

TOWN OF WILTON  
Zoning Board of Adjustment  
Minutes



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DATE: June 13, 2023  
TIME: 7:00 PM  
PLACE: Wilton Town Hall, Courtroom, 42 Main Street  
PRESENT: Neil Faiman (chairperson); Joanna K Eckstrom (co-chairperson); Judith Klinghoffer (member); Andy Hoar (member); Paul Levesque (alternate); Jeff Stone (member); Peter Howd (alternate)  
ABSENT: N/A  
STAFF: Caryn Case (Board Secretary, Land Use Administrator)  
ATTENDEES: Duane A Curtis (applicant); Gail M Curtis co-(applicant); Tom Costello (abutter); Kevin Derry (abutter); Jennifer Cassidy (abutter); Linda Pellerin (applicant); Michael Pellerin (co-applicant); Sara Spittel (applicant); Robert Spittel (co-applicant); Gary Lord (abutter); Sandy Lord (abutter); Stephen Proctor (abutter); Gail Procto (abutter); Nikki Andrews (abutter); Amanda Dumont (applicant); Tyler Dumont (co-applicant); Jenny Lord (abutter)

**I. Call to Order**

N Faiman called the meeting to order at 7:00 PM. He reminded the public to sign-in and wear masks. He asked speakers to introduce themselves by name, address, and relation to the case.  
N Faiman introduced the Board members and explained the role of alternate Board members. He said the Board would not hear any new case after nine-thirty (9:30) PM and would terminate the meeting at ten (10) PM unless the Board unanimously decided to continue.  
N Faiman said the number of cases on the agenda exceeded time limitations and three (3) applicants asked to be heard at a continuation meeting on June 22, 2023 instead.

**2. Case #04/11/2023-01, Michael Bronson - Public Hearing on a previous case**

- Michael Bronson has requested a variance to section 16.2.1.2 of the Wilton Zoning Ordinance to allow a sign larger than is allowed by the Zoning Ordinance for the auto inspection home occupation at Lot L-6-1, 8 Seagroves Street. (Case #4/11/2023-1)

N Faiman said the abutter fees were never fully submitted nor were enough mailing labels provided to satisfy the application requirements. Counsel advised the Board to withdraw the application without prejudice and return fees that had been collected.

**3. Case #06-13-2023-04, Fait's Property Maintenance - Public Hearing on a new case**

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- 40 • Fait's Property Maintenance, LLC has requested a special exception under section 17.3 of the  
41 Wilton Zoning Ordinance to construct a single-family home which would be closer to one or  
42 more lot lines than allowed by the Ordinance on Lot J-112-1, Island Street and Mill Street. (Case  
43 #6/13/2023-4)  
44

45 **J Klinghoffer MOVED to hear the case June 22, 2023. JK Eckstrom SECONDED.**

46 There was no discussion.

47 Voice vote: 7: ayes, 0: nays; 0: abstain

48 Motion was carried.  
49

50 **4. Case # 06/13/2023-05, North Farm, LLC - Public Hearing on a new case**

- 51 • North Farm LLC (owner) and Erich O. Mueller (applicant) have requested a special  
52 exception under section 11.4(a) of the Wilton Zoning Ordinance to allow the improvement and  
53 enlargement of an existing wetland crossing, in order to allow a driveway to access a proposed  
54 business on Lot C-102, Gibbons Highway. (Case #6/13/2023-5)  
55

56 **JK Eckstrom MOVED to hear the case June 22, 2023. J Klinghoffer SECONDED.**

57 There was no discussion.

58 Voice vote: 7: ayes, 0: nays; 0: abstain

59 Motion was carried.  
60

61 **5. Case # 06/13/2023-06, Benjamin and Caitlin Maki - Public Hearing on a new case**

- 62 • Benjamin and Caitlin Maki have requested a variance to section 6.2.4 of the Wilton  
63 Zoning Ordinance to allow the construction of an addition to the existing dwelling which  
64 would be closer to a side lot line than is allowed by the Ordinance on Lot D-64, 24 Holt  
65 Road. (Case #6/13/2023-6)  
66

