



Town of Wilton, NH - Zoning Board of Adjustment

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Tuesday, August 13, 2024
7 PM
Town Hall Courtroom
42 Main Street

ATTENDEES

Board Members Present: Neil Faiman (chairperson); Joanna Eckstrom (co-chairperson; remote); Andy Hoar; Jeff Stone; Peg Duggan (alternate); Linda Jennings (alternate)

Board Members Absent: Judith Klinghoffer

Board Secretary: Caryn Case

Attendees: Heather White; Megan Robinson; Kristy Pratt; Hannah Pratt; John Cronin, Esq.; Dale White; John Robinson

TABLE of CONTENTS

- 1. Call to Order
 - a. ZBA Mask Wearing Policy
 - b. Speaking Protocols
 - c. Testimony of Law Statement
 - d. Meeting Time Protocols
 - e. Board Introductions
- 2. Minutes
- 3. 08/13/2024-01, John & Sarah Rondeau, 17 Richfield Way
- 4. 08/13/2024-04, Hannah M. and Kristy M. Pratt, and Megan L. Robinson, 37 Burns Hill Road
- 5. Minutes
 - a. 06.11.2024
- 6. Old Business
 - a. Update on HAB Appeal
 - b. Zoning Ordinance Amendments
- 7. Adjournment

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1. Call to Order

Chairman Faiman called the public meeting to order at 7:02 p.m. and requested that all attendees sign-in. He made a statement about the Zoning Board of Adjustment mask wearing policy. He gave instructions on speaking protocols. He announced how the meeting time was managed. He introduced the Board members, identified the alternate Board members, declared a quorum was present, and then described how discussions and voting occur.

2. Minutes – June 11, 2024

Chairman Faiman noted that the minutes of 06.11.2024 did not impact the cases scheduled for review and tabled the discussion until later in the evening.

3. John & Sarah Rondeau, 17 Richfield Way

Public Hearing, *NEW*
Case 08/13/2024-01

John and Sarah Rondeau have requested a variance to section 15B.3 of the Wilton Zoning Ordinance to allow the installation of a rooftop solar collection system on Lot F-122-11, 17 Richfield Way, whose rated capacity is greater than is allowed for residential use in the General Residence and Agricultural District.

Chairman Faiman opened the hearing by reading the public notice. He identified the sitting Board as Andy Hoar, Neil Faiman, Joanna Eckstrom, Jeff Stone, and Peg Duggan.

There were no presenters for this case.

JK Eckstrom MOVED to continue the hearing to Tuesday, September 10, 2024.
J Stone SECONDED.

Discussion: None

Voice Vote:

ayes	5
nays	0
abstentions	0

Motion: Carried 5/0/0

4. Hannah M. and Kristy M. Pratt, and Megan L. Robinson, 37 Burns Hill Road

Public Hearing, *NEW*
Case 08/13/2024-04

Hannah M. and Kristy M. Pratt and Megan L. Robinson have requested a variance to section 5.1 of the Wilton Zoning Ordinance to allow the operation of the existing house as a rooming house at Lot J-136, 37 Burns Hill Road.

79 Chairman Faiman opened the hearing by reading the public notice. He identified the sitting Board as Andy
80 Hoar, Neil Faiman, Joanna Eckstrom, Jeff Stone, and Linda Jennings.

81
82 Joanna Eckstrom stated that she has done business with a relative of one of the applicants. She stated this
83 would not affect her ability to discuss the case objectively but asked everyone present if they had any
84 concerns. The consensus from the Board and the attendees was that no one indicated this was a problem.

85
86 John Cronin, Esq., spoke on behalf of the applicants. He stated that Mr. Pratt had passed after living a
87 decade on the premises. He said he had transformed the home into an owner's unit with a bath and
88 kitchen, and nine (9) additional rooms with two (2) shared baths and a kitchen. He stated this use had been
89 well known in the community and that several building permits and their respective inspections had taken
90 place over the years. Caryn Case noted that the building department file did not contain the permits
91 mentioned. Attorney Cronin also noted that the Town had not taken enforcement action for any concern
92 in the years of Mr. Pratt's ownership.

93
94 John Cronin, Esq acknowledged that the Town of Wilton Zoning Ordinance does not permit the type of
95 use in question. He referenced Bartlett's Analysis which determined the Zoning Board of Adjustment had a
96 right to determine whether a variance was even needed about a dimensional variable. He said that in
97 respect to 'use' the knowing or permission of use without enforcement may rise to the level of a municipal
98 estoppel.

