



Town of Wilton Zoning Board of Adjustment MINUTES

Tuesday, January 9, 2024

7 PM

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

ATTENDANCE

Board Members Present:	Neil Faiman (chairperson); Andy Hoar (remote); Jeff Stone; Judith Klinghoffer (remote) Peg Duggan (alternate, remote); Linda Jennings (alternate)
Board Members Absent:	Joanna Eckstrom (co-chairperson)
Zoning Board of Adjustment Secretary:	Caryn Case
Attendees:	Bill Gagan (applicant); Robert Vorbach

MINUTES

1. Call to Order

N Faiman called the meeting to order at 7:08 p.m. He reminded the public to sign-in and wear masks.

He introduced the Board members, alternate Board members and identified which of those members were attending by remote means due to the weather conditions which made it impractical to attend otherwise and then conducted a roll call vote:

L Jennings	present
J Stone	present
A Hoar	present
J Klinghoffer	present
N Faiman	present
P Duggan	present

N Faiman explained that alternate Board members participate in case discussions but do not vote unless their participation became the result of a regular Board member choosing to remove him/herself from the case, or became absent for a permissible reason.

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40 N Faiman called upon alternate L Jennings to sit in as a voting Board member for J Eckstrom who
41 was absent for a permissible reason.
42

43 Last, N Faiman reminded everyone that the Board would not hear any new case after 9:30 p.m. and
44 would terminate the meeting at ten (10) p.m. unless the Board unanimously voted to continue. He
45 asked speakers to introduce themselves by name, address, and describe their relationship to the
46 case when called.
47

48 **2. Bill Gagan, 27 Island Street, Public Hearing NEW**

49 **Case #01/09/2024-01**

50 *Bill Gagan has requested a special exception under section 17.3 of the Wilton Zoning*
51 *Ordinance and/or a variance to section 8.4 of the Wilton Zoning Ordinance to allow the*
52 *construction of a new house (on the foundation of the existing house, which is to be*
53 *demolished), which will be closer to one or more lot lines and closer to the Souhegan*
54 *River than allowed by the ordinance on Lot J-118, 27 Island Street.*
55

56 N Faiman opened the public hearing by reading the public notice. He reviewed the presentation
57 and explained the voting process. He asked the applicant to describe what his needs were and
58 explain what relief he sought.
59

60 B Gagan identified himself as the 'Owner' of the property at 27 Island Street and said he was
61 seeking concessions on the existing footprint to build a single family dwelling unit. He referenced
62 comment made by the Board in previous variance requests acknowledging agreement with their
63 points as demonstrated in the site and building plans presented that evening. He indicated that
64 the portion of foundation that had been improperly poured and not built to code, and had
65 encroached upon the neighbor to the left, would be removed, and an additional portion of the
66 foundation at the rear of the existing structure facing the Souhegan River would also be removed
67 increasing the setback from the Souhegan River to fourteen (14) feet from four (4) feet. He said
68 the remaining foundation, which existed prior to the establishment of the zoning ordinance, was
69 deemed structurally sound by the Building Inspector and it was the owners intent to construct
70 the new dwelling unit within that footprint only. B Gagan indicated that on-site parking for two
71 (2) vehicles in tandem had been dedicated, and that the deck, not shown on the plan(s), would
72 be re-constructed in its current location connecting to the concrete steps which were shown on
73 the plan(s). In summary, B Gagan said it was their goal to remove everything that had been
74 poorly constructed, and increase the amount of vegetative and open space.
75

76 J Klinghoffer asked for clarification of areas on the plan identified in 'pink' and 'green', to which B
77 Gagan described the pink area as a vegetative buffer which would be re-seeded in the Spring, and
78 R Vorbach said the green areas indicated protective silt and panel fences to keep demolition and
79 construction debris away from and out of the Souhegan River. He indicated these were
80 temporary structures that would be removed upon completion of the project and the grounds
81 restored to a natural state.
82

83 J Stone remarked upon the character of the new structure as a blend of styles that in an odd way
84 united the neighborhood. B Gagan said they hoped to improve the architectural character of the
85 neighborhood and encourage neighboring improvements.