67 **J Stone MOVED to hear the case June 22, 2023. A Hoar SECONDED.**

68 There was no discussion.

69 Voice vote: 7: ayes, 0: nays; 0: abstain

70 Motion was carried.  
71  
72

73 **6. Case #05/09/2023-02, Dumont Holdings, LLC - Public Hearing on New Case**

- 74 • Dumont Holdings LLC has requested a special exception under section 17.3 of the Wilton  
75 Zoning Ordinance and/or a variance to section 6.2.4 of the Wilton Zoning Ordinance to allow  
76 the erection of an 18'x72' demountable greenhouse on Lot B-89, 36 Curtis Farm Road, where  
77 the greenhouse would be closer to a lot line than is allowed by the Ordinance. (Case  
78 #5/9/2023-2)  
79

80 N Faiman, chairperson, read the applicant's request.

81 N Faiman identified the Board members hearing the case.

82 N Faiman indicated several Board members had driven by the property.

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83 A Dumont, applicant, circulated documents to the Board that included a drawing of the proposed  
84 greenhouse location, an aerial photograph of the property, a picture taken at ground level, and an  
85 example of a demountable greenhouse. She stated she and her husband, Tyler, were in their second  
86 (2<sup>nd</sup>) year as CSA farmers and want to erect an 18' x 72' demountable greenhouse for the propagation  
87 of plants and ability to extend the growing season; she said the demountable greenhouse would be  
88 limited to the production of organic plants and not used in the retail sale of these plants. She described a  
89 demountable greenhouse as a kit that is not a permanent structure, covered with a polyethylene film,  
90 and would be lighted by electricity brought over from the barn, and heated by propane. She did not  
91 know the snow load when asked. T Dumont, co-applicant, said water from a dug well, about 15' deep,  
92 would provide water to the greenhouse. A Dumont said the only suitable area for the demountable  
93 greenhouse is a flat area facing East/West that encroached 20' into the setback.

94 N Faïman described the two (2) options of relief for the Dumonts, a variance to Section 6.2.4 of the  
95 Zoning Ordinance regarding lot line setbacks, or a special exception from Section 17.3 regarding  
96 reasonable placement of new structures because of the lot having been in existence before the adoption  
97 of the setback requirements.

98 N Andrews, abutter, described the Dumonts as fantastic neighbors but questioned if the amount of  
99 water necessary to irrigate would draw from her own water source. T Dumont stated the chances of  
100 their 15' well impacting the Andrews 400' well was slim.

101 JK Eckstrom asked the Dumonts if they envisioned making this a permanent structure with a foundation,  
102 to which A Dumont said it was their intent, because of the investment, to have the option to move it  
103 and/or take it with them if they leave.

104  
105

**A Hoar MOVED to close the public hearing. JK Eckstrom SECONDED.**

107 There was no discussion.

108 Voice vote: 7: ayes, 0: nays; 0: abstain

109 Motion was carried.

110

111 N Faïman reviewed a list of facts acknowledged during the discussion: the lot size is 6.5 acres; the  
112 historical house and barn date to the 19<sup>th</sup> century; the proposed structure is incidental to the permitted  
113 agricultural use of the property; the topography does not leave a flat area large enough for the proposed  
114 structure in the vicinity of the barn and house that satisfies the setback requirements; and there is an  
115 existing well in the immediate vicinity of the proposed greenhouse location.

116

**JK Eckstrom MOVED to grant the request for a special exception with the following conditions: that the conditions (a), (b), and (c) of section 17.3 are satisfied; that the conditions of section 4.12 are satisfied, and that the proposed structure is to be constructed in the location indicated by the rectangle labeled "Proposed Greenhouse" on the hand-drawn plan submitted with the application. J Klinghoffer SECONDED.**

123

**JK Eckstrom MOVED to re-open the public hearing. A Hoar SECONDED.**

125 There was no discussion.

126 Voice vote: 5: ayes, 0: nays; 0: abstain

127 Motion was carried.

128

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129 **N Faiman called for a roll call vote to the MOTION to grant the request for a**  
130 **special exception.**

