



**Town of Wilton**  
**Zoning Board of Adjustment**  
**MINUTES**

**Tuesday, April 9, 2024**

**7 PM**

**Wilton Town Hall Courtroom**

**42 Main Street**

**ATTENDANCE**

<b>Board Members Present:</b>	<b>Neil Faiman (Chairperson); Joanna Eckstrom (Vice-Chairperson; remote); Andy Hoar; Jeff Stone (remote); Judith Klinghoffer; Peg Duggan (alternate); Linda Jennings (alternate)</b>
<b>Board Members Absent:</b>	<b>n/a</b>
<b>Board Secretary:</b>	<b>Caryn Case (Land Use Administrator)</b>
<b>Recording Secretary:</b>	<b>Caryn Case</b>
<b>Attendees:</b>	<b>Tom Ryan; Eric Bacon; Allen John; Carol John; Bill Raney; Katie Raney; Laurence Withers (Applicant); Dana LaFleur; Michaelann Murphy (Applicant); Alison Meltzer; Andy Simpson; Jason C. Bolduc (Meridian Land Services); Marcia Potter; David Potter; Rob Spittel; Cale Brandley (Applicant); Elizabeth Brandley (Applicant); Denise Jacobs; Chris Guida (Fieldstone Land Consultants)</b>

**TABLE of CONTENTS**

1. Call to Order
  - a. Protocol on Mask Wearing
  - b. Meeting Protocol
2. Minutes
  - a. 04.09.2024
3. Michaelann Murphy
4. Cale & Elizabeth Brandley
5. Minutes
  - a. 04.09.2024 (continued)
  - b. 04.13.2024
6. Adjournment

## MINUTES

### 1. Call to Order

Chairman Faiman called the meeting to order at 7 pm.

a. Review of Meeting Protocols

Chairman Faiman took measures to assure all individuals in attendance could hear and could be heard and requested that all individuals sign into the meeting.

b. Mask Wearing

Chairman Faiman read the following statement regarding mask wearing: "Zoning Board of Adjustment members are volunteers who put in time and energy without compensation to perform a needed service in the town. We appreciate their time and energy. We do not ask them to risk their health or the health of their loved ones. Some of our members are or have family members who are at particular risk if they become ill to accommodate our members' reasonable health concerns and to make it possible for them to attend zoning board meetings in person. The zoning board policy is that all attendees should wear masks and zoning board meetings. Compliance with this policy is optional. Legally, we cannot compel any participant to wear a mask or discriminate against them for choosing not to do so as a matter of courtesy, and to allow all ZBA members to participate fully in board meetings. We request that you wear a mask at our meetings, but the choice is yours. Thank you." Chairman Faiman pointed out to the availability of masks and asked if anyone was unwilling to wear one. It was noted that at least one (1) attendee chose not to wear a mask, thus, J Stone left the meeting to participate remotely.

c. Meeting Time

Chairman Faiman stated the Board does not start review of a new case after 9:30 pm and will terminate the meeting at 10 pm unless the Board has unanimously agreed to continue the meeting.

d. Introductions

Chairman Faiman asked that attendees who wish to speak during the meeting to introduce themselves and state your relation to the case you are speaking to. He said that if you are a resident of Wilton your address would be helpful. He describes the Zoning Board as a Court which makes decisions on facts of law. He said facts are the details of a proposed use and where it is being proposed and how it relates to and affects the neighborhood and the town. The law is the zoning ordinance. Chairman Faiman described the ZBA hearing process on applications as having two (2) purposes: (1) to allow the applicant and any other interested parties to provide information that the zoning board may take into account when making a decision on an application, and (2) to allow the public to know what is being proposed and what information the ZBA has heard that will go into the decision. He said comments, questions and other testimony are welcome. He noted that a ZBA decision about a proposed use and property is what is about a proposed use on property not about the applicant. If the property is sold, the decision still applies to the property under its new owner. Therefore, comments about the applicant, their character, their habits, their family, or their pets, are at best a distraction. He said the ZBA cannot consider those types of comments when deciding.

81 He emphasized that the Board members do listen to the testimony, and repetition does not make a  
82 position stronger.

