



**TOWN OF WILTON**  
Zoning Board of Adjustment (ZBA)  
MINUTES

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6 **DATE:** February 14, 2023  
7 **TIME:** 7:30 PM  
8 **PLACE:** Wilton Lyndeborough Cooperative Middle/High School, 57 School Street, Wilton, NH  
9 **PRESENT:** Neil Faiman (Chair), Joanna Eckstrom (Vice-chair), Jeff Stone, Andy Hoar, Paul Levesque,  
10 Peter Howd (Alternate)  
11 **Absent:** Judith Klinghoffer (Alternate)  
12 **Staff:** Caryn Case, Zoning Board of Adjustment Board Secretary  
13 **Attendees:** Joe Dolliver (sp?) (Applicant Representative), John McInerney (Applicant  
14 Representative), Chris Guida (Fieldstone Engineering), Erin Radebaugh (Abutter), Erin  
15 Musselwhite (Abutter), Mary Ritchie (Abutter)  
16

17 **I. Call to Order**

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

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

28 He stated there were two (2) cases on the agenda and no new discussion would begin after 10 PM.  
29

30 **2. Public Hearings Continued from Previous Meetings**

31  
32 • **Case #06/14/2022-1, Susan B Latham, 23 Clark Court, Lot K-089**

33 N Faiman opened the rehearing by reading the request for variances to sections 5.1(d),  
34 5.5.1, and 5.5.3(b) of the Wilton Zoning Ordinance from Susan B Latham, to allow  
35 construction of a detached garage containing an accessory dwelling unit (ADU) at 23  
36 Clark Court where the ordinance only allows accessory dwelling units in the same  
37 dwelling as the primary dwelling unit.  
38

39 N Faiman stated Susan B Latham withdrew her request for a rehearing.  
40

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

43 Discussion: None

44 Voice Vote: 6-ayes 0-nays 0-abstain

02.14.2023  
ZBA Minutes  
Approved

45 Motion carried.

46  
47 **3. Public Hearings on New Cases**  
48

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**

143  
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.

149  
150

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