



TOWN OF WILTON
Zoning Board of Adjustment (ZBA)
MINUTES

DATE: March 21, 2023

TIME: 7:30 PM

PLACE: Florence Rideout Elementary School, 18 Tremont Street, Wilton, NH

PRESENT: Neil Faiman (Chair), Joanna Eckstrom (Vice-chair), Jeff Stone, Andy Hoar, Paul Levesque, Peter Howd (Alternate), Judith Klinghoffer (Alternate)

Staff: Caryn Case, Zoning Board of Adjustment Board Secretary

Attendees: Joe Dolliver (sp?) (Applicant Representative), Chris McInerney (Applicant Representative), Ken Robinson (Fieldstone Engineering), Dawn Ryan (Applicant), William Ryan (Abutter), Greg Mattison (Applicant Representative)

I. Call to Order

N Faiman called the meeting to order at 7:33 PM. He thanked everyone in advance for their cooperation in following meeting protocols. He stated the meeting was being recorded and asked that everyone speak loud and clearly into the microphones provided. 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 it became time for their case to be heard. He stated that no new case would be heard after 10 PM and that the meeting would close at 10:30 PM unless, by vote of the board, it was decided to continue.

N Faiman introduced the board members and two (2) alternate board members stating the alternate board members would participate in the hearing and in the discussions but not in the final vote.

N Faiman stated the board would first consider the minutes from previous meetings as details regarding an on-going case would be reviewed.

2. Minutes of Previous Meeting(s)

• **November 11, 2022**

J Eckstrom MOVED to accept the minutes of November 11, 2022 with changes discussed to line numbers seven (7) and one-hundred-two (102). P Levesque SECONDED the motion.

Discussion: None

Voice Vote: 4-ayes 0-nays 3-abstain (J Klinghoffer, P Howd, J Stone)

Motion carried.

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- **November 08, 2022**

J Eckstrom MOVED to accept the minutes of November 08, 2022 with changes discussed to lines number seven (7) and one hundred and two (102). P Levesque SECONDED the motion.

Discussion: None
Voice Vote: 4-ayes 0-nays 3-abstain (J Klinghoffer, P Howd, J Stone)
Motion carried.

- **February 14, 2023**

J Eckstrom MOVED to accept the minutes of February 14, 2023 with changes discussed to lines number six (6) and one-hundred-twelve (112). J Stone SECONDED the motion.

Discussion: None
Voice Vote: 6-ayes 0-nays 1-abstain (J Klinghoffer)
Motion carried.

- **March 12, 2023, Site Visit**

J Eckstrom MOVED to accept the minutes of March 12, 2023 with changes discussed to lines number fourteen (14) and forty-seven (47). P Levesque SECONDED the motion.

Discussion: None
Voice Vote: 4-ayes 0-nays 3-abstain (J Klinghoffer, P Howd, J Stone)
Motion carried.

3. Public Hearings Continued from Previous Meetings

- **Case #02/14/2023-1, Priscilla Parker, Marden & Wilton Center Road, Lot C-094**

Priscilla Parker (owner) and JCM Custom Building (applicant) have requested variances to sections 4.2(b), 4.8, 6.2.1 and 6.2.4 of the Wilton Zoning Ordinance to allow the construction of a single-family dwelling and septic system on Lot C-94, Marden Road and Wilton Center Road, where the dwelling and septic system would be closer to a lot line, and the septic system would be closer to a delineated wetland, than allowed by the Zoning Ordinance. (Case #2/14/2023-1)

N Faiman opened the public hearing by reading the applicant’s request for variances. He said P Howd noticed the signature on the second signature block on the application was supposed to be signed by either the applicant or the applicant’s representative. K Robinson said it was his understanding a letter of authorization had been included with the application. Regardless, the applicant’s representative was present and signed a copy of the application where the concern had been cited and the document given to the Board Secretary to be filed.

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85 K Robinson, Certified Wetlands Scientist and Septic Designer, on behalf of C Guida who could not be
86 present, read the request for variances and explained that the relief sought was for the maximum
87 amount of land area away from both the wetland setbacks and property line setbacks possible for the
88 proposed single-family dwelling unit and proposed septic system. J Klinghoffer asked for clarification of
89 the wetland setback. K Robinson said they were requesting an eight-two (82) foot setback in lieu of the
90 required one-hundred-twenty-five (125) for septic setbacks and stated they had state approval for the
91 proposed system. He also said they were requesting similar relief from the fifty (50) foot setback from
92 the wetland for the proposed single-family dwelling stating the house would not be constructed closer
93 than twenty-three (23) feet to that source. J Eckstrom asked if the proposed single-family dwelling
94 included a garage. K Robinson confirmed it would and N Faiman noted it was in the grid marked on the
95 ground seen during the site visit on March 12, 2023.