83

84 Chairman Faiman introduced the Zoning Board:

85 Caryn Case, Board Secretary;

86 Judith Klinghoffer;

87 Neil Faiman, Chairperson;

88 Peg Duggan, Alternate;

89 Jeff Stone, Board member participating remotely due to concerns of some attendees opting  
90 to not wear masks;

91 Joanna Eckstrom, Co-Chairperson and participating remotely due to illness making it not  
92 practical to do so in person;

93 Andy Hoar; and

94 Linda Jennings, Alternate.

95

96 **2. Minutes**

97 a. March 12, 2024

98

99 P Duggan noted a duplication on line 82.

100

101 **P Duggan MOVED to accept the meeting minutes of March 12, 2024, with the change to line 82.**

102 **JK Eckstrom SECONDED.**

103 **Discussion:** None

104 **Roll Call Vote:** A Hoar abstain

105 N Faiman aye

106 P Duggan aye

107 JK Eckstrom aye

108 J Klinghoffer abstain

109 **Motion was carried.**

110

111 **3. Michaelann Murphy, 291 Captain Clark Highway**

112 Public Hearing; **NEW**

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

114 a. *Michaelann Murphy has requested special exceptions under sections 5.3.1 and 6.6.1 of the Wilton*  
115 *Zoning Ordinance to operate a licensed family group care as a home occupation at Tax Map H Lot H-*  
116 *132, 292 Captain Clark Highway.*

117

118 Chairman Faiman opened the hearing by reading the Applicant's request. He identified the Voting Board as  
119 JK Eckstrom, J Klinghoffer, P Duggan, N Faiman, and L Jennings. He said the hearing had been continued  
120 from March 12, 2024, and that the site visit scheduled for April 6, 2024, had to be cancelled due to snow.

121

122 M Murphy introduced herself as an experienced child caretaker and explained that she was seeking to open  
123 a licensed family group childcare program for school aged children through the New Hampshire  
124 Department of Health and Human Services. She explained that the license permits up to an additional five  
125 (5) children on days where school might have been postponed accommodating the siblings of registered  
126 childcare participants only. She referenced an email sent to the Land Use Administrator that cited the State  
127 definition for this program.

128  
129 JK Eckstrom asked how many children the Applicant would expect to have on a regular day to day basis.

130  
131 M Murphy said the State will issue a license based on the square footage required per child in the space  
132 designated for the home occupation. She said this number has not yet been determined, however, she is  
133 applying for the maximum capacity for this type of license which is 12.

134  
135 J Klinghoffer asked if the capacity is 12 how would siblings be accommodated on an inclement weather day  
136 when schools are closed.

137  
138 M Murphy cited it as part of the State's definition for the license type.

139  
140 J Klinghoffer stated that it could be possible as many as 17 children would be in the childcare program on a  
141 snow day.

142  
143 M Murphy confirmed that would be true, however, stating, that only with the required assistance for such  
144 capacity. She emphasized the State has very strict guidelines on this.

145  
146 N Faiman mentioned that concerns had been expressed about the driveway and parking area.

147  
148 M Murphy said a layout for the proposed driveway and parking was visible on her lawn and would be  
149 constructed to be compliant with the driveway and other regulations. She said the Fire Chief had given the  
150 new presentation a "thumbs up" as the loop adequately provides access for emergency vehicles.

151  
152 T Ryan, reiterated concerns he presented at the last meeting regarding traffic flow and speed on Captain  
153 Clark Highway, and the intersection at Potter Road. He says the increased traffic will become a safety  
154 hazard. He said the application does not explain what the Applicant is exactly seeking, that the zoning  
155 ordinance states the home occupation must be located within the residence and not in a barn/garage, and  
156 that only two (2) parking spaces are permitted. He argued that the program being discussed was not State  
157 licensable.

158  
159 Chairman Faiman referenced the areas of the zoning ordinance T Ryan seemed confused by and attempted  
160 to explain them more clearly. T Ryan was not open to any clarification.