131 Roll Call Vote:

132 J Klinghoffer: aye

133 A Hoar: aye

134 JK Eckstrom: aye

135 J Stone: aye

136 N Faiman: aye

137 Motion was carried.

138

139 N Faiman instructed the applicant that a Notice of Decision would be forthcoming, and that the Select  
140 Board, abutters, and any person directly involved in the hearing affected by the decision has the right to  
141 ask the Zoning Board of Adjustment to reconsider their decision by way of written request no more  
142 than 30 days after the decision was made explaining the reasons why the decision should be changed. He  
143 stated that any activity/progress by the applicant during that period on the request could be at risk if the  
144 decisions is overturned at a rehearing.

145

146 **JK Eckstrom MOVED to deny the request for a variance of 6.2.4 without prejudice. J**  
147 **Klinghoffer SECONDED.**

148 There was no discussion.

149 Roll Call Vote:

150 J Klinghoffer: aye

151 A Hoar: aye

152 JK Eckstrom: aye

153 J Stone: aye

154 N Faiman: aye

155 Motion was carried.

156

157

158 **7. Case #06/13/2023-01, Linda and Michael Pellerin - Public Hearing on New Case**

- 159 • Linda and Michael Pellerin have requested a variance to section 17.1 of the Wilton Zoning  
160 Ordinance to allow the construction of additional living space at the back of an attached garage  
161 on Lot D-36, 84 Holt Road, where the house is closer to a side lot line than allowed by the  
162 Ordinance, and the Ordinance does not allow enlargement of a nonconforming structures.  
163 (Case #6/13/2023-1)

164

165 N Faiman, chairperson, read the applicant's request.

166 N Faiman identified the Board members hearing the case.

167 N Faiman indicated several Board members had driven by the property.

168 L Pellerin, applicant, distributed documents to the Board consisting of photographs of the garage,  
169 measurements at a lot line, and other items previously received. L Pellerin said the non-conforming  
170 structure was the original building (circa 1923) built 27' from the lot line, and said this structure was not  
171 changing. She said they received a building permit to construct a 20' x 30' addition (two (2) bedrooms  
172 and a bathroom; no kitchen) on the back of their two-story garage which was rescinded after they  
173 applied for a solar panel permit because they needed a variance. She claimed the garage is separate and

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174 unattached to the original building. The Board concluded the garage is attached to the original building  
175 by way of a breezeway constructed of a concrete pad and connecting roof, thus a single, contiguous  
176 structure.

177 L Pellerin stated the Building Inspector said their septic system was insufficient to support the addition  
178 and would need to be improved. She argued the expansion would not affect the existing septic system  
179 because her brother-in-law installed a new tank. She said Meridian Land Services verified that tank size,  
180 and was in the process of designing a compliant septic system. N Faiman said the Zoning Board of  
181 Adjustment has no jurisdiction in this area.

182 J Cassidy, abutter, said she was concerned about the proximity of the addition to the back lot line.  
183 J Lord, Abutter, said she was concerned about the septic system.

184  
185

**A Hoar MOVED to close the public hearing. JK Eckstrom SECONDED.**

187 There was no discussion.

188 Voice vote: 5: ayes, 0: nays; 0: abstain

189 Motion was carried.

190

191 N Faiman reviewed a list of facts acknowledged during the discussion: lot size is 0.8 acres; he house was  
192 built in 1923; for the purposes of this application, the Zoning Board assumes that the house, breezeway,  
193 and garage comprise a single structure; the south side of the house is 27' from the side lot line, less than  
194 the 35' required setback, and the structure is therefore nonconforming. Additionally, Paragraph 17.1(e)  
195 prohibits the extension or enlargement of a non-conforming structure, and the applicants propose a 20'  
196 x 30' "living space" addition on the back (west) side of the garage that in absence of a stamped  
197 professional survey, the applicant has said does not encroach into the rear set back.