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97 P Howd said request for relief from Sections 6.2.1 and 6.2.4 of the zoning ordinance were needed in
98 regards to area and setback respectively. Additionally, he said there was a note on the subdivision plan
99 of 1976 that seemed to imply the lot was not intended for building development...., however, it was
100 determined this was only part of a sentence from that note and the language from that time was
101 expressed differently than today.

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103 J Eckstrom asked for confirmation that the corner lot belonging to abutters from across the street
104 would not be infringed upon in anyway, and that access to the property was as indicated during the site
105 visit. K Robinson assured on her both, citing a stone wall that bounded the property to the corner lot
106 and the driveway access was determined to maximize the sight distance along Wilson Center Road.

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108 **A Hoar MOVED to close the public hearing on Case #2/14/2023-1, Priscilla Parker. J**
109 **Eckstrom SECONDED the motion.**

110 Discussion: None

111 Voice Vote: 7-ayes 0-nays 0-abstain

112 Motion carried.

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114 N Faiman said a closed hearing means the board has been satisfied with the information presented
115 regarding the case and would now talk among themselves, and while the meeting itself is still public, the
116 public is not permitted to contribute, anymore, at this time. As a reminder, N Faiman named the board
117 members voting on this case: A Hoar, N Faiman, J Eckstrom, P Levesque, and J Stone, and said P Howd
118 and J Klinghoffer would participate in the discussion only.

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120 N Faiman said he was fairly well convinced that the placement of the septic system is the best possible
121 location given the layout of the site as was the proposed layout for the single-family dwelling unit. He
122 further said that the particulars of the property limit the buildable area, and the best possible
123 arrangement had been proposed so the lot can be used for its intended purpose.

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125 N Faiman mentioned an uncanny similarity to a case on Forest Road, though J Eckstrom said this case
126 was simpler. N Faiman said the hardship is clear and without the variance there is no use or economic
127 value other than the storage of equipment as been demonstrated.

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J Eckstrom MOVED to grant the requested variances to 4.2(b), 4.8, 6.2.1 and 6.2.4 to allow the construction of a single-family dwelling and septic system on Lot C-94, Marden Road and Wilton Center Road, where the dwelling and septic system would be closer to a lot line, and the septic system would be closer to a delineated wetland, than allowed by the Zoning Ordinance. P Levesque SECONDED the motion.

Discussion: A Hoar sought review of the five (5) criteria outline to determine hardship in the worksheet templated for such. N Faiman brought up the publically expressed question of contamination or impact to the wetland and said persuasion by the applicant’s expert on such along with the issuance of the state permit deemed the proposed use acceptable. He also referred to C Guida’s statements in the application that addressed each concern appropriately.

A Hoar MOVED to open the public hearing on Case #2/14/2023-1, Priscilla Parker. J Eckstrom SECONDED the motion.

Discussion: None
Voice Vote: 5-ayes 0-nays 0-abstain
Motion carried.

J Eckstrom asked the motion be re-read. N Faiman re-read the motion and added that Section 17.2 of the zoning ordinance essentially allows for 6.2.1 but it doesn’t hurt that it is included.

J Eckstrom MOVED to grant the requested variances to 4.2(b), 4.8, 6.2.1 and 6.2.4 to allow the construction of a single-family dwelling and septic system on Lot C-94, Marden Road and Wilton Center Road, where the dwelling and septic system would be closer to a lot line, and the septic system would be closer to a delineated wetland, than allowed by the Zoning Ordinance. P Levesque SECONDED the motion.

Roll Call Vote: J Stone – aye
P Levesque – aye
J Eckstrom – aye
A Hoar – aye
N Faiman – aye

Motion carried.

N Faiman stated the variances had been granted and the applicant would be receiving a written notification by email and traditional mail. He made the applicant aware that any member of the public affected by the decision has the right to request the board to reconsider its decision. This request for a re-hearing must be filed no more than thirty (30) days from the date of decision.