99
100 Attorney Cronin stated there is public interest in providing housing of all types and kinds to support the
101 living needs of the community. He said the use of the property as a rooming house is not being altered and
102 therefore the character of the neighborhood unchanged. He points out that the occupants of the home
103 would be harmed by displacement should the variance not be granted. He notes that there have been no
104 problems or concerns with the operation of the property in the last decade. He states that the structure
105 has been repaired and maintained by approval and that requiring modifications to transform the structure
106 into a single or two-family dwelling unit would result in economic hardship. He asked the Board to
107 consider the benefits this rooming house provides to the community. He referenced the Simplex
108 Unnecessary Hardship Standard.

109
110 Attorney Cronin stated there exists a fire safety issue. Joanna Eckstrom, citing from the December 9,
111 2019¹, letter to Daniel Pratt from the former Building Inspector, Norma Ditri, states that the use is
112 permitted and that fire safety improvements were required.

113
114 Neil Faiman noted that the 2018 building files indicated there was written notice to the building and land
115 use departments about an abundance of construction occurring within the interior of the home and adds
116 that would be inconsistent with the claim the structure had been an active rooming house for a decade. He
117 cited another letter to Daniel Pratt from the Building Inspector, dated October 8, 2019², that clearly

¹ December 19, 2019, Building Department Letter to Daniel Pratt, 37 Burns Hill Road, Wilton, NH 03086

² October 8, 2019, Building Department Letter to Daniel Pratt, 37 Burns Hill Road, Wilton, NH 03086

118 defines the premises as a rooming house. He questioned how you reconcile the finding that, “This is clearly
 119 a rooming house,and therefore not permitted by the zoning ordinance (from letter dated
 120 10.08.2019).”; with the statement, “For the purposes of definitions and zoning, your property is within the
 121 permitted uses. The residents with a lease agreement may change, but the number shall remain as specified
 122 by the Fire Department (letter dated 12.09.2019).” He adds that the definition of family, in the zoning
 123 ordinance, has changed since 2018, and was used by the building and land use officials to call this a two-
 124 family house. He states that both officials are no longer working for the Town of Wilton, leaving somewhat
 125 cryptic documents to decode as to their intention.

126
 127 Chairman Faiman suggested that the applicant’s withdraw their application without prejudice and think
 128 about going back to the Town to say there was a relationship/understanding negotiated between the Town
 129 and Daniel Pratt in that December 19, 2019, letter. He added that it is not the role of the Zoning Board of
 130 Adjustment to decide on whether something is legal to do or not.

131
 132 Attorney Cronin decided it would be worthwhile to withdraw their application without prejudice and re-
 133 evaluate.

134
 135 **J Stone MOVED to accept the applicants request to withdraw their application**
 136 **without prejudice.**

137 **JK Eckstrom SECONDED.**

138 **Discussion:** None

139 **Roll Call Vote:** A Hoar yes
 140 N Faiman yes
 141 JK Eckstrom yes
 142 J Stone yes
 143 L Jennings yes

144 **Motion:** Carried 5/0/0

145
 146 **5. Minutes – June 11.2024**

147 The Board reviewed the minutes of June 06, 2024. Edits were identified in the following lines: 25, 27, 60,
 148 139, 238, 312, 315, and 342.

149
 150 **J Stone MOVED to accept the June 11, 2024, minutes with the edits identified in**
 151 **lines 25, 27, 60, 139, 238, 312, 315, and 342.**

152 **JK Eckstrom SECONDED.**

153 **Discussion:** None

154 **Voice Vote:** ayes 6
 155 nays 0
 156 abstentions 0

157 **Motion:** Carried 6/0/0

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6. Old Business

a. Update on HAB Appeal

Chairman Faiman stated the Housing Appeals Board (HAB) was in receipt of documents from Thomas Ryan regarding the Michaelann Murphy case and indicated that that Board typically tries to make a resolution within 90 days.

b. Zoning Ordinance Amendments

Chairman Faiman stated the Planning Board has started to review amendments to the zoning ordinance for the 2025 Town Meeting.

7. Adjournment

A Hoar MOVED to adjourn at 8:41 p.m.

L Jennings SECONDED.

Discussion: None

Voice Vote:	ayes	6
	nays	0
	abstentions	0

Motion: Carried 6/0/0

APPROVED 09.10.2024