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2 **Town of Wilton**
3 Zoning Board of Adjustment
4 **Meeting Minutes**

5 **Date:** October 11, 2022
6 **Time:** 7:45 p.m.
7 **Place:** Florence Rideout Elementary School Gymnasium, 18 Tremont Street
8 **Present:** Neil Faiman (Chair), Joanna Eckstrom (Vice Chair); Paul Levesque; Jeff Stone,
9 Peter Howd (alternate); Judith Klinghoffer (alternate)
10 **Absent:** Andy Hoar.
11 **Attendees:** Michael Gravell – 137 Intervale Rd
12 Mike George – 4 Rocala Rd
13 Karney Gravell – 137 Intervale Rd
14 Lisa Guinte –Rercheron
15 Chuck Hodgdon – 40 W. Intervale
16 Bill Abrahams-Dematte – 72 Barrett Hill Rd
17 Deb Abrahams-Dematte – 72 **Barrett** Hill Rd
18 Linda Kelly – 1 River Bend Way
19 Dan Salkbury – 54 Maple St
20 Bradley Allen – 11 Singer Brook Rd, Milford
21 Alexus Lefort – Manchester NH
22 Gregory Allen – 11 Singer Brook Rd, Milford
23 Chris Guida – 206 Elm
24 Kenny Lestrom – 586 Turnpike Rd, NZ
25 Christina Rubio-Sprague – 855 Old Turnpike, Salisbury
26 Kristi Leger – Penny Loafer Lane
27 Marilyn Jonas – 27 Fairfield Lane
28 Ashley Saari -- MLT
29
30

31 **1) Call to order by the Chairperson**

32 N. Faiman opened the meeting at 7:33pm, introduced the board members, and presented the
33 Notice of Public Hearing. Items on the Notice of Public Hearing to be continued to November
34 zoning board meeting include:

- 35 • Isaac Frye Holdings, LLC, has appealed a decision of the Wilton Planning Board that,
36 notwithstanding the variance granted on November 9, 2021 in Wilton ZBA Case
37 #5/11/21-1, the excavation on Lot F-3-2, Isaac Frye Highway, which is permitted by that
38 variance is or would be contrary to sections [6.1](#), [9B.6.1](#), and [9B.6.4](#) of the Wilton Zoning
39 Ordinance. (Case #4/12/22-1)

40 **J. Eckstrom MOVED to continue Case #4/12/22-1 to November 8, 2022. J. Stone**
41 **SECONDED.**

42 Discussion: None

43 Vote: J. Eckstrom, aye, P. Levesque, aye, J. Stone, aye, P. Howd, aye, J. Klinghoffer, aye, N.
44 Faiman, aye.

45 **Motion carries.**

46

47 N.Faiman then asked that since there are a number of items on the agenda, and the meeting
48 will adjourn at 10:30, if there were any other cases that would also continue their hearing to the
49 special October 18th meeting. Items continued to October 18, 2022:

- 50 • San-Ken Homes, Inc. has requested a special exception under section [11.4](#) of the Wilton
51 Zoning Ordinance to allow construction of a driveway that would cross a wetland area in
52 conjunction with a proposed subdivision of Lot A-44-1, Barrett Hill Road.(Case
53 #10/11/22-1)

54 **J. Eckstrom MOVED to continue Case #10/11/22-1 to October 18, 2022. J. Stone**
55 **SECONDED.**

56 Discussion: None

57 Vote: J. Eckstrom, aye, P. Levesque, aye, J. Stone, aye, P. Howd, aye, J. Klinghoffer, aye, N.
58 Faiman, aye.

59 **Motion carries.**

60

61

- 62 • Stadium Graphics, LLC has requested a special exception under section [8.6.1](#) of the
63 Wilton Zoning Ordinance to allow structural expansion on and the commercial/industrial
64 use of Lot F-17, 40 West Intervale Road, which cannot satisfy the Industrial District lot
65 size, buffer and setback requirements. (Case #10/11/22-2)

66

67 **J. Eckstrom MOVED to continue Case #10/11/22-2 to October 18, 2022. J. Stone**
68 **SECONDED.**

69 Discussion: None

70 Vote: J. Eckstrom, aye, P. Levesque, aye, J. Stone, aye, P. Howd, aye, J. Klinghoffer, aye, N.
71 Faiman, aye.

72 **Motion carries.**

73

74 **2) Minutes**

75 **J. Klinghoffer MOVED to reopen the Minutes of August 9, 2022. J. Stone SECONDED.**

76 Discussion: None

77 Vote: J. Eckstrom, aye, P. Levesque, aye, J. Stone, aye, P. Howd, aye, J. Klinghoffer, aye, N.
78 Faiman, aye.

79 **Motion carries.**

80

81 J. Klinghoffer pointed out that P. Howd attended the meeting remotely and the minutes need to
82 reflect that fact. N. Faiman pointed out that an explanation must be included. In addition to
83 adding (remote) the statement that P. Howd attended remotely out of state in quarantine.