86
87 N Faiman noted the current proposal is a good faith response to the Board's concerns and
88 reminded the Board the applicant's quest consists of two (2) distinct pieces, the special
89 exception to section 17.3 to permit reduced lot line setbacks other than wetland or water
90 setbacks, and a variance request to section 4.8 to permit a structure within the wetland setback.

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92 **J Klinghoffer MOVED to close the public hearing. L Jennings SECONDED.**

93 **There was no discussion.**

94 **Roll Call Vote: L Jennings aye**
95 **J Stone aye**
96 **A Hoar aye**
97 **J Klinghoffer aye**
98 **N Faiman aye**

99 **Motion carried.**

100
101 J Stone said the proposal did a great job addressing the Board's concerns. N Faiman agreed it
102 presents a good compromise for the difficulty the lot presents. He specifically highlighted the
103 effort made to include the on-site parking. N Faiman said aesthetics was a requirement of the
104 variance, and understood design elements would eventually conform to the neighborhood's
105 character as well as reasonably possible. He said strict adherence to the Zoning Ordinance
106 would make the lot unusable and would therefore be in conflict with the spirit of the ordinance. J
107 Stone added the substantial injustice to the applicant would be severe and unreasonable. A Hoar
108 added that the new construction would actually do more to protect the river than what it is
109 experiencing now.

110
111 J Klinghoffer moved to approve the application for a special exception to section 17.3 of the
112 Wilton Zoning Ordinance, and approve the application for a variance to section 4.8 of the
113 Wilton Zoning Ordinance as submitted by the applicant.

114
115 N Faiman amended the motion to include subject to the following conditions: (1) demolition and
116 construction will comply with "Proposed Plot Plan, 27 Island Street, Wilton, NH, Lot J-118,"
117 dated August 2023, and "Existing Conditions Plan, 27 Island Street, Wilton, NH, Lot J-118,"
118 dated August 2023; and

119 (2) the final appearance of the residential dwelling unit will largely correspond to Design
120 Development sheets DD-1, dated December 27, 2003, DD-2, dated December 27, 2023, and
121 DD-4, dated January 9, 2024.

122
123 **J Klinghoffer MOVED to approve the application for a special exception to**
124 **section 17.3 of the Wilton Zoning Ordinance, and approve the application for a**

125 variance to section 4.8 of the Wilton Zoning Ordinance as submitted by the
126 applicant subject to the following conditions:
127 (1) demolition and construction will comply with “Proposed Plot Plan, 27 Island
128 Street, Wilton, NH, Lot J-118,” dated August 2023, and “Existing Conditions
129 Plan, 27 Island Street, Wilton, NH, Lot J-118,” dated August 2023; and
130 (2) the final appearance of the residential dwelling unit will largely correspond
131 to Design Development sheets DD-1, dated December 27, 2003, DD-2, dated
132 December 27, 2023, and DD-4, dated January 9, 2024. L Jennings **SECONDED**.
133 There was no discussion.

134
135 **J Stone MOVED** to re-open the public hearing. L Jennings **SECONDED**.
136 There was no discussion.

137 **Roll Call Vote:** L Jennings aye
138 J Stone aye
139 A Hoar aye
140 J Klinghoffer aye
141 N Faiman aye

142 **Motion carried.**

143
144 P Duggan asked about additional permitting, e.g. driveway. C Case informed the Board that
145 certain other permits would be required and subject to review when the applicant initiates the
146 building permit process.

147
148 N Faiman called the vote on the motion made by J Klinghoffer.

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150 **Roll Call Vote:** L Jennings aye
151 J Stone aye
152 A Hoar aye
153 J Klinghoffer aye
154 N Faiman aye

155 **Motion carried.**

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

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164 **3. Minutes – 12.12.2023**

165 Tabled until next meeting.
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4. Other Business

No other business to consider other than a safe ride home for everyone in the snow!

5. Adjournment

L Jennings MOVED to adjourn at 8:28 PM. J Stone SECONDED.
There was no discussion.

Roll Call Vote:	L Jennings	aye
	J Stone	aye
	A Hoar	aye
	J Klinghoffer	aye
	N Faiman	aye

Motion carried.

Approved 02.13.2024