



TOWN OF WILTON
Zoning Board of Adjustment (ZBA)
MINUTES

DATE: January 10, 2023
TIME: 7:30 PM
PLACE: Emergency Operations Center (EOC) of the Wilton Fire Station
PRESENT: Neil Faiman (Chair), Joanna Eckstrom (Vice-chair), Jeff Stone, Andy Hoar, Paul Levesque, Peter Howd (Alternate), Judith Klinghoffer (Alternate)
Absent: None
Staff: Caryn Case, Zoning Board of Adjustment Board Secretary
Attendees: David Fait, Kristi Legere, Stephen Morrision, Lincoln Geiger (Applicant), Christina Rubio-Sprague (Applicant), Michael & Karney Gravell (Applicants)

1. Call to Order

N Faiman called the meeting to order at 7:33 PM. He asked the applicants to introduce themselves and explain who they were and what their relationship to the case was when it was time for their case to be heard. He then introduced the board members, and board secretary. He explained that P Howd and J Klinghoffer are alternate board members serving on cases when regular board members cannot sit for a case or feel qualified to contribute to a case, therefore not participating in the decision on the case. He stated there were four (4) cases on the agenda and no new case would begin discussion after 10 PM.

2. Public Hearings Continued from Previous Meetings

• **Case #06/14/2022-1, Susan B Latham, 23 Clark Court, Lot K-089**

N Faiman opened the rehearing by reading the request for variances to sections 5.1(d), 5.5.1, and 5.5.3(b) of the Wilton Zoning Ordinance from Susan B Latham, to allow construction of a detached garage containing an accessory dwelling unit (ADU) at 23 Clark Court where the ordinance only allows accessory dwelling units in the same dwelling as the primary dwelling unit.

N Faiman stated the case has been before the board for about six (6) months, and a site visit was conducted in August, 2022. He mentioned the application had been denied, and in September, 2022, Miss Latham filed a request for a rehearing which she amended in October, 2022 and has continued to do so until this evening. N Faiman said the application and any other document received by the ZBA in connection to Miss Latham's request are available for inspection in the Land Use office and are accessible on the Wilton Zoning Board of Adjustment website. The board members sitting on this case are the same board members who sat on the original application request. J Klinghoffer recused herself from the board, and P Howd sat in for A Hoar as a voting board member. N Faiman indicated a rehearing is not something that is seen often, and pointed out that any interested party, applicant or otherwise, who thinks that the decision made by

the board was wrong has the right to request that the board hold a rehearing and allow the applicant the opportunity to present new information, if any, to try and persuade the board that they have made a mistake, but must do so within thirty (30) days of the denial.

It was realized that Miss Latham was not present. L Geiger mentioned a woman arrived around 6:30 PM and said she would not come back for the 7:30 PM meeting start. J Klinghoffer asked if the board if the case could be heard without the applicant being present pointing out that all the information has already been presented. C Case reached out by telephone to Miss Latham to apologize for the miscommunication in her email reminder sent earlier that morning, and asked Miss Latham if she would call back to confirm returning to the meeting or waiting until next month for the rehearing.

J Stone MOVED to table Case #06/14/2022-1, Susan B Latham until the end of the meeting or until we hear from Miss Latham during the meeting. J Eckstrom SECONDED the motion.

Discussion: None

Voice Vote: 5-Yea 0-Nay 0-Abstain

Motion carried.

3. Public Hearings on New Cases

- **Case #01/10/2023-1, Karney Gravell, 137 Intervale Road, Lot F-035-01**

N Faiman opened the hearing by reading the request for a variance to section 17.1.(d) of the Wilton Zoning Ordinance from Karney Gravell, to allow the construction of an addition to the existing dwelling unit on Lot F-035-01, 137 Intervale Road, to contain an accessory dwelling unit (ADU), where the existing dwelling unit is closer to the front lot line than is allowed by the ordinance, and the ordinance does not allow the expansion of a non-conforming building.

N Faiman recused himself from the board and was replaced by board alternate, J Klinghoffer. P Howd would participate in the discussion but not the vote. J Eckstrom proceeded to conduct the hearing.

M Gravell presented the change that required this new variance request, citing a recent mishap with his mother-in-law that led to the decision to downsize the addition to a single story ADU, and K Gravell said she learned their existing dwelling subsisted within the front lot line setback and therefore a non-conforming structure that warranted the request for a variance to move forward with their in-law dwelling unit plans.

A drawing of the property showing the location of the existing dwelling, the proposed ADU, and the property setbacks was reviewed. J Stone asked if the ADU could be pushed, out of the front lot line setback, toward the pool. K Gravell said the back of the proposed ADU was already about eight (8) feet away from the pool. P Howd asked if the square footage of the ADU could be preserved by changing the dimensions of the proposed ADU that is, by extending the proposed ADU toward the side lot line setback and reducing the area encroaching in the

front. M Gravell pointed out that structurally nothing would line up and said they entertained multiple plans but none would not involve increasing the nonconformity by those few feet.