198

**A Hoar MOVED to grant the request for a variance to section 17.1 of the Wilton  
Zoning Ordinance. JK Eckstrom SECONDED.**

201

**J Klinghoffer MOVED to re-open the public hearing. JK Eckstrom SECONDED.**

203 There was no discussion.

204 Voice vote: 5: ayes, 0: nays; 10: abstain

205 Motion was carried.

206

**N Faiman called for a roll call vote to the MOTION to grant the request for a  
variance.**

209 Roll Call Vote:

210 J Klinghoffer: aye

211 A Hoar: aye

212 JK Eckstrom: aye

213 J Stone: aye

214 N Faiman: aye

215 Motion was carried.

216

217 JK Eckstrom asked how long after a building permit has been issued can it be overturned. N Faiman said  
218 the building inspector does not have the authority to issue an illegal building permit, that is, for

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219 something that is not allowed in the zoning ordinance, and therefore issuance of such a permit is null  
220 and void.

221 N Faiman instructed the applicant that a Notice of Decision would be forthcoming, and that the Select  
222 Board, abutters, and any person directly involved in the hearing affected by the decision has the right to  
223 ask the Zoning Board of Adjustment to reconsider their decision by way of written request no more  
224 than 30 days after the decision was made explaining the reasons why the decision should be changed. He  
225 stated that any activity/progress by the applicant during that period on the request could be at risk  
226 if the decisions is overturned at a rehearing.

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**8. Case #06/13/2023-02, Robert and Sara Spittel - Public Hearing on New Case**

- 230 • Robert and Sara Spittel have requested a variance to section 6.2.4 of the Wilton Zoning  
231 Ordinance and/or a special exception under section 17.3 of the Wilton Zoning Ordinance  
232 to remove and replace an existing nonconforming garage with a new one which would still be  
233 closer to the road than allowed by the Ordinance on Lot C-47, 748 Isaac Frye Highway. (Case  
234 #6/13/2023-2)

235  
236 N Faiman, chairperson, read the applicant's request, and mentioned to the Board the property is also  
237 located in the Watershed which was not indicated.

238 N Faiman identified the Board members hearing the case. J Stone recused himself from the case.

239 N Faiman indicated several Board members had driven by the property.

240 S Spittel, applicant, shared photographs of their non-conforming garage taken from the front and back of  
241 the road. She said the garage was the last project, of many, in their 23 years at this address, and she and  
242 her husband R Spittel, co-applicant, decided it was best to remove the leaky, unstable existing structure  
243 and replace with a stable new structure. She said the location of the proposed new structure will reduce  
244 the existing non-conformity but not eliminate it. R Spittel said the proposed new structure would allow  
245 them to finally fit two (2) vehicles inside, and include a second story for storage and golf toys.

246 N Faiman said he received a letter from an abutter in favor of the project.

247  
248

**P Howd MOVED to close the public hearing. JK Eckstrom SECONDED.**

249 There was no discussion.

250 Voice vote: 5: ayes, 0: nays; 0: abstain

251 Motion was carried.

252

253 N Faiman reviewed a list of facts acknowledged during the discussion: the lot size is 1.5 acres; the house  
254 was built circa 1800; the existing garage is 15' from the front lot line, which is less than the required 35'  
255 setback; the applicants propose to completely remove the existing garage and construct a new garage  
256 which would be 25' from the lot line.

257

**P Howd MOVED to grant the request for a special exception to section 17.3 of the  
258 Wilton Zoning Ordinance and deny without prejudice the request for a variance  
259 from section 6.2.4 of the Wilton Zoning Ordinance as unnecessary. JK Eckstrom  
260 SECONDED.**

261  
262

**J Klinghoffer MOVED to re-open the public hearing. A Hoar SECONDED.**

263 There was no discussion.  
264

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265 Voice vote: 5: ayes, 0: nays; 0: abstain

266 Motion was carried.

267

268 **N Faiman called for a roll call vote to the MOTION to grant the request for a**  
269 **variance.**

270 Roll Call Vote:

271 J Klinghoffer: aye

272 A Hoar: aye

273 P Howd: aye

274 JK Eckstrom: aye

275 N Faiman: aye

276 Motion was carried.

277

278 N Faiman instructed the applicant that a Notice of Decision would be forthcoming, and that the Select  
279 Board, abutters, and any person directly involved in the hearing affected by the decision has the right to  
280 ask the Zoning Board of Adjustment to reconsider their decision by way of written request no more  
281 than 30 days after the decision was made explaining the reasons why the decision should be changed. He  
282 stated that any activity/progress by the applicant during that period on the request could be at risk  
283 if the decisions is overturned at a rehearing.

