



Town Of Wilton Zoning Board of Adjustment (ZBA)  
Meeting Minutes

**DATE:** November 08, 2022  
**TIME:** 6:30 PM  
**PLACE:** Florence Rideout Elementary School, 18 Tremont Street  
**PRESENT:** Neil Faiman (Chair); Joanna K Eckstrom (Vice Chair); Andy Hoar; Paul Levesque; Jeffrey Stone; Peter Howd (alternate); Judith Klinghoffer (alternate)  
**REMOTE:** n/a  
**ABSENT:** none  
**STAFF:** Caryn Case (Secretary)  
**ATTENDEES:** Nikki O'Neil (San-Ken); Chris Guida (Fieldstone); Kenny Lehtonen (San-Ken); Sandra Lehtonen (San-Ken); Ashley Saari (Monadnock Ledger); Peter Howd (abutter)

**1. Call to Order**

N Faiman called the meeting to order at 7:34 PM.

N Faiman delivered a reminder of the Wilton Zoning Board of Adjustment (ZBA) meeting rules of conduct and meeting time limits.

N Faiman introduced the Board and the Board Secretary.

**2. Minutes of Previous Meeting(s)**

a. **10.11.2022** Meeting Minutes

C Case said that redline edits and corrections received prior to the meeting were already incorporated into the draft. Two (2) additional edits were agreed to.

MOTION: P Howd made a motion to accept the minutes with the additional edits discussed.

SECOND: J Stone seconded the motion.

AYES: N Faiman; J Eckstrom; P Levesque; J Stone; P Howd; J Klinghoffer

NAYS: none

ABSTAIN: A Hoar

The motion carried.

b. **10.18.2022** Meeting Minutes

Thirteen (13) edits were agreed to.

MOTION: P Howd made a motion to accept the minutes with the edits discussed.

SECOND: J Stone seconded the motion.

AYES: N Faiman; J Eckstrom; A Hoar; P Levesque; J Stone; J Klinghoffer

NAYS: none

ABSTAIN: P Howd

The motion carried.

c. **11.29.2022 Meeting Minutes**

In addition to the redline edits shown, six (6) additional edits were agreed to.

MOTION: J Eckstrom made a motion to accept the minutes with the edits discussed.

SECOND: P Levesque seconded the motion.

AYES: N Faiman; J Eckstrom; A Hoar; P Levesque; J Stone; J Klinghoffer

NAYS: none

ABSTAIN: P Howd

The motion carried.

**3. Public Hearings Continued from Previous Meetings**

- a. **4/12/22-1 Isaac Frye.** *“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.”*

N Faiman read the request.

N Faiman stated the applicant, the applicant’s attorney, and the town attorney have jointly requested a continuation of the case.

MOTION: J Eckstrom made a motion to continue the case to the December 13, 2022 ZBA meeting.

SECOND: J Stone seconded the motion.

AYES: N Faiman; J Eckstrom; P Levesque; J Stone; P Howd; J Klinghoffer

NAYS: none

ABSTAIN: A Hoar

The motion carried.

- b. **6/10/22-1 Latham.** *“Susan M. Latham has requested 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 an 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.*

*On Tuesday, August 9, 2022, the Town of Wilton Zoning Board of Adjustment denied the requested variance. On Tuesday, October 11, 2022, in response to a request from the applicant, the Zoning Board granted a rehearing.*

*The original application, and all testimony and other information from the June 14, 2022 and August 9, 2022 hearings and the June 21, 2022 site visit will be incorporated in the record for the rehearing, and may be considered by the Zoning Board in making its decision.”*

N Faiman read the request.

N Faiman stated the applicant requested we continue the rehearing to December 13, 2022.

MOTION: J Eckstrom made a motion to continue the case to the December 13, 2022 ZBA meeting.

SECOND: J Stone seconded the motion.

AYES: N Faiman; J Eckstrom; P Levesque; J Stone; P Howd; J Klinghoffer

NAYS: none

ABSTAIN: A Hoar

The motion carried.

- c. **10/11/22-3 San-Ken.** *“San-Ken Homes, Inc. has requested a special exception under section 11.4 of the Wilton Zoning Ordinance to allow construction of a driveway that would cross a wetland area in conjunction with a proposed subdivision of **Lot-44-1**, Barrett Hill Road.”*

N Faiman read the request.

N Faiman identified the Voting Board: P Levesque, J Stone, A Hoar, and J Eckstrom, the Non-Voting Board: J Klinghoffer, and said P Howd has recused himself from the case.

N Faiman emphasized that the special exception is specific to allowing a driveway to cross a wetland, and our purpose is to decide whether the requirements for that special exception are satisfied.