161

162 M Murphy said the State of New Hampshire has vigorous guidelines for the development of a childcare  
163 program. She said the building is inspected by the Fire Chief, the Building Inspector and all other health and  
164 safety personnel. She said it is a long process that would not receive approval if it could not be fully  
165 compliant. She emphasized her purpose here was permission to go forward to start the licensing process.  
166

167 M Murphy spoke regarding the pickup and drop-off of childcare participants stating there would be  
168 contracted times for each childcare participant to reduce the amount of traffic at any time. She said enough  
169 (temporary) parking spaces would be provided for this 'staggered' activity.  
170

171 N Faiman was unsure of the number of parking spaces necessary.  
172

173 M Murphy said she based her proposed driveway layout to meet the driveway requirements which resulted  
174 in about 15, 9 feet by 18 feet parking spaces. She noted that two (2) additional parking spaces could be  
175 cited on the pad in front of the barn. She remarked that the Fire Chief had been supportive of the layout.  
176

177 JK Eckstrom asked if the barn had water and septic system access.  
178

179 M Murphy said she has not made any financial investment toward the improvements necessary to  
180 accommodate her vision. She said that once approved for the home occupation she would be compliant  
181 with all regulations and requirements.  
182

183 T Ryan disagreed with the Applicant regarding the barn being a suitable location for the childcare program  
184 and the parking spaces on the pad as he interpreted from the zoning ordinance.  
185

186 The Board discussed the necessity of a site visit.  
187

188 The Board discussed scheduling a Special hearing date.  
189

190 **P Dugan MOVED to schedule a site visit for Saturday, April 13, 2024, at 9 am.**

191 **L Jennings SECONDED.**

192 **Discussion:** None

193 **Roll Call Vote:** J Klinghoffer aye

194 N Faiman aye

195 JK Eckstrom aye

196 P Duggan aye

197 L Jennings aye

198 **Motion was carried.**  
199

200 **JK Eckstrom MOVED to schedule a Special Zoning Board of Adjustment meeting for Tuesday,**  
201 **April 30, 2024, at 7 pm to continue the hearing.**

202 **J Klinghoffer SECONDED.**  
203 **Discussion:** None  
204 **Roll Call Vote:** J Klinghoffer aye  
205 N Faiman aye  
206 JK Eckstrom aye  
207 P Duggan aye  
208 L Jennings aye

209 **Motion was carried.**

210  
211 **J Klinghoffer MOVED to continue the hearing to Tuesday, April 30, 2024, at 7pm in the Fire**  
212 **Station Conference Room.**

213 **P Dugan SECONDED.**  
214 **Discussion:** None  
215 **Roll Call Vote:** J Klinghoffer aye  
216 N Faiman aye  
217 JK Eckstrom aye  
218 P Duggan aye  
219 L Jennings aye

220 **Motion was carried.**

221

222 **4. Cale & Elizabeth Brandley, 19 Potter Road**

223 Public Hearing, **NEW**

224 **Case #04/09/2024-04**

- 225 a. Cale and Elizabeth Brandley have requested variances to sections 6.2.4 and 6.2.5 of the Wilton  
226 Zoning Ordinance to allow the partial demolition and replacement of an existing house, and the  
227 replacement of an existing septic system, on Lot H-13, 19 Potter Road, where the new house and  
228 septic system would be closer to the lot lines than allowed by the Ordinance.  
229

230 **A Hoar MOVED to continue the hearing on April 30, 2024.**

231 **P Duggan SECONDED.**  
232 **Discussion:** None  
233 **Roll Call Vote:** J Klinghoffer aye  
234 A Hoar aye  
235 N Faiman aye  
236 J Stone aye  
237 JK Eckstrom aye

238 **Motion was carried.**

239

240 **5. The Clinton & Heidi Wilder Revocable Trust of 2022, Wilson Road**

241 Public Hearing, **NEW**  
242 **Case #04/09/2024-01**

243 a. The Clinton & Wilder Revocable Trust of 2022 has requested a special exception under section  
244 11.4(a) of the Wilton Zoning Ordinance to allow a driveway to cross a wetland area to access a  
245 buildable area at the rear of the property on Lot D-133-2, Wilson Road.  
246

247 Chairman Faiman read the request by the Applicant. He explained that the request requires two (2) public  
248 hearings and a site visit.

