



Town of Wilton, NH
Zoning Board of Adjustment
MINUTES

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Tuesday, August 14, 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)

Board Members Absent: Judith Klinghoffer; Linda Jennings (alternate)

Board Secretary: Caryn Case

Attendees: Paul Grasewicz; Chris Roberts; Betheny Moore Roberts; Melissa Eastley; Richard Clutz; Deborah Clutz; Lynn Randall; Thomas Jesse; Cindy Broderick; Virginia Day; Preston Day; Teresa Davis; Kimball Davis; Patrice Pinette; Tricia Zahn; Leeann Moore; Matthew Niquette; Kayla Thomas; Ajlal Syed Ali; Hanim Ahmed; Caroline Gomez; Joseph Gomez

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- 6. Minutes
 - a. 08.13.2024
- 7. Other Business
 - a. Meeting Time
- 8. Adjournment

MINUTES**1. Call to Order**

Chairman Faiman called the public meeting to order at 7:00 p.m. and requested that all attendees sign-in. He made a statement about the Zoning Board of Adjustments mask wearing policy and gave instructions on speaking protocol. He announced how the meeting time was managed then introduced the Board members, the alternate Board members, and declared a quorum was present. Last, he described discussion and voting procedures and reviewed the agenda.

2. Minutes – August 13, 2024

Chairman Faiman made a comment that the minutes of August 13, 2024, did not reflect discussion pertinent to any case on the agenda and moved the review until later in the evening.

3. Bethany & Christopher Roberts, 9 Greenville Road

Public Hearing, *NEW*

Case 08/13/2024-02

Betheny and Christopher Roberts have requested a special exception under section 17.3 of the Wilton Zoning Ordinance and/or a variance to section 8.2.4 of the Wilton Zoning Ordinance to allow the construction of a deck on the house on Lot J-165, 9 Greenville Road, where the house is closer to a lot line than allowed by the Ordinance, and the Ordinance does not allow the expansion of non-conforming structures.

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 who was sitting in for Judith Klinghoffer who was absent due a personal matter.

Chairman Faiman stated that the zoning ordinance obstacle to the applicant's deck construction could be addressed by a variance request to §17.1(e) of the zoning ordinance that states a nonconforming structure of building cannot be expanded or enlarged in lieu of a special exception to § 17.3 which considers relief to new standalone structures and building and/or a variance to §8.2.4.

Joanna Eckstrom asked if the application could be amended. Chairman Faiman such an amendment should be properly noticed for the sake of any abutter who was not present because they knew that the application did not apply to something they thought was relevant. Jeff Stone pointed out that in an amended application the applicant would be seeking the same relief. Chris Roberts, applicant, stated that the matter of the zoning ordinance would not affect how an abutter cared.

J Stone MOVED to amend the application to cite a variance request to §17.1(e) to extend or enlarge a nonconforming structure of building.

JK Eckstrom SECONDED.

79 **Discussion:** The Board discussed removing the request to §17.3 and §8.2.4, however
 80 Chairman Faiman reasoned it would be more reasonable to deny them as unnecessary, if so
 81 discovered.

82 **Roll Call Vote:** A Hoaraye
 83 JK Eckstrom aye
 84 N Faiman nay
 85 J Stone aye
 86 P Duggan aye
 87 **Motion:** Carried 4/1/0
 88

89 Chris Roberts described the area of the proposed deck/landing as between the main house and barn,
 90 connected by a mudroom with a private entrance. He said the surface of the ground in front of the
 91 entrance slopes and pieces of concrete and asphalt cover an old wellhead making it difficult to maintain and
 92 walk upon. He said the deck/landing is not intended for gathering but rather to eliminate the current safety
 93 risk. He added that construction of the deck/landing will be of composite materials and there will be no
 94 roof.
 95

96 Chairman Faiman opened the discussion to the attendees. Leeann Moore commented that the proposal
 97 was a great idea and sounded very safe.
 98

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

100 **JK Eckstrom SECONDED.**

101 **Discussion:** None

102 **Voice Vote:** ayes 5
 103 nays 0
 104 abstentions 0

105 **Motion:** Carried 5/0/0
 106

107 Joanna Eckstrom said the proposal was a reasonable request, and the Board should move forward on it.
 108 Neil Faiman added that the spirit of the ordinance and public interest indicate there would be no damage
 109 to public welfare of public safety. He added that the proposal makes the use better and has no effect on
 110 abutting property values. He indicated the hardship is that the property is located where there are big
 111 setbacks, historically placed buildings, and a road that has grown over the years making this a unique
 112 feature of the property.
 113

114 **N Faiman MOVED to grant the variance request to §17.1(e) to allow the**
 115 **construction of a platform where the house is closer to a lot line than allowed by**
 116 **the zoning ordinance and where the zoning ordinance does not allow expansion of**
 117 **non-conforming structures; and to deny without prejudice the variance request**

118 to §8.2.4 and the special exception request to §17.3 as unnecessary given that
119 approval of the variance to §17.1(e) enables the applicant the proposed use.
120 J Stone SECONDED.

