



Town of Wilton Zoning Board of Adjustment MINUTES

Tuesday, March 12, 2024

7 PM

Florence Rideout Elementary School (FRES)

18 Tremont Street

ATTENDANCE

Board Members Present:	Neil Faiman (chairperson); Joanna Eckstrom (co-chairperson; remote); Jeff Stone; Peg Duggan (alternate); Linda Jennings (alternate)
Board Members Absent:	Andy Hoar; Judith Klinghoffer
Zoning Board of Adjustment Secretary:	Caryn Case
Attendees:	Sam Foisie (Meridian Land Services); Alec MacMartin (Planning Board); Peter Howd (Planning Board); Michaelann Murphy; Thoams Ryan; Bonnie Cox

TABLE of CONTENTS

1. Call to Order
2. Minutes
 - a. 02.13.2024
 - b. 03.02.2024
3. North Farm, LLC aka Northern Lights Landscaping
4. Michaelann Murphy
5. Adjournment

MINUTES

1. Call to Order

N Faiman called the meeting to order at 7:03 p.m. He stated the Zoning Board requires masking for all zoning board meetings, and for anyone speaking, he asked that you sign-in. Regarding speaking, he requested that each speaker introduce themselves by name and indicate their connection to the case they are speaking to. In response to an audience member not willing to wear a mask, N Faiman explained there are members of the Board for whom a case of COVID would be much more than an inconvenience. The Board agreed that a 20-foot separation from the people present was a reasonable compromise for those unable or unwilling to wear a mask.

41
42 N Faiman said there was one Board member participating remotely due to health reasons making it
43 impractical to participate otherwise. He introduced the Board members, alternate Board members, and
44 remote member(s) by roll call and identified their roles in tonight's meeting.
45

46 **Roll Call:** L Jennings present, alternate, sitting
47 N Faiman present
48 J Stone present
49 P Duggan present, alternate, sitting
50 JK Eckstrom present
51 C Case present, Board Secretary & Land Use Administrator
52

53
54 N Faiman reminded everyone that no new case would be heard after 9:30 p.m., and the meeting would
55 end at 10 p.m. unless the Board unanimously decided to continue.
56

57 **2. Minutes**

58 a. 02.13.2024

59 Amendments to the 02.13.2024 meeting minutes by J Stone, P Duggan, L Jennings were
60 addressed.
61

62 **P Duggan MOVED to approve the meeting minutes of February 13, 2024, as**
63 **discussed.**

64 **J Stone SECONDED.**

65 **Discussion:** JK Eckstrom stated a sewer and septic line are very different and the word 'sewer'
66 should be removed and replaced by 'septic' in all places.

67 N Faiman said that the phrase 'septic/sewer' had been used in the application and notification,
68 but agreed it was clearer to differentiate between the two terms.

69 **Roll Call Vote:** L Jennings aye
70 N Faiman aye
71 J Stone aye
72 P Duggan aye
73 JK Eckstrom abstain

74 **Motion was carried.**
75

76 b. 03.02.2024

77 Amendments to the 03.02.2024 site visit minutes by J Stone and L Jennings were addressed.
78 JK Eckstrom indicated that the word 'sewer' should be removed and replaced by the word
79 'septic' in all places.
80

81 **J Stone MOVED to approve the site visit minutes of March 2, 2024, as discussed.**
82 **P Duggan SECONDED.**

83 **Discussion:** None

84 **Roll Call Vote:** L Jennings aye
85 N Faiman aye
86 J Stone aye
87 P Duggan abstain
88 JK Eckstrom abstain

89 **Motion was carried.**
90

91 **3. North Farm, LLC aka Northern Lights Landscaping, Gibbons Highway**

92 **Public Hearing, Continued from a previous meeting**

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

94 *North Farm LLC (owner) and Erich O. Mueller (applicant) have requested an appeal of a decision of the*
95 *Planning Board regarding sections 11.2, 3.1.34, and 3.1.34-a of the Wilton Zoning Ordinance and/or a*
96 *special exception under section 11.4(a) of the Wilton Zoning Ordinance to allow the improvement and*
97 *enlargement of an existing wetland crossing, to allow associated utilities such as but not limited to water,*
98 *septic, power, and cable/internet to reach a proposed business on Lot C-102, Gibbons Highway.*
99

100 N Faiman opened the public hearing by reading the public notice. He stated this is the second hearing
101 on the case in which the applicant described the proposed use of the wetlands crossing and the reasons
102 they believe it is necessary that the special exemption should be granted. He noted that the associated
103 appeal had been denied, and a site visit had been conducted.
104

105 Procedurally, N Faiman described the sequence information would be presented and discussed: 1) the
106 applicant's presentation of relevant information; 2) Board member questions; 3) Planning Board
107 members who may have questions or comments; and 4) members of the public who may have
108 questions and comments.
109

110 S Foisie, Meridian Land Services, reviewed the cross-sections of the utilities through the wetlands
111 crossing as requested by the Board during the site visit. He described the layering of materials between
112 each utility and the protective measures that will be taken. He referenced items 1 through 4 in the
113 technical review received from Northpoint Engineering specific to the Zoning Board.
114

