has requested variances to sections 4.2(b), 4.6, 8.1, 8.2.1, 8.2.4, 8.5, 12.3(c), and 17.1(c) of the Wilton Zoning Ordinance to allow the construction of a single-family home and septic system on Lot B-97, 317 Forest Road, where residential uses are not allowed in the Industrial District, the septic system would be closer than allowed to wetlands, the applicant requests a waiver of the requirement for a snow removal plan, the proposed construction would be closer than allowed to the front lot line, the lot does not satisfy the Aquifer District density requirements, and the proposed development would re-establish a discontinued nonconforming use. (Case #9/13/22-2)

N. Faiman read the application and explained the procedure. He noted that no public was in attendance. Greg Allen, applicant, Chris Guida, representative Fieldstone Engineering, and Alexis Lefort, fiancé of applicant was in attendance.

In summary, a new variance is required as the earlier variance has expired. The property is in Industrial District and the plans for a single-family home would be in the 100-year flood zone. A LOMA (Letter of Map Amendment) from FEMA to amend the floodplain map since the building section has some elevation above the floodplain was submitted that states the new construction would not be in the flood zone. The construction is for a single-family home with 3 bedrooms and garage where previously a mobile home and garage sat. It was also pointed out that industrial setbacks are different residential setbacks.

P. Levesque asked how much is above the flood zone. Applicant responded 5ft. The proposal is to create a slab foundation outside the flood area for a single-family house. The setback is in an industrial area.

N. Faiman asked the size of the non-wetland area and the size of the house. Applicant responded 26' x 40' + a future garage.

Applicant stated that the land creates a hardship.

J. Eckstrom asked who the closes neighbors. Applicant responded that Cutting Tools Technology abbutts the property and there are 10 residential neighbors.

J. Eckstrom MOVED to schedule a site walk before the next meeting and continue case until next zoning board meeting.. P. Levesque SECONDED.

Discussion: J. Eckstrom asked if there were any marks at the property. Applicant responded there were none staked out as it is all open space. J. Eckstrom then asked if the septic system still exists.

Applicant responded it does, but since there was no construction on the foundation, it is not connected. It will stay and be expanded to state regulations. J. Eckstrom asked if the plan was approved locally. Applicant responded yes, but will be changed slightly but no closer to wetland.

P. Levesque asked what the square footage. Applicant responded 2000 sq ft. total.

J. Eckstrom stated she appreciates the quality of the application. J. Stone stated there should be a correction on the plan that should read "Stony Brook"

N. Faiman asked if the new plan was approved. Applicant responded yes. The plan was reviewed for the record.

Motion to conduct site walk on October 8 at 10:30 am: Roll call:

Vote: J. Eckstrom, aye, A. Hoar, aye, J. Stone, recused, P. Levesque, aye; N. Faiman, aye
Motion carries.

Motion to continue hearing to October 11, 2022. Roll call:

Vote: J. Eckstrom, aye, A. Hoar, aye, J. Stone, recused, P. Levesque, aye; N. Faiman, aye.
Motion carries.

4) Minutes

Minutes of prior meetings were reviewed for edit and approval.

c.) Minutes 5/10/22

P. Howd MOVED to approve the minutes as amended. J. Stone SECONDED.

Discussion: None

Vote: J. Eckstrom, aye, A. Hoar, abstain, J. Stone, aye, P. Levesque, abstain; P. Howd, aye; J. Klinghoffer, absent, N. Faiman, aye.

Motion carries.

d.) Minutes – Site walk 5/18/22

P. Howd MOVED to approve the minutes as amended. J. Eckstrom SECONDED.

Discussion: None

Vote: J. Eckstrom, aye, A. Hoar, abstain, J. Stone, aye, P. Levesque, abstain; P. Howd, aye; J. Klinghoffer, absent, N. Faiman, aye.

Motion carries.

e.) Minutes – 7/12/22

J. Eckstrom MOVED to approve the minutes as amended. P. Levesque SECONDED.

Discussion: None

Vote: J. Eckstrom, aye, A. Hoar, absent, J. Stone, aye, P. Levesque, aye; P. Howd, aye; J. Klinghoffer, absent, N. Faiman, aye.

Motion carries.

P. Levesque MOVED to adjourn. P. Levesque SECONDED.

Discussion: None

Vote: J. Eckstrom, aye, A. Hoar, absent, J. Stone, aye, P. Levesque, aye; P. Howd, aye; J. Klinghoffer, absent, N. Faiman, aye.

Motion carries.

Respectfully submitted by Margaret A Duggan, Acting Secretary

Approved on XX.XX.XXXX