84

85 **J. Klinghoffer MOVED to approve the Minutes of August 9, 2022 as amended. P.**
86 **Levesque SECONDED.**
87 Discussion: None
88 Vote: J. Eckstrom, aye, P. Levesque, aye, J. Stone, aye, P. Howd, aye, J. Klinghoffer, aye, N.
89 Faiman, aye.
90 **Motion carries.**
91

92 **J. Klinghoffer MOVED to review and approve the Minutes of September 13, 2022 as**
93 **amended. P. Howd SECONDED.**
94 Discussion: Review of minutes. Corrections identified.
95 Vote: J. Eckstrom aye, P. Levesque, aye, J. Stone, aye, P. Howd, aye, J. Klinghoffer, aye, N.
96 Faiman, aye.
97 **Motion carries.**
98

99 **J. Eckstrom MOVED to review and approve the Minutes of October 8 Site Walk of 49**
100 **Maple St., Case #9/13/2022-1 as submitted. J. Klinghoffer SECONDED.**
101 Discussion: Review of minutes.
102 Vote: J. Eckstrom, aye, P. Levesque, aye, J. Stone, aye, P. Howd, aye, J. Klinghoffer, aye, N.
103 Faiman, aye.
104 **Motion carries.**
105

106 **J. Eckstrom MOVED to review and approve the Minutes of October 8 Site Walk of Lot B-**
107 **97, 317 Forest Road, Case #9/13/2022-2 as corrected. P. Levesque SECONDED.**
108 Discussion: Review of minutes. Corrections identified.
109 Vote: J. Eckstrom, aye, P. Levesque, aye, J. Stone, aye, P. Howd, aye, J. Klinghoffer, aye, N.
110 Faiman, aye.
111 **Motion carries.**
112

113 **3) Public Hearings**

114 Case#6/14/22-1

115 On August 9, 2022, the Zoning Board denied Susan M. Latham's request for variances to
116 sections [5.1\(d\)](#), [5.5.1](#), and [5.5.3\(b\)](#) of the Wilton Zoning Ordinance to allow construction of a
117 detached garage containing an accessory dwelling unit on Lot K-89, 23 Clark Court, where the
118 ordinance allows accessory dwelling units only in the same dwelling as the primary dwelling
119 unit. The Zoning Board will consider Ms. Latham's request that it hold a new hearing on the
120 case. The decision on whether to grant a rehearing is made on the basis of the written request
121 and the case record. No additional testimony, evidence, or other input will be taken.

122 N. Faiman read the amended request and explained the process of granting a request for a new
123 hearing. He stated that if the request was denied no further action could be taken.

124 Voting Board: J. Eckstrom, J. Stone, P. Levesque, P. Howd, N. Faiman.

125 J. Eckstrom said she agreed with the reason for request as it concerns assistance of counsel
126 and applicant should have had the assistance of the Land Use Assistant to review the
127 application, and believes it would have been approved if the plot plan was included. N. Faiman
128 said in respect to point #5, while there was no plot plan, a site visit was conducted and that is
129 the same as a plot plan.

130 J. Klinghoffer stated that the first four (4) points show hardship. P. Howd stated that there is a
131 lack of hardship as it relates to point #1. Later, J. Howd stated that the applicant can not
132 interrupt while the process is closed to public. J. Klinghoffer stated that when the application
133 was completed, she could of add something if it had been raised during the review. P. Howd
134 disagreed. P. Levesque stated that the lot size is .22 acres and if granted the variance would
135 allow 2 houses on that lot.

136 N. Faiman stated that Section 1, general purpose of ordinance is not specific. The application
137 was denied and still believes it to still be true.

138 J. Klinghoffer commented that the size of the lot is a hardship. It is exceptionally small
139 compared to other lots in the area. P. Howd commented there is no demonstration of a
140 hardship. J. Klinghoffer stated that the size of the lot is a hardship. J. Eckstrom stated that the
141 hardship is in the size and configuration of the lot; if the applicant is asked to satisfy the
142 ordinance, she would violate/crowd open space and referenced the Intervale case where they
143 were allowed to put an apartment on top of garage even though there were two separate
144 buildings. The garage, in that case was not attached to the main building.