249 J Bolduc, Meridian Land Services, explained that his client would like to construct a single-family residence  
250 in the buildable area at the rear of the lot. He said the subdivision plan cites the access way to the west in a  
251 non-wetland area. He said they evaluated the driveway regulations and opted to re-locate the access way  
252 and seek relief for a wetland crossing after meeting with the Road Agent to minimize safety hazards, even  
253 though the impact to the wetlands in this area would be slightly greater. J Bolduc cited that the impact to  
254 the wetlands for the construction of the crossing would be approximately 20 feet by 30 feet or 525 square  
255 feet of total disturbance (220 square feet of temporary disturbance; 375 square feet of permanent  
256 disturbance).<sup>i</sup>  
257

258 J Bolduc said the proposed development would not affect the character of the neighborhood to which it is  
259 proposed as it is zoned General Residence & Agricultural District and among already developed single  
260 family residences. He does not see that the health and safety of anyone would be in jeopardy by the  
261 proposed development, nor would surrounding property value be diminished. He said the proposed two (2)  
262 bedroom dwelling unit would place no obvious strain on traffic in the area.  
263

264 Chairman Faiman interrupts realizing he had not identified the Voting Board and acknowledges late receipt  
265 of a letter from the Wilton Conservation Commission (WCC). The Voting Board is JK Eckstrom, J Stone, A  
266 Hoar, J Klinghoffer, N Faiman.  
267

268 Chairman Faiman reads a letter into the record: "The Wilton Conservation Commission recommends a site  
269 walk in association with this case. Review of available wetland mapping shows the NWI overlay having a  
270 mismatch between plan mapping and NWI. Although the NWI can have variances this should be reviewed  
271 in the field. The Wilton Conservation Commission's position would be to minimize impact to the wetland  
272 resource on site as much as possible. This was originally reviewed due to the wet portion of the lot having a  
273 non-wetland section according to the plan. Although it may be within a lot line setback it could minimize  
274 wetland impact as an alternative. Septic field setbacks should also be reviewed. Wilton has a stricter  
275 standard in some circumstances depending on drainage. Review of the site from the road shows that this  
276 location has a stone wall that will need to be broken for access. With Wilson Road being a scenic road, the  
277 applicant should review town regulations as this may be required to have site plan review by the planning  
278 board."  
279

280 J Bolduc stated that as a Wetlands Scientist regional planning tools were utilized to evaluate the best  
281 location for the driveway and minimal impact to the wetlands, citing that even in the non-wetland area  
282 mentioned by the WCC, there would still be an impact to the wetlands from construction. He clarified that  
283 NWI was the National Wetlands Inventory.

284

285 **A Hoar MOVED to schedule a site visit for Saturday, May 4, 2024, at 9 am.**

286 **JK Eckstrom SECONDED.**

287 **Discussion:** None

288 **Roll Call Vote:** A Hoar aye

289 N Faiman aye

290 J Stone aye

291 JK Eckstrom aye

292 J Klinghoffer aye

293 **Motion was carried.**

294

295 **JK Eckstrom MOVED to continue the hearing to Tuesday, May 14, 2024.**

296 **A Hoard SECONDED.**

297 **Discussion:** None

298 **Roll Call Vote:** A Hoar aye

299 N Faiman aye

300 J Stone aye

301 JK Eckstrom aye

302 J Klinghoffer aye

303 **Motion was carried.**

304

305 **6. Lawrence Withers, 19 Davisville Road**

306 Public Hearing, *NEW*

307 **Case #04/09/2024-02**

308 a. Lawrence Withers has requested a variance to section 14.3.1 of the Wilton Zoning Ordinance to  
309 allow subdivision of Lot A-55, 19 Davisville Road, into two lots, neither of which would have the  
310 required area.

311

312 Chairman Faiman read the request submitted by the Applicant and noted receipt of a late comment/letter  
313 from the Wilton Conservation Commission regarding the case. He identified the Voting Board as J  
314 Klinghoffer, A Hoar, N Faiman, J Stone, and JK Eckstrom.

