

Town of Wilton  
Zoning Board of Adjustment  
Minutes



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DATE: August 8, 2023  
TIME: 7:00 PM  
PLACE: Wilton Town Hall, Courtroom, 42 Main Street  
PRESENT: Neil Faiman (chairperson); Joanna K Eckstrom (co-chairperson); Andy Hoar (member);  
Jeff Stone (member); Judith Klinghoffer (member)  
ABSENT: n/a  
STAFF: Caryn Case (Board Secretary)  
ATTENDEES: Nancy Wilson (applicant); Jon Mitchell (applicant); Patricia Townsend (abutter); Matt  
Arel (applicant); Rick Polson; Ken Robinson (Fieldstone); Tom Brennan (abutter); Stasia  
Millet (abutter); Joseph Broyles (abutter); Linda Jennings ; Peg Duggan

**I. Call to Order**

N Faiman called the meeting to order at 7:01 PM, and asked that everyone sign in on the sign in sheet. He asked that speakers introduce themselves by name, address and relationship to the case. He said the Board would not hear a new case after 9:30 PM and the Board would terminate the meeting at ten (10) PM unless the Board unanimously voted to continue.  
N Faiman introduced Board members.

**2. Bill Gagan, Public Hearing Continued, Case No. 07/I I/2023-02**

- *Bill Gagan has requested a special exception under section 17.3 of the Wilton Zoning Ordinance to build a new house (on the foundation of the existing house, which is to be demolished), which will be closer to one or more lot lines than allowed by the ordinance on Lot J-1 18, 27 Island Street.*

N Faiman opened the public hearing by reading the applicants request. He explained the applicant was having difficulty procuring a land surveyor to provide the information that was needed. As a result, the applicant requested a continuance until the September Board meeting.

**JK Eckstrom made a MOTION to continue the public hearing to September 12, 2023. A Hoar SECONDED.**

There was no discussion.

Roll Call Vote:

J Klinghoffer: aye  
A Hoar: aye  
JK Eckstrom: aye  
J Stone: aye  
N Faiman: aye

Motion was carried.

N Faiman turned the meeting over to Vice-Chairperson, JK Eckstrom, and recused himself from the Board.

**3. Non-public session under RSA 91-A:3, II(I)**

- *“(I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.”*

47  
48 J Eckstrom said legal advice had been obtained from the Boards Counsel regarding Case #08/08/2023-02  
49 and warranted discussion in a Non-public session.

50  
51 **JK Eckstrom made a MOTION to open a Non-public session at 7:07 PM under RSA**  
52 **91-A:3, II(I) to consider legal advice provided by counsel. J Stone SECONDED.**

53 There was no discussion.

54 Roll Call Vote:

55 J Klinghoffer: aye

56 A Hoar: aye

57 JK Eckstrom: aye

58 J Stone: aye

59 Motion was carried.

60

61 JK Eckstrom, A Hoar, J Klinghoffer, J Stone and C Case left the Town Hall Courtroom to meet privately  
62 in the Building & Land Use Office.

63

64 JK Eckstrom, A Hoar, J Klinghoffer, J Stone and C Case returned to the Town Hall Courtroom at 7:47  
65 PM.

66

67 **JK Eckstrom made a MOTION to seal the minutes of the Non-public session as**  
68 **content was legal in nature. A Hoar SECONDED.**

69 There was no discussion.

70 Roll Call Vote:

71 J Klinghoffer: aye

72 A Hoar: aye

73 JK Eckstrom: aye

74 J Stone: aye

75 Motion was carried.

76

77 **JK Eckstrom made a MOTION to immediately address Case #08/08/2023-02. J**  
78 **Klinghoffer SECONDED.**

79 There was no discussion.

80 Roll Call Vote:

81 J Klinghoffer: aye

82 A Hoar: aye

83 JK Eckstrom: aye

84 J Stone: aye

85 Motion was carried.

86

87 **4. Jonathan Mitchell & Nancy Wilson, Public Hearing NEW, Case No. 08/08/2023-02**

- 88 • *Jonathan Mitchell and Nancy Wilson have requested special exceptions under sections 6.6.1 and 5.3.1*  
89 *of the Wilton Zoning Ordinance to allow a childcare program for up to 3 children, aged 4–6 years, as a*  
90 *home occupation at Lot D-19-6, 77 Putnam Hill Road.*

91

92 JK Eckstrom asked the applicant to clarify that the intent of their application was to provide day care for  
93 up to three (3) children only. The applicants responded that was their intent.

