



Town of Wilton Zoning Board of Adjustment MINUTES

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2
3 **Tuesday, December 12, 2023**

4 **7 PM**

5 **Town of Wilton, Town Hall Courtroom**
6 **42 Main Street**

COMMUNITY IN ATTENDANCE

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11 **Board Members Present:** Neil Faiman (chairperson); Joanna Eckstrom (co-
12 chairperson) (remote); Andy Hoar; Jeff Stone; Judith
13 Klinghoffer (remote) Peg Duggan (alternate); Linda
14 Jennings (alternate)
15 **Zoning Board of Adjustment Secretary:** Caryn Case
16 **Attendees:** Wendy Cheney (applicant)

MINUTES

1. Call to Order

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22 N Faiman called the meeting to order at 7:10 p.m. He reminded the public to sign-in and wear
23 masks.

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25 He introduced the Board members and alternates present. He explained that alternate Board
26 members participate in case discussions but do not vote unless their participation became the result
27 of a regular Board member choosing to remove him/herself from the case, or is in absentia for a
28 permissible reason.

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30 N Faiman stated that two (2) Board members would be in attendance by remote means due to
31 illness, and called upon alternates L Jennings and P Duggan as voting Board members on their behalf
32 for the case noticed,

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34 Last, N Faiman reminded everyone that the Board would not hear any new case after 9:30 p.m. and
35 would terminate the meeting at ten (10) p.m. unless the Board unanimously voted to continue. He
36 asked speakers to introduce themselves by name, address, and describe their relationship to the
37 case when called.

2. Wendy Cheney Revocable Trust, Public Hearing NEW

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Case #12/12/2023-01

The Wendy Cheney Revocable Trust of 2023 has requested a variance to section 17.1(e) of the Wilton Zoning Ordinance to allow construction of a deck and access on the rear of an existing house at Tax Map K Lot 104, 6 Pine Valley Street, where the house is closer to the front lot line than allowed by the Ordinance, and the Ordinance does not allow the expansion of non-conforming structures.

N Faiman opened the public hearing by reading the public notice. He reviewed the presentation and voting process.

W Cheney said her 100 year old plus home sits close to the road within the setback. She described wanting a compliant rear dwelling access and noted that her existing basement door is neither suitable nor compliant. She added she preferred access from the main floor anyway.

W Cheney described the proposed access from the main floor at the back of the house onto a small deck, approximately eight (8)' x ten (10)'.

N Faiman noted the proposed location of the deck is clear of all setbacks and has a negligible impact on neighboring views.

A Hoar MOVED to close the public hearing. P Duggan SECONDED.

There was no discussion.

Voice Vote:	ayes	5
	nays	0
	abstain	0

Motion carried.

N Faiman said a decision could be pulled from the decision made by the Board regarding Case #04/11/2023-2, Holly and Robert Hartshorn, 618 Isaac Frye Highway, then read the reasons for that decision and remarking they were the same. A Hoar and J Stone agreed.

N Faiman said the total size of Lot K-104 is 0.23 acres, and that the house is historical, preceding the establishment of the Zoning Ordinance. He said the proposed use does not threaten the public health, safety, or welfare, or change the character of the neighborhood. He said the use is consistent with the residential zoning. He said that preventing the owner from making a minor and reasonable improvement to their property because of decisions that were made generations before anyone had ever imagined zoning would be a substantial injustice. He said the proposed improvement would be a benefit to the neighborhood and its property values.

N Faiman noted the hardship arises from the special conditions of the property that that has an historic house, which would have been consistent with the character of the neighborhood when it was built, and still is consistent with the character of the neighborhood, notwithstanding subsequently imposed setback requirements. Adding to that, strict adherence to the requirements of section 17.1(e) would not do anything to advance its purpose.

83 **A Hoar MOVED to grant the request for a variance to section 17.1(e) of the**
84 **Wilton Zoning Ordinance to allow the construction of a deck and access on the**
85 **rear of the existing house. J Stone SECONDED.**
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87 **A Hoar MOVED to re-open the public hearing. L Jennings SECONDED.**

88 There was no discussion.

89 Voice Vote: ayes 5
90 nays 0
91 abstain 0

92 Motion carried.

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94 **ROLL CALL VOTE:** P Duggan aye
95 L Jennings aye
96 J Stone aye
97 A Hoar aye
98 N Faiman aye
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100 N Faiman instructed the applicant that a Notice of Decision would be forthcoming, and that the
101 Select Board, abutters, and any person directly involved in the hearing affected by the decision has
102 the right to ask the Zoning Board of Adjustment to reconsider their decision by way of written
103 request no more than 30 days after the decision was made explaining their reasons why the
104 decision should be changed. He stated that any activity/progress by the applicant during that period
105 on the request could be at risk if the decision is overturned at a re-hearing.
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3. Minutes

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108 a. *September 12, 2023*
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110 P Duggan, L Jennings, N Faiman, A Hoar, and J Stone indicated non-substantive edits to the
111 minutes.
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113 **A Hoar MOVED to approve the minutes of September 12, 2023 with the edits**
114 **discussed. P Duggan SECONDED.**

115 There was no discussion.

116 ROLL CALL VOTE: P Duggan aye
117 L Jennings aye
118 J Klinghoffer aye
119 JK Eckstrom aye
120 J Stone aye
121 A Hoar aye
122 N Faiman aye

123 Motion carried.
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b. *November 14, 2023*

P Duggan, L Jennings, N Faiman, A Hoar, and J Stone indicated non-substantive edits to the minutes.

A Hoar MOVED to approve the minutes of September 12, 2023 with the edits discussed. P Duggan SECONDED.

There was no discussion.

ROLL CALL VOTE:	P Duggan	aye
	L Jennings	aye
	J Klinghoffer	aye
	JK Eckstrom	aye
	J Stone	aye
	A Hoar	aye
	N Faiman	aye

Motion carried.

4. Other Business

NHMA Zoning Board Law Conference

J Stone shared highlights of the October, 2023 New Hampshire Municipal Association (NHMA) Zoning Board Law Conference commenting that the NHMA provided quality accommodations that made for a comfortable day of experience with competent presenters on a myriad of topics.

5. Adjournment

A Hoar MOVED to adjourn at 9:28 PM. J Stone SECONDED.

There was no discussion.

ROLL CALL VOTE:	P Duggan	aye
	L Jennings	aye
	J Klinghoffer	aye
	JK Eckstrom	aye
	J Stone	aye
	A Hoar	aye
	N Faiman	aye

Motion carried.

Approved 02.13.2024