145 J. Stone stated that to address the hardship is difficult regarding the state statute which needs
146 to be met.

147 J. Klinghoffer stated that the applicant may be able to show hardship if they were granted a
148 rehearing. She also asked the board to be open to reconsider. N. Faiman stated that granting
149 a rehearing may be reasonable to see if we had made a mistake.

150 J. Eckstrom pointed out point #1 and point #2. N. Faiman stated that besides the two choices of
151 building above the garage or building in compliance with the ordinance attached to the main
152 building, the third choice would be to not build. J. Stone stated that the 4th choice would be to
153 take away the garage and build in a different space.

154 Discussion concluded.

155 **J. Stone MOVED to grant a rehearing. J. Eckstrom SECONDED.**

156 Discussion: None

157 Vote: J. Eckstrom, aye, J. Stone, aye, P. Levesque, aye, P. Howd, nay, N.Faiman, nay.

158 **Motion carries.**

159

160 N. Faiman reminded board and public that during a New Hearing that what was already said
161 need not be resaid. And, the applicant is free to remake the case at the November hearing.

162 • A new application is not needed.

- 163 • New evidence, information, and argument are to be presented at the rehearing.
164 • Applicant does not have to pay for remailing abutter notice.
165 • Applicant is entitled to one free rehearing.

166 Case#9/13/22-1 Continuance

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

172 N. Faiman read the summary of the case.

173 Voting board: J. Eckstrom, P. Lavesque, P Howd, J. Klingoffer, and N. Faiman. J. Stone recused
174 himself.

175 Applicant stated that the plans have changed now to only allow 3 dwelling units and one office space
176 in the church building. The plan to include a workshop has been removed. J. Eckstrom asked if
177 those changes were included in the plans shown at the site-walk which included 3 dwelling units and
178 a parking plan. Applicant, Ms. R-Sprague, responded that the original variance included the 2
179 rectory units which are now complete. The new plans now show 3 dwelling units and 1 office space
180 in the church building.

181 N. Faiman asked if the office is based on what the new owner needs. J. Eckstrom stated that there
182 are no plans and the space would be open and if necessary, the new owner would have to come
183 back to get relief from the board after purchasing the property. N. Faiman stated that the office
184 space is vague and offered suggestions on changing the wording in the application.

185 Kristi Legere, representative for applicant, stated that the parking plan was approved in 2017.
186 However, P. Howd pointed out that is irrelevant because that variance expired. K. Legere
187 stated they will include suggestions and change the language.

188 P. Howd stated that at the site walk, they reviewed the new site plan and calculated that
189 approximately 17 parking spaces were required. K. Legere stated the plan shows 17+ parking
190 spaces. N. Faiman referenced the 2017 decision that the office was for personal use and no
191 employees and that there is no employees now. K. Legere stated they don't want to leave
192 space open. The Applicant also stated that there was a possibility of putting a resident dwelling
193 upstairs and leave 2 dwelling units and a small office downstairs. P. Howd asked about the
194 building setback and asked if parking is in the setback. J. Eckstrom stated that the planning
195 board approved parking. P. Howd stated that the applicant/owner would have to come back if
196 the plan violates 5.2.3 Zoning ordinance – associate use for driveway. If parking spaces violate
197 the ordinance, they will need another variance. J. Eckstrom recollected that the layout of
198 parking was reviewed by Planning Board. N. Faiman confirmed.

199 P. Howd pointed out that site plans should be on a scaled diagram. Applicant showed
200 documents with parking approved by planning board. P. Howd stated that parking appears to
201 be within the setback limits.

202 P. Howd asked how many bedrooms are on the property. Applicant responded saying 9? in the
203 rectory and 8-9 bedrooms in the church building. P. Howd stated that they may be required to
204 have handicapped parking space for the office as commercial space – not home occupancy. N.
205 Faiman stated that “commercial” is permitted use in a residential area therefor it is commercial
206 property.

207 N. Faiman stated he would grant variances if the language was carried from previous hearing.
208 J. Eckstrom agreed and added the following change to the wording of and relating to the church
209 building property, the 3 apartments, and office update along with the removal of references to
210 workshops. P. Howd stated that the reference to office should include “the office is for the
211 exclusive personal use of owner and there would be no client visits. This is to address the
212 parking and traffic concerns. K. Leger asked if parking on the street between 8-5 is permitted. It
213 was pointed out that the variance cannot limit street parking. N. Faiman updated the statement
214 to be “the exclusive, personal, noncommercial use”.