121
122 JK Eckstrom MOVED to re-open the public hearing.
123 J Stone SECONDED.

124 Discussion: None
125 Voice Vote: ayes 5
126 nays 0
127 abstentions 0
128 Motion: Carried 5/0/0

129
130 Chairman Faiman opened the discussion to attendees. Hearing none, he conducted a roll call vote of the
131 motion.

132
133 Discussion: None
134 Roll Call Vote: A Hoar aye
135 JK Eckstrom aye
136 N Faiman aye
137 J Stone aye
138 P Duggan aye
139 Motion: Carried 5/0/0

140
141 Chairman Faiman stated the decision shall expire if the construction or use permitted by it has not begun
142 by Friday, August 14, 2026. (Wilton Zoning Ordinance section 17.4) He added that the selectmen, any
143 party to the action or proceedings, or any person directly affected thereby may apply for a rehearing of this
144 decision, and that a request for a rehearing must be filed in writing with the Zoning Board of Adjustment
145 on or before Friday, September 13, 2024, and must fully specify all grounds on which the rehearing is
146 requested (N.H. RSA 677:2)

148 4. Nickolas Carlson, Melissa Eastley, and John Eric Harold Jacobsen, 87 Abbot Hill Acres Road

149 Public Hearing, NEW
150 Case 08/13/2024-03

151 Nickolas Carlson, Melissa Eastley, and John Eric Harold Jacobsen (owners) and Melissa Eastley (applicant)
152 have requested a special exception under section 5.3.1 of the Wilton Zoning Ordinance to allow a dog
153 boarding-and-training business as a home occupation on Lot M-66, 87 Abbot Hill Acres Road.

154
155 Chairman Faiman opened the hearing by reading the public notice. He identified the sitting Board as Andy
156 Hoar, Neil Faiman, Joanna Eckstrom, Jeff Stone, and Linda Jennings who was sitting in for Judith Klinghoffer
157 who was absent due a personal matter.

158

159 Melissa Eastly, applicant, described the nature of her business, Paws from Heaven, LLC, and her history and
 160 experience as a dog trainer. She said she currently leases space at the Sharon Arts Center [former], and is
 161 seeking the ability to operate from home, with a limited number of clients/dogs, as she has moved further
 162 from the Sharon Arts Center which is also difficult to get to in adverse weather. She showed the Board, by
 163 way of her area plan, that she has set up space in her basement to accommodate the boarding and training
 164 of three (3) dogs and indicated that client dogs would only be outside to relieve themselves while at her
 165 home, noting that outdoor training and public acclimation occurs at the Sharon Arts Center.

166

167 Abutters Caroline Gomez, Cindy Broderick, Virginia Day, Ajlal Ali, Lynn Randall, Teresa Davis, Leeann
 168 Moore, and Hanim Ahmed shared similar concerns about neighboring property values, the number of dogs
 169 on the property at any one time, the breed of dogs being trained, dogs being left alone, barking, expansion,
 170 dogs getting loose, and safety of persons walking on the street. They collectively added that a residential
 171 neighborhood was not appropriate for training dogs.

172

173 Chairman Faiman explained to attendees that a grant for a special exception for a home occupation is
 174 predicated on a specific and well-defined home occupation to the degree that all aspects of running the
 175 home occupation and its possible expansion are thoroughly vetted as its effect on the neighborhood where
 176 it is located.

177

178 Melissa Eastly assured attendees she is fully insured. She shared that she has three (3) dogs of her own
 179 which she continually trains for competitive sporting events apart from her business. She said client dogs
 180 would never be left alone and added they are monitored by camera. She described access to her basement
 181 as secure with multiple layers of entry and locks, and client dogs are always led on two (2) leashes, a long
 182 line and a slip lead. She stated she accommodates all breeds and ages of dogs but chooses her client dogs
 183 on their behavior, for a two (2) week-, or month-long training period.

184

185 Joanna Eckstrom requested the Board to consider a site visit to assess their own opinions of the proposal
 186 and of the neighborhood. Neil Faiman advised the applicant to acquire an assessment of property value as
 187 may be impacted by this type of home occupation.

188

189 **JK Eckstrom MOVED to schedule a site visit.**

190 **J Stone SECONDED.**

191 **Discussion:** None

192

Roll Call Vote: A Hoar aye

193

JK Eckstrom aye

194

N Faiman abstain

195

J Stone aye

196

P Duggan aye

197

Motion: Carried 4/0/1

198

199 Chairman Faiman described a site visit as an extension of the public hearing to which the public is invited,
200 and with the sole purpose to put eyes on the issues being discussed and not continue the discussion. He
201 emphasized conversations apart from questions directed through the Chairman typically do not make it
202 into the record.

203

204 **JK Eckstrom MOVED to schedule a site visit for 9 a.m. on Sunday, September 9,**
205 **2024, at 87 Abbot Hill Acres Road.**

206

L Jennings SECONDED.

