



TOWN OF WILTON
Zoning Board of Adjustment (ZBA)
MINUTES

DATE: April 11, 2023

TIME: 7:30 PM

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

PRESENT: Neil Faiman (chair, remote), Joanna Eckstrom (vice-chair, acting chair), Jeff Stone (remote), Andy Hoar, Paul Levesque, Peter Howd (alternate), Judith Klinghoffer (alternate)

Staff: Caryn Case, Zoning Board of Adjustment Board Secretary

Attendees: Robert Hartshorn (applicant) Holly Hartshorn (applicant); Ana Maria Hernandez (applicant); Christine Keller (abutter); Elena Szilagyi (abutter); Daniel Szilagyi (abutter); Jeff Rupert; Norman Hall; Michael Bergeron; Elaine Kalhori (applicant); Sara Spittel

I. Call to Order

J Eckstrom called the meeting to order at 7:41 PM. She introduce herself as the acting chair for the evening, and thanked everyone in advance for their cooperation in following meeting protocols. She stated the meeting was being recorded and requested everyone to speak into the microphone as if they were holding an ice cream cone. She 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 they speak. She stated 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.

J Eckstrom introduced the regular board members, alternate board members, and board secretary. She stated alternate board members would participate in the hearing and in the discussions but not in the final vote unless assigned to fill the role of regular board member if he/she chose to recuse him/herself from a particular case. She announced that two regular board members were participating remotely and would state their reasons for that. N Faiman said he was out-of-state, and J Stone shared that he was feeling ill.

2. Public Hearings on New Cases

A Hoar recused himself from the Hartshorn case to sit with the public audience.

- **Holly and Robert Hartshorn** have requested a variance to section 17.1(e) of the Wilton Zoning Ordinance to reroof a garage and enclose a second-story deck as living space on **Lot C-65**, 618 Isaac Frye Highway, where the house is closer to the lot lines than allowed by the Zoning Ordinance, and the Ordinance does not allow the enlargement of a nonconforming building. **(Case #4/11/2023-2)**

43 J Eckstrom identified the members sitting on this case: J Klinghoffer (siting in for A Hoar), P Levesque, J
44 Eckstrom, N Faiman, J Stone.

45
46 J Eckstrom and N Faiman said they had driven by the property. J Eckstrom said she noticed on-site
47 construction. H Hartshorn conveyed the construction seen was not related to the proposal but rather
48 to the installation of a generator and a stone wall repair.

49
50 H Hartshorn presented her request for a variance describing their intent to enclose the existing deck to
51 increase the living space off the kitchen, and to extend the roofline of the garage roof to open up the
52 living space there. She distributed a set of drawings that showed the property lines, existing structure
53 and proposed work areas which showed no new encroachment on the setbacks.

54
55 N Faiman said the applicant seems to be seeking to increase interior living space for a more
56 advantageous use. P Howd clarified that both spaces would be second stories.

57
58 J Stone asked the applicant to confirm that the footprint was not expanding and that the additional living
59 space did not include overhangs. These were confirmed by the applicant.

60
61 **P Howd MOVED to close the public hearing on Case #04/11/2023-02, Holly &**
62 **Robert Hartshorn. J Klinghoffer SECONDED the motion.**

63 Discussion: None
64 Roll call vote: J Klinghoffer: aye
65 P Levesque: aye
66 J Eckstrom: aye
67 J Stone: aye
68 N Faiman: aye

69 Motion carried.

70
71 N Faiman said the proposal would not change the character of the neighborhood. J Eckstrom said there
72 would be no additional infringement upon the setbacks. P Levesque said the improvements would add
73 value. J Klinghoffer said we are dealing with a home built prior to zoning ordinances.