215 J. Klinghoffer asked if the property is under contract. N. Faiman then asked if the owner would
216 be a corporation. J. Klinghoffer asked if the word “personal” should be removed. N. Faiman
217 stated that it implies a person will use the office. P. Howd wants to make sure it is clear in the
218 decision.

219 **J. Eckstrom MOVED to grant the variance as amended. P. Levesque SECONDED.**
220 Discussion: J. Klinghoffer asked if she could vote as she had not attended the meeting in May.
221 N. Faiman stated she could. Also, a yes vote means the variance will be granted.
222 Vote: J. Eckstrom, aye, P. Levesque, aye, P. Howd, aye, J. Klinghoffer, abstain, N. Faiman,
223 aye.
224 **Motion carries.**
225
226 N. Faiman read the Finding of Facts.
227

228 **J. Eckstrom MOVED to adopt the Finding of Facts. J. Klinghoffer SECONDED.**
229 Discussion:
230 Vote: J. Eckstrom, aye, P. Levesque, aye, P. Howd, aye, J. Klinghoffer, aye, N. Faiman, aye.
231 **Motion carries.**
232
233
234

235 Case#9/13/22-2 - continuance

236 Gregory Marshall Allen has requested variances to sections 4.2(b), 4.6, 8.1, 8.2.1, 8.2.4, 8.5,
237 12.3(c), and 17.1(c) of the Wilton Zoning Ordinance to allow the construction of a single-family home
238 and septic system on Lot B-97, 317 Forest Road, where residential uses are not allowed in the
239 Industrial District, the septic system would be closer than allowed to wetlands, the applicant requests
240 a waiver of the requirement for a snow removal plan, the proposed construction would be closer
241 than allowed to the front lot line, the lot does not satisfy the Aquifer District density requirements,
242 and the proposed development would re-establish a discontinued nonconforming use. (Case
243 #9/13/22-2)

244 N. Faiman read the summary.

245 Voting Board: J. Eckstrom, J. Stone, P. Levesque, P. Howd, N. Faiman

246 J. Eckstrom stated her concern regarding access to the property and the location of the curb
247 cut. Applicant representative, Chris Guida, responded that they already exist. While there are
248 large trees, they don't block the sight distance. J. Stone asked if the largest fire apparatus
249 could get into the site. ? said he could confirm.

250 N. Faiman asked the public if there were any comments. There was no response.

251 **P. Howd MOVED to close the public hearing. P. Levesque SECONDED.**
252 Discussion:
253 Vote: J. Eckstrom, aye, J. Stone, aye, P. Levesque, aye, P. Howd, aye, N. Faiman, aye.
254 **Motion carries.**

255 J. Eckstrom stated she had heard everything and that the application should be granted. N. Faiman
256 stated that some of the variances are not necessary and that they should be denied as not
257 necessary. In particular, 17.1.c and 12.3.c should be denied as not necessary. They remaining
258 should be granted. J. Eckstrom asked how those should be denied and N. Faiman explained that
259 the requested variances to be denied should be removed from the application.

260 **J. Eckstrom MOVED to reopen the public hearing. P. Howd SECONDED.**
261 Discussion: None.
262 Vote: J. Eckstrom, aye, J. Stone, aye, P. Levesque, aye, P. Howd, aye, N. Faiman, aye.
263 **Motion carries.**

264 N. Faiman asked the Applicant to remove the 2 variances (17.1.c and 12.3.c) as not necessary.
265 Applicant agreed.

266 **J. Eckstrom MOVED to remove the 2 variances from application. P. Levesque**
267 **SECONDED.**
268 Discussion: There was a request to know the remaining variance and N. Faiman stated they
269 were, 4.2, 4.6, 8.1, 8.2.1, 8.2.4, and 8.5.
270 Vote: J. Eckstrom, aye, J. Stone, aye, P. Levesque, aye, P. Howd, aye, N. Faiman, aye.
271 **Motion carries.**

272 **P. Howd MOVED to grant the amended application. J. Eckstrom SECONDED.**
273 Discussion: None
274 Vote: J. Eckstrom, aye, J. Stone, aye, P. Levesque, aye, P. Howd, aye, N. Faiman, aye.
275 **Motion carries.**

276 N. Faiman reviewed the process and the right to hold a rehearing in 30 days.

277 N. Faiman then reviewed the Finding of Facts.

278 **J. Eckstrom MOVED to approve the Finding of Facts. J. Stone SECONDED.**
279 Discussion:
280 Vote: J. Eckstrom, aye, J. Stone, aye, P. Levesque, aye, P. Howd, aye, N. Faiman, aye.
281 **Motion carries.**

282

283 Case#10/11/22-1

284 Karney Gravell has requested a special exception under section [5.3.7](#) of the Wilton Zoning
285 Ordinance and/or a variance to section [5.2.1](#) of the Wilton Zoning Ordinance to allow a second
286 dwelling unit in an addition to the existing dwelling on Lot F-35-1, 137 Intervale Road, where the
287 lot has less area than is required by the Ordinance for two dwelling units.