315

316 The Applicant distributed an exhibit for the Board to reference in his presentation.

317

318 L Withers explained his request to subdivide his lot into two (2) equal parcels to provide for a family  
319 member, one with frontage on Duggan, the other with frontage on Davisville. He stated the reason for his  
320 request is knowing he will not meet the minimum lot size for the Watershed District, however, noting he  
321 would meet the requirement for minimum lot size for the General Residence & Agricultural District to



322 which his property is also located. He stated the first known reference to his property dates to the 1830's,  
323 pre-dating the establishment of the Wilton Zoning Ordinance and the delineation of the Watershed District.  
324 He said his request for a Variance would not be contrary to the public interest citing most lots, immediately  
325 surrounding his own, do not meet the minimum lot size for the Watershed District. He referenced the  
326 exhibit distributed earlier, adding that no disservice would be imposed upon his neighbors as the character  
327 of the neighborhood would not be changed. Additionally, L Withers noted that since his lot predates both  
328 the Wilton Zoning Ordinance and the delineation of the Watershed District, literal enforcement of the  
329 ordinance would result in an unfair hardship and defy the spirit of the ordinance.  
330

331 Chairman Faiman read the letter received from the Wilton Conservation Commission who recommended  
332 denying the Variance request. The letter went on to read, "The purpose of the Watershed District is to  
333 preserve the quality of the water and to protect the health and welfare of residents of the Town of Wilton  
334 by minimizing sources of pollution through regulations and restriction of population density and activity,  
335 and by keeping organic and inorganic wastes to a minimum. By creating a district which has lower density  
336 the town has been successful in preserving the water quality of this district. Water quality tests in 2023 for  
337 this area of town continue to show some of the lowest levels of E. coli compared to our other water  
338 resources. Allowing a higher density of lot concentration the town could potentially negatively impact this  
339 resource. Beyond just the housing density additional lot creation does increase the likelihood of  
340 containments which could include inorganics and or animal waste. Within the district multiple NH  
341 threatened species exist that have a dependency on water quality. One publicly available threatened  
342 species data point is location data for Eastern Brook Trout. The flagged location for this species is just  
343 upstream of this lot location which a map has been included below. Other threatened species do exist  
344 within the district, some of which also have a dependency on water quality which also could be negatively  
345 impacted. The roadside view of this particular property off Duggin Road shows a stream flowing form the  
346 property. Based on the lot configuration and location of the stream it may be difficult for this lot to meet a  
347 continuous dry requirement. The stream location and flow would also increase the likelihood of potential  
348 impact to additional water resources in the event a containment is introduced."  
349

350 L Withers discussed the stream off Duggan Road referenced in the letter. He said there is a trench which  
351 flows under Duggan Road but not on his property. He said the flow stems from a residence built by San-Ken  
352 Homes. He identified himself as a sustainable building advisor noting that organic filters along Davisville  
353 have protected against containments going into neighboring marshland.  
354

355 E Bacon, abutter, expressed concern about an access point onto Duggan Road which he described as a one  
356 (1) lane road. He expressed moving here because of the rules and regulations that protected their privacy  
357 and their land.  
358

359 JK Eckstrom asked if the Applicant had property values assessed to confirm there would be no diminution  
360 to them.  
361

362 L Withers acknowledged that he had not, but cited the number of lots nearby with acreage less than he was  
363 proposing in his two (2) lot subdivisions.

364

365 **A Hoar MOVED to close the public hearing.**

366 **J Stone SECONDED.**

367 **Discussion:** None

368 **Roll Call Vote:** A Hoar aye

369 N Faiman aye

370 J Stone aye

371 JK Eckstrom aye

372 J Klinghoffer aye

373 **Motion was carried.**

374

375 A Hoar commented that the Watershed District was designed to keep pollution levels down by minimizing  
376 the number of residents and buildings. He states that he is hesitant to grant the Variance.

377

378 N Faiman conveyed he was having difficulty seeing the hardship presented by the Applicant. He described  
379 the request as rather extraordinary based on the minimum lot size for the Watershed District being 6 acres  
380 and the request by the Applicant for approximately 2 acres per lot. JK Eckstrom responded similarly.

381

382 N Faiman further noted that the Watershed District was created with the knowledge that there were lots  
383 that did not meet the standard and was designed to avoid creating new lots. He further noted that the  
384 purpose of the Watershed District is to preserve the quality of the water and protect the health and welfare  
385 of the residents of the town of Wilton by minimizing sources of pollution through regulation and restriction  
386 to population density. He stated the proposed subdivision directly contradicts that purpose.