74
75 **J Eckstrom MOVED to grant the requested variance to section 17.1(e) of the Wilton**
76 **Zoning Ordinance to reroof a garage and enclose a second-story deck as living space on**
77 **Lot C-65, 618 Isaac Frye Highway, where the house is closer to the lot lines than allowed**
78 **by the Zoning Ordinance, and the Ordinance does not allow the enlargement of a**
79 **nonconforming building. J Klinghoffer SECONDED the motion.**

80
81 **P Levesque MOVED to reopen the public hearing on Case #04/11/2023-02, Holly &**
82 **Robert Hartshorn. J Stone SECONDED the motion.**

83 Discussion: None
84 Roll call vote: J Klinghoffer: aye
85 P Levesque: aye
86 J Eckstrom: aye
87 J Stone: aye
88 N Faiman: aye

89 Motion carried.

90
91 P Howd suggested amending the motion to include a reference to the plans provided.

92
93 **J Klinghoffer MOVED to amend the motion by adding living space to be improved in**
94 **accordance with the building and other plans provided. P Levesque SECONDED the**
95 **motion.**

96 Discussion: None
97 Roll call vote: J Klinghoffer: aye
98 P Levesque: aye
99 J Eckstrom: aye
100 J Stone: aye
101 N Faiman: aye

102 Motion carried.
103

104 J Eckstrom stated the variance had been granted and the applicant would be receiving a written
105 notification by email and traditional mail. She told the applicant that any member of the public affected
106 by the decision has the right to request the board to reconsider its decision in writing and no more than
107 thirty days from the date of decision, and advised the applicant to regard conducting any activity on the
108 proposal prior to then.

109
110 A Hoar returned to the board as a regular member.
111

- 112 • **Elaine L. Kalhori** has requested a special exception under section 6.6.1 of the Wilton Zoning
113 Ordinance to allow a hair salon as a home occupation at **Lot H-19, 24 Gage Road. (Case**
114 **#4111/2023-3)**
115

116 J Eckstrom identified the members sitting on this case: A Hoar, P Levesque, J Eckstrom, N Faiman, J
117 Stone.
118

119 E Kalhori introduced herself and described her history as a hair stylist. She presented her request for a
120 special exception to move and downsize her established hair salon business into a dedicated space in her
121 basement as a result of wanting to semi-retire and travel. She described the space as existing with access
122 for her clients to a parking area that does not require passage through her home.
123

124 A Hoar and P Levesque asked about the number of days and number of clients that might be
125 entertained. J Eckstrom asked if there might be walk-ins and additional deliveries.
126

127 E Kalhori conveyed her goal was to scale back her business and limit the number of clients and days
128 worked. She said she does not accept walk-ins and the number of deliveries to the home would be no
129 different than is what currently received there.
130

131 Abutter, E Szilagyi, read a prepared letter describing the character of the neighborhood and potential
132 concerns she felt might arise.
133

134 N Faiman said he was unable to hear the discussion and deemed it necessary to recuse himself. J
135 Klinghoffer was moved from alternate board member to regular board member for this case.
136

137 J Klinghoffer asked about the concerns expressed by E Szilagyi in her letter regarding a shared driveway,
138 chemicals, signage, and traffic.

139
140 M Bergeron and E Kalhori conveyed the driveway mentioned is one on their land the neighbor has an
141 easement to use. They stated they have a separate driveway into their residence that is not shared with
142 the neighbor. Additionally, M Bergeron said the chemicals to be used are no different than the hair
143 cleaning and conditioning supplies we all use, and hair dye formulations are EPA approved.

144
145 E Kalhori emphasized she is not looking to expand her business and the only indication of her
146 occupation was intended to be a set of scissors attached to her mailbox.

147
148 P Howd asked the applicant if she would be amenable to a condition limiting the number of days and
149 number of customers she could entertain. He asked if she would have employees. He asked if customer
150 visits would overlap. He asked what might determine if the home occupation outgrows itself.

151
152 E Kalhori said there would be no employees, and that she basically serves one client at a time, by
153 appointment only, but may overlap because of arrival and departure times.

154
155 P Howd said there were two points in the ordinance of concern: section 5.3.1 (g) regarding traffic
156 generated by the home occupation, and section 5.3.1 (i) regarding when a business outgrows the
157 standards established for home occupations.

158
159 J Klinghoffer speculated on the importance of a sign leading clients to the proper address, and advised a
160 site visit.