With no discussion or comment from the public, J Eckstom sought a motion to close the hearing for deliberations and expressed to the room that in closing the public hearing, discussion would be limited to the board.

J Klinghoffer MOVED to close the public hearing on Case #01/10/2023-1, Karney Gravell. J Stone SECONDED the motion.

Discussion: None
Voice Vote: 5-Yea
0-Nay
1-Abstain (P Howd)

Motion carried.

J Eckstrom felt the encroachment was minor. Based on that, J Klinghoffer made a motion to grant the variance as requested. J Stone added there were two (2) points to consider, whether we are increasing the non-conformity (or not), and whether we are increasing the size of the building. A Hoar said it was the non-conformity that was being increased, albeit by a small amount, and why he suggested reshaping the ADU. P Howd concurred. As a result, J Klinghoffer amended her motion to grant the variance as requested to expand the non-conformity and to expand the building.

A Hoar MOVED to reopen the public hearing on Case #01/10/2023-1, Karney Gravell. J Stone SECONDED the motion.

Discussion: None
Voice Vote: 5-Yea
0-Nay
1-Abstain (P Howd)

Motion carried.

The board collectively acknowledged that granting the variance would not be contrary to the public interest; was in the spirit of the ordinance; that substantial justice was done; that surrounding property values would not be diminished; and literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

J Klinghoffer MOVED to grant the variance as requested by Karney Gravell to expand the nonconformity and to expand the building. J Stone SECONDED the motion.

Discussion: None
Roll Call Vote: J Klinghoffer-Yea
A Hoar-Yea
P Levesque-Yea
J Stone-Yea
J Eckstrom-Yea

Nay-0
Abstain-1 (P Howd)

Motion carried.

N Faiman returned to the board.

- **Case #01/10/2023-2, Educational Community Farm, 195 Isaac Frye Highway, Lot F-098-01**

N Faiman opened the hearing by reading the request for variances to 5.1(c) and 5.1(d) of the Wilton Zoning Ordinance by the Educational Community Farm and Four Corners Farm Cooperative, to allow a third (3rd) dwelling on Lot F-098-01, 195 Isaac Frye Highway where the ordinance would only allow one (1) dwelling.

J Klinghoffer and P Levesque recused themselves from the board, and alternate P Howd stepped in as a voting board member.

L Geiger stated he was before the board with a request to renounce the previous application to construct a second (2nd) storey, three (3) bedroom apartment above the café in May, to instead construct a smaller, one (1) bedroom apartment in the workshop and garage area next to the café.

P Howd confirmed that existing space would be converted into the smaller, 1 bedroom apartment proposed and no additional building would take place above the café. N Faiman commented that the same number of dwelling units would exist, only the configuration would be different. J Stone asked if the smaller, 1 bedroom apartment stayed within the current footprint. L Geiger said it would extend an additional 3' x 6' (18 sq ft) toward the parking lot for a porch-like entryway, and conformed with the architecture more favorably.

A Hoar MOVED to close the public hearing on Case #01/10/2023-2, Educational Community Farm. J Stone SECONDED the motion.

Discussion: None
Voice Vote: 5-Yea
0-Nay
0-Abstain

Motion carried.

N Faiman enumerated on the relevant facts, that the Educational Community Farm is a large farm property with numerous easements controlling its use, it is an active agricultural operation that requires staff, employees, and other workers to conduct and who need housing, the farm has found that they need to provide such housing onsite for practical reasons, and the proposal is to add 1 additional dwelling unit to the existing use of the property in an existing building.

J Stone asked if there was a process to vacate a previous variance. N Faiman said there was no formal process but would be included in the decision. P Howd remarked the proposal was a much better plan than before, and acknowledged the uniqueness as one (1) of Wilton's last, remaining working farms with needs

and necessities that are very different from residential use of property in this district.

J Eckstrom MOVED to reopen the public hearing on Case #01/10/2023-2, Educational Community Farm. P Howd SECONDED the motion.

Discussion: None
Voice Vote: 5-Yea
0-Nay
0-Abstain

Motion carried.

A Hoar MOVED to grant the variance as requested by the Educational Community Farm to construct an apartment on the ground floor of the wing between the café and barn as shown on the plan received as part of the application, and with the condition that the variance granted previously to allow construction of space over the wing with an apartment is withdrawn. J Eckstrom SECONDED the motion.

Discussion: None
Roll Call Vote: J Stone-Yea
A Hoar-Yea
J Eckstrom-Yea
N Faiman –Yea
P Howd-Yea
Nay-0
Abstain-0

Motion carried.

J Klinghoffer and P Levesque returned to the board.

- **Case #01/10/2023-3, Willreign Properties, LLC, 47 & 49 Maple Street, Lot K-072**
N Faiman opened the hearing by reading the request for variances to 5.1, 5.2, and 5.3 of the Wilton Zoning Ordinance Willreign Properties, LLC, to allow two (2) dwelling units in the existing rectory building and four (4) dwelling units in the former church building at Lot K-072, 47 & 49 Maple Street, where the ordinance does not allow more than one (1) dwelling unit or more than one (1) dwelling, and structures and parking are not permitted in the setbacks.