207

Discussion: None

208

Voice Vote: ayes 5

209

nays 0

210

abstentions 0

211

Motion: Carried 5/0/0

212

213 At this time, Chairman Faiman announced that the September 10, 2024, Zoning Board of Adjustment
214 meeting would take place at the Fire Station conference room, commonly referred to as the EOC, due to
215 the Primary Election being held in the Town Hall. He said there was no parking allowed at the Fire Station.

216

217 **JK Eckstrom MOVED to continue the hearing to Tuesday, September 10, 2024, at**
218 **the Fire Station conference room, EOC.**

219

J Stone SECONDED.

220

Discussion: None

221

Voice Vote: ayes 5

222

nays 0

223

abstentions 0

224

Motion: Carried 5/0/0

225

226 **5. Deborah & Richard Clutz, 47 Badger Farm Road**

227

Public Hearing, *NEW*

228

Case 08/13/2024-06

229

230 *Deborah and Richard Clutz have requested variances to sections 4.2(b)(3) and 6.2.5 of the Wilton Zoning*
231 *Ordinance to allow replacement of a septic system which would be closer to wetlands and to a lot line*
232 *than allowed by the Ordinance on Lot H-54-3, 47 Badger Farm Road.*

232

233 Chairman Faiman opened the hearing by reading the public notice. He identified the sitting Board as Andy
234 Hoar, Neil Faiman, Joanna Eckstrom, Jeff Stone, and Peg Duggan who was sitting in for Judith Klinghoffer
235 who was absent due a personal matter.

236

237 Paul Grasewicz, Engineer representing the applicants, described a septic system, of only 20 years old, in
238 failure. He said the location of the replacement system is about 60 feet from the edge of the wetland, 15

239 feet short of the required 75 feet from a wetland, but further from the wetland than the existing system,
 240 and 21 feet from the property line. He described the wetlands and the topography as hardships and a
 241 factor in determining the location of the replacement system. He said it is in the public interest to replace
 242 the failing septic system and mentioned the site had been surveyed for minimal impact to the land, and
 243 dimensional requirements of the zoning ordinance. He added a functioning septic system is reasonable to
 244 request and would have no effect on neighboring property values. When asked about the approved septic
 245 system plan, he responded saying the plan had not yet been submitted to the New Hampshire Department
 246 of Environmental Services, NHDES, but would be upon the granting of the variance. He said the new septic
 247 plan does not expand the use of the existing septic plan. The property owners shared that they will be
 248 leaving Wilton and wanted to do the right thing for the future property owner.

249

250 **N Faiman MOVED to grant the variance request to §4.2(b)(3) and §6.2.5 to allow**
 251 **replacement of the septic system which would be closer to wetlands and a lot line**
 252 **than allowed by the zoning ordinance.**

253

JK Eckstrom SECONDED.

254

Discussion: Neil Faiman said that the unusual character of the property makes it impossible to
 255 put a septic system in any place consistent with the zoning requirements and where the existing
 256 septic system must be replaced, the situation is improved. Andy Hoar requested that the
 257 granting of the variance be contingent upon NHDES approval.

258

259 **JK Eckstrom modified the MOTION to grant the variance request to §4.2(b)(3)**
 260 **and §6.2.5 to allow replacement of the septic system which would be closer to**
 261 **wetlands and a lot line than allowed by the zoning ordinance by adding the**
 262 **condition that the proposed septic system as shown on “SEPTIC SYSTEM**
 263 **REPLACEMENT PLAN / 47 BADGER FARM ROAD; WILTON, NH / MAP H LOT -**
 264 **54-3 / PREPARED FOR OWNER / RICHARD G. CLUTZ / 47 BADGER FARM**
 265 **ROAD; WILTON, NH” dated July 23, 2024, requires approval from the State of**
 266 **New Hampshire.**

267

P Duggan SECONDED.

268

Discussion: None

269

Roll Call Vote: A Hoar aye

270

JK Eckstrom aye

271

N Faiman aye

272

J Stone aye

273

L Jennings aye

274

Motion: Carried 5/0/0

275

276 Chairman Faiman stated the decision shall expire if the construction or use permitted by it has not begun
 277 by Friday, August 14, 2026. (Wilton Zoning Ordinance section 17.4) He added that the selectmen, any
 278 party to the action or proceedings, or any person directly affected thereby may apply for a rehearing of this

279 decision, and that a request for a rehearing must be filed in writing with the Zoning Board of Adjustment
280 on or before Friday, September 13, 2024, and must fully specify all grounds on which the rehearing is
281 requested (N.H. RSA 677:2)

282

283 **6. Other Business**

284 Andy Hoar asked the Board to consider a change in the meeting time. Much of the Board agreed the
285 current start time was preferred.

286

287 **7. Minutes – August 13, 2024**

288

289 Andy Hoar requested that the Board review the minutes at the next meeting when more time would be
290 had to review them. The Board agreed.

291

292 **8. Adjournment**

293

294 **A Hoar MOVED to adjourn at 9:32 p.m.**

295 **JK Eckstrom SECONDED.**

296 **Discussion:** None

297 **Voice Vote:** ayes 5

298 nays 0

299 abstentions 0

300 **Motion:** Carried 5/0/0

301

302

303 Approved on: 09.10.2024