161
162 **J Klinghoffer MOVED to schedule a site visit for Sunday, April 23, 2023 at 10 AM for**
163 **Case #04/I I/2023-03, Elaine L. Kalhori. A Hoar SECONDED the motion.**

164 Discussion: None
165 Roll call vote: J Klinghoffer: aye
166 A Hoar: aye
167 P Levesque: aye
168 J Eckstrom: aye
169 J Stone: aye

170 Motion carried.

171
172 **A Hoar MOVED to continue the public hearing on Case #04/I I/2023-03, Elaine L**
173 **Kalhori. J Stone SECONDED the motion.**

174 Discussion: None
175 Roll call vote: J Klinghoffer: aye
176 A Hoar: aye
177 P Levesque: aye
178 J Eckstrom: aye
179 J Stone: aye

180 Motion carried.

181

- **Ana Maria Hernandez** has requested special exceptions under sections 6.6.1 and 5.3.1 of the Wilton Zoning Ordinance to allow licensed family group care for up to 12 children as a home occupation at **Lot D-37, 102 Holt Road. (Case #4/11/2023-4)**

J Eckstrom identified the members sitting on this case: A Hoar, P Levesque, J Eckstrom, N Faiman, J Stone. She stated the applicant had previously requested a special exception that had been granted for the same home occupation but with a smaller number of clients.

A Hernandez presented her request for a special exception to expand her daycare business stating things have gotten expensive and by amending her license for an expansion would allow her the opportunity to close that financial gap.

P Howd asked applicant to clarify the maximum number of child allowed by the license.

J Stone asked for clarification between group care and child care.

A Hernandez explained application for the group care license must include the maximum number of children legally allowed within a residence in New Hampshire. Currently, that is twelve children. However, the space per child requirement would result in only a maximum of ten children based on her environment and would be shown on her license. The expansion would require one part-time employee. She stated the children arrive and depart at various times of the day, and ample parking is available including roadside.

A Hoar MOVED to close the public hearing on Case #04/11/2023-04, Ana Maria Hernandez. P Levesque SECONDED the motion.

Discussion: None
Roll call vote: A Hoar: aye
P Levesque: aye
J Eckstrom: aye
J Stone: aye
N Faiman: aye

Motion carried.

A Hoar said there has been no negativity from the community since the initial start-up.

A Hoar MOVED to grant the requested special exceptions under sections 6.6.1 and 5.3.1 of the Wilton Zoning Ordinance to allow licensed family group care for up to 12 children OR as limited by state licensing as a home occupation at Lot D-37, 102 Holt Road. . P Levesque SECONDED the motion.

A Hoar MOVED to reopen the public hearing on Case #04/11/2023-04, Ana Maria Hernandez. P Levesque SECONDED the motion.

Discussion: None
Roll call vote: A Hoar: aye
P Levesque: aye
J Eckstrom: aye
J Stone: aye

229 N Faiman: aye

230 Motion carried.

231

232 J Eckstrom called for a roll call vote to grant the requested special exceptions as moved.

233

234 Discussion: None

235 Roll call vote: J Klinghoffer: aye

236 P Levesque: aye

237 J Eckstrom: aye

238 J Stone: aye

239 N Faiman: aye

240 Motion carried.

241

242 **3. Minutes of Previous Meeting(s)**

243

244 **A Hoar MOVED to postpone review of the March 21, 2023 Zoning Board of**
245 **Adjustment meeting minutes. P Howd SECONDED the motion.**

246 Discussion: None

247 Roll call vote: A Hoar: aye

248 P Levesque: aye

249 J Eckstrom: aye

250 J Stone: aye

251 N Faiman: aye

252 Motion carried.

253

254 **4. Adjournment**

255

256 **A Hoar MOVED to adjourn the meeting at 10:05 PM. P Howd SECONDED the**
257 **motion.**

258 Discussion: None

259 Roll call vote: A Hoar: aye

260 P Levesque: aye

261 J Eckstrom: aye

262 J Stone: aye

263 N Faiman: aye

264 Motion carried.

265

266

267 Approved XX.XX.XXXX