115 A MacMartin advised the Board to specify a condition to approval that includes Planning Board
116 approval.

117 N Faiman conveyed being reasonably persuaded that the proposal can be constructed without any
118 particular risk to the wetlands, which has been the primary concern.
119

120 S Foisie voiced no objection to the additional requests made by K Leonard in the technical review.
121

122 **JK Eckstrom MOVED to grant the special exception under section 11.4(a) of the**
123 **Wilton Zoning Ordinance with conditions to meet the material specifications in the**
124 **1st Technical Review, dated March 12, 2024, from Northpoint Engineering, LLC,**

125 and that the proposed use is permissible only in conjunction with an approved site
126 plan by the Planning Board.

127 **L Jennings SECONDED.**

128 **Discussion:** None

129 **Roll Call Vote:** L Jennings aye
130 N Faiman aye
131 J Stone aye
132 P Duggan aye
133 JK Eckstrom aye

134 **Motion was carried.**

135

136 N Faiman recited the caveats associated with the granting of the special exception, in that the decision of
137 the Zoning Board is subject to requests for a re-hearing made by the Applicant, the Select Board, the
138 abutters, and other persons directly affected by the decision. He said requests for a re-hearing must be filed
139 in writing with the Zoning Board no later than 30 days from the date of decision. He said that all Zoning
140 Board approvals come with a two-year expiration date, elaborating that if construction of the project has
141 not begun, the approval will expire.

142

143 **4. Michaelann Murphy, 291 Captain Clark Highway**

144 **Public Hearing, New**

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

146 *Michaelann Murphy has requested special exceptions under sections 5.3.1 and 6.6.1 of the Wilton Zoning*
147 *Ordinance to operate a licensed family group care as a home occupation at Tax Map H Lot H-132, 292*
148 *Captain Clark Highway.*

149

150 M Murphy described her request for a special exception for a family group care program for up to 12
151 children childcare should the square footage accommodate them as determined by the State. She said her
152 intended hours of operation would be Monday through Thursday from 8:15 a.m. to 3:15 p.m., with a
153 possibility of half day care with a pick-up at 1:15 p.m.

154 N Faiman advised the Applicant to consider expanding the limits of her intended use so as not to have to
155 return to the Board for a new approval, citing her described hours of operation as an example.

156

157 M Murphy said the children would range in age and not exceed six years. She said that only four children
158 under three years of age would be allowed with an assistant. She said she may have children under three
159 years of age if that is what the need was. She let the Board know that her employees are required to be
160 licensed by the State. Currently, she expects to employ one assistant.

161

162 N Faiman expressed concern about the traffic on Captain Clark Highway, near the intersection of Potter
163 Road, which is close to the Applicant's driveway.

164 M Murphy shared that she had met with the Fire Chief and understands she will be required to be
165 compliant with the Driveway Regulations and has already discussed this with a contractor to assure the life-
166 safety measures as well as adequate parking. She emphasized there would be no off-site parking.

167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207

T Ryan, abutter, commented on the speed and type of vehicles utilizing Captain Clark Highway. He said at one point the road converges into one lane, and drivers do not regard the speed limit. He is concerned the home occupation would increase traffic and further violations. T Ryan also remarked about the proposed subdivision by the Applicant and the effects that too will have on the roadway.

JK Eckstrom interjected saying the home occupation is the issue before the Board and the people speeding on Captain Clark Highway is an issue for the Town to control.

M Murphy described the subdivision proposal as four acres in the most southerly area of her lot that her neighbor will purchase. She said the remaining 16 or so acres she will continue to farm and build her family group childcare upon.

N Faiman seemed to concede the configuration of the driveway and the proposed subdivision warranted more information before the request could be appropriately addressed, and really wanted to be sure there would be no problem with the home occupation in the future. A site visit was discussed for Saturday, April 6, 2024, at 9 a.m. He asked the Applicant to stake out the area of the driveway and parking, and make sure the property corner of the subdivision could be clearly identified. He reminded everyone that the site visit was an extension of the public hearing, and that all members of the public are invited.

JK Eckstrom MOVED to continue the hearing on April 9, 2024, and schedule a site visit for April 6, 2024, at 9 a.m.

J Stone SECONDED.

Discussion: None

Roll Call Vote:	L Jennings	aye
	N Faiman	aye
	J Stone	aye
	P Duggan	aye
	JK Eckstrom	aye

Motion was carried.

5. Other Business

N Faiman said that DJ Garcia, Selectman, circulated a letter to the department heads requesting the various boards and commission to research grant opportunities that might be useful to the Town.

6. Adjournment

P Duggan MOVED to adjourn at 9:26 p.m.

L Jennings SECONDED.

Discussion: None

Roll Call Vote:	L Jennings	aye
------------------------	------------	-----

208 N Faiman aye
209 J Stone aye
210 P Duggan aye
211 JK Eckstrom aye

212 **Motion was carried.**

213
214
215

Approved 04.09.2024