387

388 N Faiman notes that this case is a rare occasion in that he could not actually see something which reached  
389 the standard of failure to be exempt from the ordinance. He added that regarding substantial justice, the  
390 property is already smaller than would be allowed for a subdivision in the Watershed District and the  
391 restriction to the owner is outweighed by the damage that would be done to the Watershed District by  
392 allowing the subdivision.

393

394 JK Eckstrom stated that if it impacts the watershed, it impacts property values within the watershed. J  
395 Klinghoffer responded similarly.

396

397 **JK Eckstrom MOVED to deny the request for a Variance to section 14.3.1 of the Wilton Zoning**  
398 **Ordinance arguing that the diminution of property values would result from impact to the**  
399 **Watershed District inconsistent with the zoning requirements for that district.**

400 **A Hoar SECONDED.**

401

402 **A Hoar MOVED to re-open the public hearing.**

403 **J Stone SECONDED.**

404 **Discussion:** None  
405 **Roll Call Vote:** A Hoar aye  
406 N Faiman aye  
407 J Stone aye  
408 JK Eckstrom aye  
409 J Klinghoffer aye

410 **Motion was carried.**

411  
412 **VOTE ON THE MOTION: JK Eckstrom MOVED to deny the request for a Variance to section 14.3.1**  
413 **of the Wilton Zoning Ordinance.**

414 **A Hoar SECONDED.**

415 **Discussion:** None

416 **Roll Call Vote:** A Hoar aye  
417 N Faiman aye  
418 J Stone aye  
419 JK Eckstrom aye  
420 J Klinghoffer aye

421 **Motion was carried.**

422  
423 N Faiman informed the Applicant that a Notice of Decision would be forthcoming. He said the Select Board,  
424 any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing of  
425 this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or  
426 before Thursday, May 9, 2024, and must clearly state the reasons why it is claimed the Board made the  
427 wrong decision. (N.H. RSA 677:2)

428

429 **7. Robert & Sara Spittel, 748 Isaac Frye Highway**

430 Public Hearing, **NEW**

431 **Case #04/09/2024-03**

- 432 a. *Robert and Sara Spittel have requested a variance to section 6.2.4 of the Wilton Zoning Ordinance*  
433 *and/or a special exception under section 17.3 of the Wilton Zoning Ordinance to remove and replace*  
434 *an existing nonconforming garage with a new one which would still be closer to the front lot line*  
435 *than allowed by the Ordinance on Lot C-47, 748 Isaac Frye Highway.*

436

437 The Board agreed to continue the public meeting to hear the Spittel case despite the hour being past 9:30  
438 pm. J Klinghoffer left the meeting.

439

440 As a result of J Klinghoffer's departure, Chairman Faiman identified the Voting Board as A Hoar, N Faiman, J  
441 Stone, JK Eckstrom, and L Jennings.

442

443 Chairman Faiman read the Applicant's request for a variance to section 6.2.4 and special exception request  
444 pursuant to section 17.3 of the Town of Wilton Zoning Ordinance to remove and replace an existing non-  
445 conforming garage with a new garage which would be closer to the front lot line than allowed. He added

446 that the requests were essentially the same as those heard in case number 06/13/2003-02, however, the  
447 boundary setback information turned out to be incorrect.

448

449 R Spittel, Applicant, described that in the process of architecting the site to prepare for the new garage, a  
450 site survey revealed that the front lot line was only three (3) feet from the existing structure instead of 15  
451 feet as was presented in June 2023. He said the existing garage is over 100 years old and failing. The new  
452 garage will be set, as far back as possible, decreasing the encroachment into the front lot line setback. The  
453 new garage will be adequate for parking two (2) vehicles inside and provide storage on the second floor.

454

455 Chairman Faiman, referencing the plat provided by the Applicant's Architect, noted that once the existing,  
456 non-conforming garage is raised the propose new structure would not meet setback requirements even  
457 though the new footprint would be smaller. With no practical place to put the new structure to meet  
458 setback requirements, the Board would be able to grant a special exception for reduced setbacks. He  
459 additionally noted that the result would remain consistent with the neighborhood character.