J Stone recused himself from the board. P Howd stepped in as a voting member. J Klinghoffer would participate in the discussion but not the vote.

C Rubio-Sprague, with contracted buyer, D Fait presented plans to construct four (4) residential dwelling units in the church building discarding the commercial space previously granted, and added the need for a variance on the parking proposed in the setback, from questions brought on by the Planning Board. C Rubio-Sprague said they resisted adding more parking spaces and actually increased the green space from the previous plan. D Fait described the distribution of the apartments proposed in the church building as asymmetrical, that is, there would be two (2) two (2) bedroom apartments downstairs, and two (2) three (3) bedroom apartment upstairs and all the bathroom would be aligned.

J Klinghoffer asked if the change proposed to the interior of the structure affected the number of parking spaces required or perhaps, anything else. C Rubio-Sprague said the same number of parking spaces are required. P Levesque asked if parking spaces would be assigned. D Fait confirmed they would be assigned for the six (6) proposed units with two (2) additional spaces available for guests. J Eckstrom noted there was a sufficient number of parking spaces in the proposal without having to rely on the street, but a variance for the spaces within the setback was still required.

The entryway to the church building was confirmed as staying in the same place as before. Trees and additional greenspace were demonstrated in the front lot line setback by omission of a current lane of egress. P Howd said the stormwater management plan might warrant updating. J Eckstrom said the septic system would need to be properly disbanded once the building is hooked up to town water and town sewer. To meet fire safety standards, D Fait said the stained glass windows would be removed, though preserving the exterior architectural characteristic of the church building was in a prior decision. He said they would be replaced with similarly sized windows with decorative woodwork. The dispute on the back property line would not be resolved before the sale was finalized prohibiting that area from any parking consideration.

J Eckstrom MOVED to close the public hearing on Case #01/10/2023-3, Willreign Properties, LLC. P Levesque SECONDED the motion.

Discussion: None
Voice Vote: 5-Yea
 0-Nay
 0-Abstain

Motion carried.

N Faïman read the findings of fact from the previous Notice of Decision (NOD), but admitted feeling uneasy about the magnitude of the density talked about here. He recalled the subdivision of the Abbot House down the street where the unit request was reduced on a site with less acreage than this one. He said this is a rare hardship where there is no reasonable economically viable use of this huge historical building as permitted by the ordinance unless it is torn down, which would not be a reasonable proposal, and therefore a clear and convincing set of arguments for granting a variance.

P Howd was still worried about the parking proposed in the front lot line setback and urged removing two (2) of those spaces to the rear of the property. C Case suggested extending several of the parking spaces in the rear for tandem parking which would increase the greenspace in the front lot line setback. J Eckstrom said that since there was no sidewalk on the church building side of Maple Street a buffer between the parking spaces and Maple Street could be maintained and preserved.

In preparing for a final motion, N Faiman talked about conditions of approval, including but not limited to designated parking spaces, exterior lighting, the submitted plan, changes to the exterior architectural characteristics of the church building, fire and building code compliance.

J Eckstrom MOVED to reopen the public hearing on Case #01/10/2023-3, Willreign Properties, LLC. P Levesque SECONDED the motion.

Discussion: None
Voice Vote: 5-Yea
0-Nay
0-Abstain

Motion carried.

J Stone requested to review the five (5) criteria for hardship

J Eckstrom MOVED to grant the variances as requested by Willreign Properties, LLC with the conditions discussed. P Levesque SECONDED the motion.

Discussion: None
Roll Call Vote: P Levesque-Yea
A Hoar-Yea
J Eckstrom-Yea
N Faiman –Yea
P Howd-Nay
Abstain-0

Motion carried.

For all decisions: N Faiman stated that anyone affected by the decision(s) made by the board has the right to appeal the decision(s) by specifying, in writing, the reason they think the decision(s) should be overturned. This request for a rehearing must be received by the board within thirty (30) days of the decision(s).

4. Minutes of Previous Meeting(s)

P Howd MOVED to accept the 12.13.2022 minutes as written. J Stone SECONDED the motion.

Discussion: None
Voice Vote: 5-Yea
0-Nay
0-Abstain

Motion carried.

5. Other Business

P Howd MOVED to continue Case #06/14/2022-1, Susan B Latham to the February 14, 2023 Zoning Board of Adjustment meeting. J Eckstrom SECONDED the motion.

Discussion: None
Voice Vote: 5-Yea

0-Nay
0-Abstain

Motion carried.

6. Adjournment

J Stone MOVED to adjourn the meeting at 10:03 PM. P Howd SECONDED the motion.

Discussion: None
Voice Vote: 5-Yea
0-Nay
0-Abstain

Motion carried.

Respectfully Submitted on Behalf of the Wilton Zoning Board of Adjustment
By C Case, Board Secretary
Approved on XX.XX.XX

DRAFT