



TOWN OF WILTON
Zoning Board of Adjustment (ZBA)
MINUTES

DATE: February 14, 2023
TIME: 7:30 PM
PLACE: Wilton Lyndeborough Cooperative Middle/High School, 57 School Street, Wilton, NH
PRESENT: Neil Faiman (Chair), Joanna Eckstrom (Vice-chair), Jeff Stone, Andy Hoar, Paul Levesque, Peter Howd (Alternate)
Absent: Judith Klinghoffer (Alternate)
Staff: Caryn Case, Zoning Board of Adjustment Board Secretary
Attendees: Joe Dolliver (sp?) (Applicant Representative), John McInerney (Applicant Representative), Chris Guida (Fieldstone Engineering), Erin Radebaugh (Abutter), Erin Musselwhite (Abutter), Mary Ritchie (Abutter)

I. Call to Order

N Faiman called the meeting to order at 7:33 PM and introduced the board members and board secretary. He explained that P Howd was an alternate board member. He said alternate board members serve on cases when regular board members cannot sit for a case or felt unqualified to contribute to a case. P Howd would participate in the discussion of any case during this particular meeting, but he would not participate in the decision on any case made this evening.

N Faiman said once the board is satisfied with the presentation made by the applicant and their representative(s) and their questions answered he would open the floor to anyone with an interest in the case to comment or ask additional questions. He asked that the applicants, their representative(s), and any other party introduce themselves and explain who they were and what their relationship to the case was when time for their case to be heard.

He stated there were two (2) cases on the agenda and no new discussion would begin 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 Susan B Latham withdrew her request for a rehearing.

J Eckstrom MOVED to accept the withdrawal request by Susan B Latham. A Hoar SECONDED the motion.

Discussion: None
Voice Vote: 6-ayes 0-nays 0-abstain

45 Motion carried.

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47 **3. Public Hearings on New Cases**
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49 • **Case #02/14/2023-1, Priscilla Parker, Marden & Wilton Center Road, Lot C-094**

50 N Faiman opened the hearing by reading the request for variances to sections 4.2(b),
51 4.8, 6.2.1 and 6.2.4 of the Wilton Zoning Ordinance to allow construction of a single-
52 family dwelling and septic system on Lot C-094, Marden Road and Wilton Center Road,
53 where the dwelling and septic system would be closer to a lot line, and the septic
54 system would be closer to a delineated wetland, than allowed by the Zoning Ordinance.
55

56 C Guida passed out aerial, map, and plan views to complement his presentation of the
57 proposed project. He identified the property line, the wetlands, perennial stream that
58 runs through the property, the ledge, a clearing, a gravel access way off Wilton Center
59 Road, and nearest other buildings. He said the clearing had been used as a storage area
60 for old farm equipment and assorted metal products, and the soil in that location
61 suitable for the construction of a single-family dwelling and septic system. He said the
62 required setback(s) could not be met without the variances. He said it was a priority to
63 maintain as much of the wetland setback as possible. The house and septic system
64 locations are proposed in the existing developed area (clearing,) and area of least
65 amount of infringement upon the property line setback and impact to the vegetation,
66 respectively.
67

68 J Eckstrom asked about the proposed septic system. C Guida said that the state
69 approved septic design is defined as environmental by the infiltrator and smaller
70 footprint.
71

72 N Faiman asked for the amount of dry lot area. C Guida said there were two (2) dry
73 areas separated by a wetland 'bridge'. The dry land area to the North he described as a
74 sliver and appears to have been infringed upon by its neighbor. The dry land area to the
75 South is the proposed project area and equals about one third (1/3) acre.
76

77 C Guida pointed out the property is a lot-of-record and part of a subdivision which at
78 the time, was considered buildable.
79

80 C Guida read from their Application to the Zoning Board of Adjustment, addressing the
81 five (5) conditions they feel are being satisfied for the granting of these variances. Those
82 responses summarized are:

83 1. A modest three (3) bedroom dwelling unit is proposed in a previously
84 cleared area to minimize the impact to the adjacent wetlands and perennial stream.
85 Additionally. The septic system is positioned within an area that is the furthest possible
86 location from the stream.

87 2. The construction of a single-family dwelling unit with state approved septic
88 system would provide the most productive and low impacting use of this lot-of-record.

89 3. The proposed single-family dwelling unit is within a district for the usage it
90 was designated for.

91 4. The proposed project is the highest and best use for the property as
92 opposed to its former use that included substantial piles of old farm equipment and
93 assorted metal products.

94 5. The property cannot be reasonably used in strict conformance with the
95 current zoning ordinance as the hardship is a consequence of special conditions, the
96 perennial stream, associated wetlands and their setbacks in highly permeable soils, that
97 distinguish it from others in the area.
98

99 J Stone asked what erosion controls would be implemented. C Guida said silt fence
100 which would be removed after construction was completed.
101

102 N Faiman was concerned the proposed house location was too close to the wetland
103 and remarked that someone might want to expand the backyard by filling in the ledge. C
104 Guida speculated an owner might want to install an attractive permanent visual and
105 physical barrier in that location.
106

107 J McInerney introduced himself and described his relationship to the property owner, P
108 Parker, and his intent to assist her with its clean-up and modest development.
109

110 P Howd asked for confirmation that the only additional clearing would be limited to the
111 installation of the leachfield, to which C Guida confirmed.
112

113 E Radenbaugh introduced herself and her family as abutters, stated the reasons they live
114 where they do, then asked for clarification of the proposed construction areas and
115 proximities to the wetlands. C Guida identified the areas of discussion and declared they
116 would be revegetated and grassed when the project was completed. Additionally, she
117 asked J McInerney to qualify the size of an average home to understand the size of the
118 dwelling unit being proposed.
119

120 E Musselwhite stated she appreciated the proposed project would clean-up the
121 property, but expressed concern a new property owner might expand onto their
122 adjacent lot. C Guida indicated that was unlikely as their shared lot lines were clearly
123 defined by an existing rockwall and ditch.
124

125 P Howd asked if a variance could be granted with conditions to maintain the forested
126 land and buffer as they now exist. N Faiman was unsure. J Eckstrom thought that was
127 something that might go into a deed.
128

129 E Radenbaugh and E Musselwhite voiced strong opposition to the proposed project.
130

131 J Eckstrom requested a site visit. The board agreed to eleven (11) AM, Sunday, March 5,
132 2023.
133

134 **J Eckstrom MOVED to schedule a site visit for eleven (11) AM, Sunday, March 5,**
135 **2023 and continue the hearing to Tuesday, March 14, 2023. P Levesque**
136 **SECONDED the motion.**
137 Discussion: None
138 Voice Vote: 6-ayes 0-nays 0-abstain
139 Motion carried.

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142 **4. Adjournment**

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144 **P Howd MOVED to adjourn the meeting at 8:58 PM. P Levesque SECONDED the**
145 **motion.**
146 Discussion: None
147 Voice Vote: 6-ayes 0-nays 0-abstain
148 Motion carried.

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151 Respectfully Submitted on Behalf of the Wilton Zoning Board of Adjustment
152 By C Case, Board Secretary
153 Approved on 03.21.2023