460

461 The Board reflected on the June 2023 decision.

462

463 **A Hoar MOVED to close the public hearing.**

464 **L Jennings SECONDED.**

465 **Discussion:** None

466 <b>Roll Call Vote:</b>	A Hoar	aye
467	N Faiman	aye
468	J Stone	aye
469	JK Eckstrom	aye
470	L Jennings	aye

471 **Motion was carried.**

472

473 Chairman Faiman noted that (a) the lot shape and topography, location of the existing house, and buried  
474 utility lines make it impractical to place the garage any further than 12.2 feet from the lot line; (b) the  
475 setback in question is a lot line setback; (c) the house and proposed garage locations are consistent with an  
476 area of town in which many historic houses have nonconforming front setbacks; and (d) the proposed  
477 garage is to be constructed in the location indicated by the rectangle labeled "Proposed Garage" on the  
478 Architect's drawing submitted with the application.

479

480 **JK Eckstrom MOVED to grant the request for a special exception to section 17.3 of the Wilton**  
481 **Zoning Ordinance to allow the removal and replacement of an existing non-conforming garage**  
482 **with a new one which will still be closer to the road than allowed by the Zoning Ordinance.**  
483 **J Stone SECONDED.**

484

485 **A Hoar MOVED to re-open the public hearing.**

486 **L Jennings SECONDED.**

487 **Discussion:** None

488           **Roll Call Vote:**       A Hoar        aye  
489                               N Faiman     aye  
490                               J Stone       aye  
491                               JK Eckstrom  aye  
492                               L Jennings   aye

493           **Motion was carried.**

494

495           **VOTE ON THE MOTION: JK Eckstrom MOVED to grant the request for a special exception to**  
496           **section 17.3 of the Wilton Zoning Ordinance.**

497           **J Stone SECONDED.**

498           **Discussion:** None

499                **Roll Call Vote:**       A Hoar        aye  
500                               N Faiman     aye  
501                               J Stone       aye  
502                               JK Eckstrom  aye  
503                               L Jennings   aye

504           **Motion was carried.**

505

506           **JK Eckstrom MOVED to deny, without prejudice, the request for a variance from section 6.2.4 of**  
507           **the Wilton Zoning Ordinance because the requested use is permitted by the Special Exception**  
508           **granted under section 17.3.**

509           **L Jennings SECONDED.**

510           **Discussion:** None

511                **Roll Call Vote:**       A Hoar        aye  
512                               N Faiman     aye  
513                               J Stone       aye  
514                               JK Eckstrom  aye  
515                               L Jennings   aye

516           **Motion was carried.**

517

518           N Faiman informed the Applicant that a Notice of Decision would be forthcoming, and that the decision will  
519           expire if the construction or use permitted by the Special Exception has not begun by April 9, 2026. (Wilton  
520           Zoning Ordinance section 17.4) He said the selectmen, any party to the action or proceedings, or any  
521           person directly affected thereby may apply for a rehearing of this decision. A request for a rehearing must  
522           be filed in writing with the Zoning Board of Adjustment on or before Thursday, May 9, 2024, and must fully  
523           specify all grounds on which the rehearing is requested. (N.H. RSA 677:2) He stated that any  
524           activity/progress by the applicant during that period on the request could be at risk if the decision is  
525           overturned at a rehearing.

526

527           **8. Other Business**

528           None.

529

530 **9. Adjournment**

531

532 **JK Eckstrom MOVED to adjourn at 10:02 p.m.**

533

533 **J Stone SECONDED.**

534

534 **Discussion:** None

535

535 **Roll Call Vote:** J Klinghoffer aye

536

A Hoar aye

537

N Faiman aye

538

J Stone aye

539

JK Eckstrom aye

540

540 **Motion was carried.**

541

542

543 **APPROVED 04.30.2024**

---

<sup>i</sup> Subsequent to the Zoning Board discussion, the area impacted for the construction of the wetlands crossing was clarified as an irregular shape equal to approximately 595 square feet; 220 square feet of temporary disturbance, and 375 square feet of permanent disturbance.