



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

Tuesday, May 28, 2024

7:00 PM

Town of Wilton, Town Hall Courtroom

42 Main Street

ATTENDANCE

Board Members Present:	Neil Faiman (chairperson); Joanna Eckstrom (vice-chairperson); Jeff Stone (remote); Judith Klinghoffer; Linda Jennings (alternate); P Duggan (alternate)
Board Members Absent:	Andy Hoar
Board Secretary:	Caryn Case
Attendees:	Thomas Ryan

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1. Call to Order
2. OPEN Meeting Discussion
Request for a Rehearing, ZBA Case #03/12/2024-01, Michaelann Murphy, Captain Clark Highway
3. Adjournment

MINUTES

1. Call to Order

Chairman Faiman called the meeting to order at 7:01 p.m. He stated a public meeting was being held pursuant to RSA 91-A:2. Meetings Open to the Public.

Chairman Faiman introduced the Board members and held a roll call. He cited that Jeff Stone was attending remotely, pursuant to RSA 91-A:2, III, citing it was impractical for him to attend in-person because of health reasons.

2. Request for a Rehearing by Thomas Ryan

36 Chairman Faiman opened the meeting by reading the applicant's request for a rehearing of ZBA Case
37 #03/12/2024-01 and reading the public notice:

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39 "The Zoning Board will consider abutter Thomas Ryan's request that it hold a new hearing following
40 its April 30, 2024, decision to grant special exceptions to Michaelann Murphy under sections 5.3.1
41 and 6.6.1 of the Wilton Zoning Ordinance to operate a licensed family group childcare as a home
42 occupation on Lot H-132, 291 Captain Clark Highway. (Case #3/12/2024-1)

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44 The decision on whether to grant a rehearing is made based on the written request and the case
45 record. No additional testimony, evidence, or other input will be taken."

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47 Chairman Faiman identified the Board members who would be voting on the matter as Judith Klinghoffer,
48 Neil Faiman, Joanna Eckstrom, Linda Jennings, and Jeff Stone.

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50 Chairman Faiman stated the decision on whether to grant a rehearing is made based on the written request
51 and the case record. He added that no additional testimony, evidence, or other input would be taken.

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53 Chairman Faiman provided a summary of the function of this type of request. He said typical reasons for
54 granting a rehearing might be (1) because the Board thinks they may have made a mistake in their original
55 decision and chooses to hold a new hearing to allow for the possibility of correcting that mistake, (2)
56 because the Board thought something in their decision might be incorrect requiring additional detail to
57 understand that it was or was not correct, and (3) because the Board believed their decision was correct
58 but the Notice of Decision did not convey that as well as it should have and a new hearing would allow the
59 Board to reach the same conclusion in greater detail.

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61 Chairman Faiman emphasized the discussion for a rehearing is an opportunity for the Board to identify and
62 correct mistakes if they feel a mistake had been made. He asked the Board if anyone found anything in the
63 request for a rehearing application that leads them to believe the decision, made on April 30, 2024, was
64 incorrect and ought to be changed.

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66 Joanna Eckstrom said she found no reason to hold a rehearing on the case. She said the application for a
67 rehearing did not cite information that had not already been heard.

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69 Peg Duggan said she reviewed the requirements of Sections 6.6.1, 5.3.1, and 4.12 of the Zoning Ordinance,
70 and found that the Boards decision addressed each of them as would be required for the Special Exception
71 to have been satisfied.

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73 Judith Klinghoffer agreed, and confirmed she did not read anything in the application to support a
74 rehearing that the Board had not already considered.

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76 Jeff Stone said that Michaelann Murphy's application was thorough, and that the Board made a correct
77 decision in granting the Special Exception and made the decision correctly. He added that the request for a
78 rehearing application seemed to incorrectly cite the 'Details of Request'. The Board deemed this was a
79 'technical error' as it was made very clear what Mr. Ryan's intent was.

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Linda Jennings commented that the case had been heard over three meetings with multiple questions being asked. She stated all the facts had been reviewed and the right decision had been made.

Judith Klinghoffer MOVED to deny the request for a rehearing of Case #03/12/2024-01 based on the Board's agreement that their decision for a Special Exception was made correctly.

Linda Jennings SECONDED.

There was no discussion.

Roll Call Vote:	Judith Klinghoffer	yes
	Neil Faiman	yes
	Joanna Eckstrom	yes
	Linda Jennings	yes
	Jeff Stone	yes
Motion was carried.		5/0/0

3. Adjournment

Chairman Faiman called the meeting to an end at 7:21 p.m.

Approved 06.11.2024