C Guida expressed thanks to the Board for showing up at the site visit and felt it was really productive that everyone saw what they were trying to express on paper.

C Guida passed out a revised plan that showed an “Embedded Culvert Cross Section & Detail” and explained the criteria shown is the same criteria as would be required by the state Wetlands Bureau who will review and approve the plan.

C Guida stated that the state Wetlands Bureau does not act alone, and that the Army Corps of Engineers, the EPA, New Hampshire Fish & Game, the New Hampshire Natural Heritage Bureau, among other agencies, will play a part in that approval.

C Guida recalled the questions that brought them to making the decision that this location minimized the impact the driveway access would have on the wetlands.

N Faiman made an excellent observation in that he noticed the proposed wetlands crossing is partly on Lot three (3), and partly on Lot seven (7), suggesting the care and maintenance of the culvert would result in a shared responsibility rather than the sole responsibility of the owner(s) of Lot seven (7) which was presented.

J Eckstrom mentioned that several engineers suggested they could do things better than what is being proposed.

C Guida concurred there would be opposing opinions and views, but emphasized the state Wetlands Bureau would “definitely hold their feet to the fire” as to what the regulations are.

The Wilton Conservation Commission (WCC) submitted a report following the November 29, 2022 site visit.

N Faiman invited the WCC to the site visit to request an opinion from them. He had not taken into account those committee members had not been at the previous hearing to know exactly what the zoning board is trying to decide in this case. Therefore, the overreach of information read in that report.

P Howd (abutter) advised that it would be wise for both the Board and the applicant that as the details of the decision come to fruition they be limited to the location, and that any construction details be kept at a minimum in case something has to be changed.

N Faiman asked for final questions or comments before closing the hearing.

MOTION: J Eckstrom made a motion to close the hearing on the construction of a driveway that would cross a wetland area.

SECOND: A Hoar seconded the motion.

AYES: N Faiman; J Eckstrom; A Hoar; P Levesque; J Stone

NAYS: none

ABSTAIN: none

The motion carried.

Deliberations ensued.

N Faiman asked for a motion to re-open the hearing.

MOTION: A Hoar made a motion to re-open the hearing on the construction of a driveway that would cross a wetland area.

SECOND: J Eckstrom seconded the motion.

AYES: N Faiman; J Eckstrom; A Hoar; P Levesque; J Stone

NAYS: none

ABSTAIN: none

The motion carried.

N Faiman asked for final comments.

MOTION: J Eckstrom made a motion to approve the special exception for a wetlands crossing to allow for a driveway at the site shown on the plans, and with the details shown on the plan.

SECOND: P Levesque seconded the motion.

N Faiman: Aye

J Eckstrom: Aye

A Hoar: Aye

P Levesque: Aye

J Stone: Aye

The motion carried.

N Faiman discussed the Findings of Fact that included but were not limited to C Guida's expertise in wetland science, the site visit on October 29, 2022, the ZBA choosing not to require independent review, that all road frontage is on Barrett Hill Road, that the southeast corner of the Lot includes a contiguous dry area isolated by wetlands, that the proposed driveway crosses a wetland of seasonal runoff, and that the proposed culvert more than adequately meets the Town's requirements.

N Faiman concluded that these are essential for the productive use of the dry southwest corner, and that the wetlands crossing will be located and constructed so as to minimize any detrimental impact upon the wetland.

MOTION: J Eckstrom made a motion to adopt the Finding of Facts and reasons for the decision.

SECOND: A Hoar seconded the motion.

N Faiman: Aye

J Eckstrom: Aye

A Hoar: Aye

P Levesque: Aye

J Stone: Aye

The motion carried.

N Faiman stated the applicant, the Select Board, any person directly affected by the decision, and the abutters have the right to request that the Zoning Board hold a new hearing to reconsider the decision. A request for a rehearing must be filed in writing and with the Zoning Board no more than thirty (30) days from today.

P Howd rejoined the Board.

#### **4. Public Hearings on New Cases**

None.

#### **5. Other Business**

None.

#### **6. Communications and Miscellaneous**

None.

**7. Adjournment**

N Faiman called to adjourn the meeting at 8:55 PM.

MOTION: A Hoar made a motion to adjourn.

SECOND: P Levesque seconded the motion.

AYES: N.Faiman; J Eckstrom; A Hoar; P Levesque; J Stone; P Howd; J Klinghoffer

NAYS: none

ABSTAIN: none

The motion carried.

Respectfully submitted by C Case (Secretary)

Approved XX.XX.XXXX

DRAFT ZBA