94

95 **J Klinghoffer made a MOTION to deny the application on the grounds that no**  
96 **special exception is required. J Stone SECONDED.**

97 There was no discussion.

98 Roll Call Vote:

99 J Klinghoffer: aye

100 A Hoar: aye

101 JK Eckstrom: aye

102 J Stone: aye

103 Motion was carried.

104  
105 J Mitchell asked the Board if they could resume their day care advertising. JK Eckstrom said their choice  
106 to advertise their home occupation was a discretion upon themselves and not this Board to make.

107  
108 **N Faiman returned to the Board and resumed leadership of the public meeting.**

109  
110 **5. Minutes from**

- 111 • July 11, 2023

112  
113 **J Klinghoffer made a MOTION to review the minutes of July 11, 2023 at the end of**  
114 **the meeting. JK Eckstrom SECONDED.**

115 There was no discussion.

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

117 Motion was carried.

118  
119 **6. Roger Chappell Holdings, LLC, Public Hearing NEW, Case No. 08/08/2023-01**

- 120 • *Roger Chappell Holdings, LLC (owner) and Better Built Homes, LLC (applicant) have requested a special*  
121 *exception under section 11.4(a) of the Wilton Zoning Ordinance to allow construction of a road that will*  
122 *cross a wetland area in order to access a proposed subdivision of Lot D-99, 304 Gibbons Highway.*

123  
124 N Faiman opened the public hearing by reading the applicants request. He explained the special  
125 circumstances under section 11.4 which requires review at two (2) consecutive meetings.

126  
127 K Robinson described the wetlands crossing request as the same as was presented to the Board in 2020  
128 and whose approval had expired. He said the total land area impacted by the construction of the  
129 wetlands crossing would be 1,200 square feet and included the installation of 60' linear feet of 36" plastic  
130 pipe replacing the corroding 12" metal pipe. Additionally, he said there were no other proposed wetland  
131 impacts associated with this project.

132  
133 S Millet asked for clarification of the impacted area in relationship to her abutting property.

134  
135 J Klinghoffer asked what percentage of buildable land area would be made inaccessible without the  
136 wetlands crossing. K Robinson indicated about two thirds.

137  
138 N Faiman stated the wetlands crossing is needed to make productive use of the land that is not  
139 wetlands. He said the applicant would be allowed to infringe on the wetlands which is why the  
140 construction details need to be considered for the best protection of the surrounding wetlands.

141

142 **J Klinghoffer made a MOTION for a site visit on Saturday, August 19, 2023. JK**  
143 **Eckstrom SECONDED.**

144 There was no discussion.

145 Roll Call Vote:

146 J Klinghoffer: aye

147 A Hoar: aye

148 JK Eckstrom: aye

149 J Stone: aye

150 N Faiman: aye

151 Motion was carried.

152

153 N Faiman advised informing the Planning Board and Conservation Commission of the site visit.

154

## 155 **7. Other Business**

- 156 • *Alternates*

157

158 JK Eckstrom introduced L Jennings and P Duggan as potential alternate Board members.

159

160 A Hoar requested that masks be properly worn by all present at the meetings.

161

## 162 **8. Adjournment**

163

164 **A Hoar made a MOTION to adjourn at 8:34 PM. J Klinghoffer SECONDED.**

165 There was no discussion.

166 Roll Call Vote:

167 J Klinghoffer: aye

168 A Hoar: aye

169 JK Eckstrom: aye

170 J Stone: aye

171 N Faiman: aye

172 Motion was carried.

173

174 Approved 09.12.2023