3. Public Hearings on New Cases

- **Case #03/14/2023-1, Dawn Ryan, 74 Stagecoach Road, Lot A-047-01**
Dawn Ryan has requested variances to sections 6.2.4 and 17.1 of the Wilton Zoning Ordinance to allow the construction of an addition at the rear of the existing house on Lot A-47-1, 74

172 *Stagecoach Road, where the house is closer to the front lot line than allowed by the Zoning*
173 *Ordinance, and the Ordinance does not allow the enlargement of a nonconforming building.*
174 *(Case #3/14/2023-1)*
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176 P Howd recused himself from the board.

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178 N Faiman opened the public hearing by reading the applicants request for variances and identified the
179 voting members on this case: A Hoar, N Faiman, J Eckstrom, P Levesque, and J Stone.
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181 G Madison reviewed the sections of the zoning ordinance the applicant was seeking relief from stating
182 that a previous decision for the same variances, was granted by the board for a rear addition that is
183 nearly complete. He said the new request is a continuation of the house boundary to the covered porch
184 to create an interior space, eliminating an unsafe means of egress (hobbit sized exterior door) and
185 maintenance burden (the clearing between the addition and covered porch is a hazard). He articulated
186 the proposal would have no physical impact on adjacent abutters or properties, and the addition does
187 not encroach on the setback. He said the hazards existing in the area between the addition and covered
188 porch would be eliminated, promoting and protecting health and safety. He said egress would be
189 improved. He remarked the house is over two-hundred (200) years old and use has not changed. He
190 said the addition is on the back of the house opposite Stagecoach Road and would not affect the public
191 in any way nor the property value of others. Last, he said the use proposed is a reasonable one.
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193 After numerous questions by the board to understand the applicant’s proposal as related to the plans
194 provided it was clear the proposed eight (8) by twelve (12) square foot enclosed and conditioned space
195 would extend from the exterior wall of the previous addition, in a straight line, to the exterior wall of
196 the covered porch without changing the roof line would provide a compliant means of egress and pose
197 no additional burden to the applicant or others.
198

199 J Eckstrom **MOVED to close the public hearing on Case #3/14/2023-1, Dawn Ryan. A**
200 **Hoar SECONDED the motion.**

201 Discussion: None
202 Voice Vote: 5-ayes 0-nays 1-abstain (J Klinghoffer)
203 Motion carried.
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205 A Hoar said he understood the proposal was basically correcting a flaw in the building.
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207 N Faiman reminded the board that pursuant to the zoning ordinance a non-conforming structure cannot
208 be expanded, thus why the applicant would need a variance. He said the expansion cannot be seen from
209 Stagecoach Road and is perhaps a justifiable addition. He said there are many homes in town requiring a
210 variance and this was a systemic problem.
211

212 **A Hoar MOVED to grant the requested variances to sections 6.2.4 and 17.1 of the**
213 **Wilton Zoning Ordinance to allow the construction of an addition at the rear of the**
214 **existing house on Lot A-47-1, 74 Stagecoach Road, where the house is closer to the**

215 front lot line than allowed by the Zoning Ordinance, and the Ordinance does not
216 allow the enlargement of a nonconforming building. J Eckstrom **SECONDED** the
217 motion.

218 Discussion: None

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220 **J Eckstrom MOVED** to open the public hearing on Case #3/14/2023-1, Dawn Ryan. **P**
221 **Levesque SECONDED** the motion.

222 Discussion: None

223 Voice Vote: 5-ayes 0-nays 0-abstain

224 Motion carried.

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227 **A Hoar MOVED** to grant the requested variances to sections 6.2.4 and 17.1 of the
228 **Wilton Zoning Ordinance** to allow the construction of an addition at the rear of the
229 existing house on Lot A-47-1, 74 Stagecoach Road, where the house is closer to the
230 front lot line than allowed by the Zoning Ordinance, and the Ordinance does not
231 allow the enlargement of a nonconforming building. J Eckstrom **SECONDED** the
232 motion.

233 Discussion: None

234 Roll Call Vote: J Stone – aye

235 P Levesque – aye

236 J Eckstrom – aye

237 A Hoar – aye

238 N Faiman – aye

239 Motion carried.

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241 **4. Adjournment**

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243 **P Levesque MOVED** to adjourn the meeting at 9:30 PM. **A Hoar SECONDED** the
244 motion.

245 Discussion: None

246 Voice Vote: 6-ayes 0-nays 1-abstain (J Klinghoffer)

247 Motion carried.

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250 Approved 05.09.2023