288 N. Faiman read the summary and outlined the process. He stated that the applicant and
289 speakers identify themselves, present their request for the variance and why the variance is
290 necessary and why the board should grant the variance. The board and the public may ask
291 questions. The public must present questions to the board only.

292 Voting Board: J. Eckstrom, J. Stone, P. Levesque, J. Klinghoffer, N. Faiman.

293 Michael Gravell & Karney Gravell, applicants, are asking for a special exception, 5.3.7, to be
294 amended to application. N. Faiman asked if the barn is connected. Applicant responded yes,
295 but the addition is on the opposite side of the house away from the barn. N. Faiman asked if
296 there is enough room for a setback. Applicant responded yes.

297 N. Faiman stated it is not an ADU.

298 Linda Kelly, abutter, at #1 Riverbend Way stated that Interval Rd. has become very busy with
299 several multi-unit dwellings and lots of cars. It is a small piece of land on a small street and she
300 opposes the variance.

301 Applicant responded that they have 2 children and enough space for 5 cars in the driveway.
302 They owned the property and with a heart condition, it is their plan to have their in-laws close to
303 help with care.

304 J. Eckstrom asked if the property is on town sewer and water and asked the size of the lot.
305 Applicant responded that yes, they are connected and the size of the lot is .46 acres.

306 N. Faiman asked if they have enough space for 4 parking spaces. Applicant said yes, it can
307 accommodate 4+ cars.

308 J. Eckstrom asked if the two units are completely separate and if the plan included a full kitchen.
309 Applicant responded they would be separate and they could be independent.

310 J. Stone asked if is this was an ADU or duplex. N. Faiman stated the special exception was for
311 preexisting structures to allow a second dwelling with 1/3 coverage and off-street parking. J.
312 Stone wanted to know when it becomes a duplex because of the size.

313 J. Eckstrom asked what is the relief. N. Faiman clarified because variance is for 2 dwelling
314 units, special exemption 5.3.7 would apply. There is no need for hardship as of March 1989. It
315 does allow for construction up to 800 sq ft.

316 J. Eckstrom stated that an ADU for the in-law unit would have access between units and would
317 allow to build up to 1350 sq ft.

318 N. Faiman stated that the variance is allowed and the special exception permits variance with
319 conditions in the ordinance. An ADU allows an addition but not over 800 sq ft. There was
320 discussion on if the house was sold with 2 dwelling units.

321 P. Levesque said he would like to do a site visit before the Oct 18th special board meeting.

322 Lisa Quinto, applicant's in-law, addressed Linda Kelly's concerns about traffic by stating that
323 most of the traffic is from the businesses along the road.

324 P. Howd asked if there was a site plan that can be shared with the board and if it addressed the
325 criteria of the Special Exception of only 33% coverage, to check on plans and a map from town.
326 J. Eckstrom asked if the planned construction was staked out and applicant responded yes. N.
327 Faiman stated hearing notices to public must be sent to let people know what is being
328 discussed.

329 **J. Eckstrom MOVED to schedule and conduct site visit at Lot F-17, 40 West Intervale**
330 **Road. J. Stone SECONDED.**

331 Discussion: Site Visit will be conducted at 11:00am on Sunday, October 16, 2022.

332 Vote: J. Eckstrom, aye, J. Stone, aye, P. Levesque, aye, J. Klinghoffer, aye, N. Faiman, aye.

333 **Motion carries.**

334

335 **J. Klinghoffer MOVED to continue hearing to October 18, 2022. J. Eckstrom SECONDED.**

336 Discussion: None

337 Vote: J. Eckstrom, aye, J. Stone, aye, P. Levesque, aye, J. Klinghoffer, aye, N. Faiman, aye.

338 **Motion carries.**

339

340 **J. Klinghoffer MOVED to adjourn. J. Eckstrom SECONDED.**

341 Discussion: None

342 Vote: J. Eckstrom, aye, J. Stone, aye, P. Levesque, aye, J. Klinghoffer, aye, N. Faiman, aye.

343 **Motion carries.**

344

345 **Respectfully submitted by Margaret A Duggan, Acting Secretary**

346 **Approved on XX.XX.XXXX**