284

285 **9. Case #06/13/2023-03, Duane A Curtis - Public Hearing on New Case**

- Duane A Curtis has requested a variance to section 6.2.4 of the Wilton Zoning Ordinance to allow the construction of a carport which would be closer to the side lot line than is allowed by the Ordinance Lot B-48-1, 157 Curtis Farm Road. (Case #6/13/2023-3)

289

290 N Faiman, chairperson, read the applicant's request.

291 N Faiman identified the Board members hearing the case.

292 N Faiman indicated several Board members had driven by the property.

293 D Curtis (applicant) explained that he wants to attach a carport to his home to protect his tractor  
294 which he is unable to navigate to another area of his property because of the topography. A portion of  
295 the proposed carport would extend into the side lot line setback minimizing it to about 29'. He said the  
296 carport is going to be made of wood and mirror the design of the house.

297 N Faiman read into the record a letter received from N Spear (abutter) supporting the applicant.

298

299 **A Hoar MOVED to close the public hearing. JK Eckstrom SECONDED.**

300 There was no discussion.

301 Voice vote: 5: ayes, 0: nays; 0 abstain

302 Motion was carried.

303

304 N Faiman reviewed a list of facts acknowledged during the discussion: the lot size is 1.3 acres; the lot is  
305 at the corner of Curtis Farm Road and Dale Street, but the house and garage face

306 Curtis Farm Road; the existing house and garage are in the northeast corner of the lot, barely satisfying  
307 the 35' front and side setbacks' the lot falls away from the house and garage to the south and west at a  
308 moderate grade; and the applicant proposes to add a 12' x 20' carport on the east.

309

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310 **JK Eckstrom MOVED to grant the request for a variance to section 6.2.4 of the**  
311 **Wilton Zoning Ordinance. J Klinghoffer SECONDED.**

312  
313 **J Klinghoffer MOVED to re-open the public hearing. JK Eckstrom SECONDED.**

314 There was no discussion.  
315 Voice vote: 5: ayes, 0: nays; 0: abstain  
316 Motion was carried.

317  
318 **N Faiman called for a roll call vote to the MOTION to grant the request for a**  
319 **variance.**

320 Roll Call Vote:  
321 J Klinghoffer: aye  
322 A Hoar: aye  
323 JK Eckstrom: aye  
324 J Stone: aye  
325 N Faiman: abstain

326 Motion was carried.

327  
328 N Faiman instructed the applicant that a Notice of Decision would be forthcoming, and that the Select  
329 Board, abutters, and any person directly involved in the hearing affected by the decision has the right to  
330 ask the Zoning Board of Adjustment to reconsider their decision by way of written request no more  
331 than 30 days after the decision was made explaining the reasons why the decision should be changed. He  
332 stated that any activity/progress by the applicant during that period on the request could be at risk  
333 if the decisions is overturned at a rehearing.

334

335 **I0. Minutes of previous meeting - 05.09.2023**

336 The Board noted numerous edits.

337

338 **J Klinghoffer MOVED to approve the minutes of 05.09.2023 as amended. JK**  
339 **Eckstrom SECONDED.**

340 There was no discussion.  
341 Voice vote: 5: ayes, 0: nays; 2: abstain (P Howd, J Stone)  
342 Motion was carried.

343

344 **I I. Adjournment**

345 **J Klinghoffer MOVED to adjourn at 9:28 PM. J Stone SECONDED.**

346 There was no discussion.  
347 Voice vote: 7: aye 0: nay 0: abstain  
348 Motion was carried.

349

350 Approved 07.11.2023