



Town of Wilton, NH Zoning Board of Adjustment MINUTES

Masks are requested to be worn at all Town of Wilton ZBA meetings.

Tuesday, September 10, 2024

7 PM

Wilton Fire Station, EOC Room

(parking is NOT permitted at the Fire Station)

102 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 (land use administrator)

Attendees:

Thomas Jesse; Lynne Randall; Sandra Lehtonen; Kenny Lehtonen; Roy Tilsley; Nikki O'Neil; Alex Porada; Melissa Eastley; Lynne Mentler; Cindy Broderick; John Rokeh; Anthony Koga; Joseph Coffey; Dan Dillin; Shannon Linn; Virginia Day (remote)

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MINUTES

1. Call to Order

Chairman Faiman called the public meeting to order at 7:04 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

a. August 13, 2024

The Board made edits to lines 83, 84, 112, and 195.

JK Eckstrom MOVED to accept the minutes of August 13, 2024, as amended.

J Stone SECONDED.

Discussion: None

Voice Vote:	ayes	6
	nays	0
	abstentions	0

Motion: Carried 6/0/0

b. August 14, 2024

The Board made edits to lines 160, 171, 183, 196 and 303.

JK Eckstrom MOVED to accept the minutes of August 14, 2024, as amended.

J Stone SECONDED.

Discussion: None

Voice Vote:	ayes	5
	nays	0
	abstentions	1 (L Jennings)

Motion: Carried 5/0/1

c. September 8, 2024

The Board made edits to lines 53 and 64.

JK Eckstrom MOVED to accept the minutes of September 8, 2024, as amended.

P Duggan SECONDED.

Discussion: None

Voice Vote:	ayes	4
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nays 0
abstentions 2 (L Jennings; J Stone)
4/0/2

Motion: Carried

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

Public Hearing, *continued from a previous meeting*

Case 08/13/2024-03

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

Chairman Faiman opened the public hearing by announcing the continuation of the Nicholas Carlson, Melissa Eastley and John Eric Harold Jacobson, owners and Melissa Eastley applicant, case and reading the applicant's request for a special exception. He added that the Board held the first public hearing on this matter on August 14, 2024, and held a site visit on September 8, 2024. He identified the voting Board as: Peg Duggan, Andy Hoar, Neil Faiman, Joanna Eckstrom and Jeff Stone, and said that Linda Jennings would be participating in the discussion only.

Melissa Eastley, applicant, reminded the Board that several submissions had been sent to the Board which she asked to be noted in the record. Chairman Faiman confirmed a a collection of submissions regarding the case had been received both from the applicant and other parties, and available for the public to read on the Town of Wilton Zoning Board of Adjustment website. Joanna Eckstrom noted that the submissions remarked favorably about the care and safety of the animals as well as her ability to train them. She talked about the site visit where the applicant conducted a barking test to demonstrate the magnitude of noise that might be heard from the dogs in her basement as far away as the side of the road. She noted that the dogs started and stopped barking on command, and the noise generated was less than what was heard by the children playing ball across the street that morning. She added that the dogs seemed in better control than the children and their parents. Jeff Stone concurred.

Chairman Faiman noted one submission from a realtor spoke to the issue of property values and it was this Realtor's opinion the proposed use would not diminish neighboring property values.

Peg Duggan said the submitted materials confirmed the dogs in the applicant's training program were not behaviorally out of control and were being trained to serve as compassionate support, and family pets.

Melissa Eastley talked about the "Day Plan" document she submitted to the Board. She said that dogs ae trained between four (4) and eight (8) hours daily and may stay for a few weeks to a few months. She added that any new dog to her training program is picked up and dropped off at her facility in Sharon, NH,

116 and that she ferries the dogs from her facility to her home as necessary. She noted that the dogs would
117 never be left without a human companion while at home.

118

119 Shannon Linn, an interested party, identified herself as someone whose dog had trained with Melissa, and
120 that she trusts Melissa's training methods and the care she gives to her dog.

121

122 Lynne Randall, abutter, asked about the potential of the applicant expanding her business; when the dogs
123 would be fed and when and where they would be relieving themselves, as well as other exercise the dogs
124 may need; and how many days per week she intends to be active with the dogs. Chairman Faiman said that
125 the applicant's written testimony states that the applicant's intention is that the relationship between the
126 dogs and her home is purely a boarding relationship and that the dogs will stay in the home while she is
127 there, they will go outside to relieve themselves twice a day, and otherwise stay in the basement when she
128 wants to work with them. He added that walks and other exercise would take place elsewhere, and that if
129 she leaves her home, the dogs will accompany her. Melissa added she takes Sunday's off with her client
130 dogs but participates in a dog club on that day with her own dogs.

131

132 Lynne Randall said she would have re-considered buying her property had the home occupation been viable
133 in the neighborhood at that time. Joanna Eckstrom asked the abutter how well she investigated the
134 neighborhood before moving in for pets, children, dogs, and other things.

135

136 Chairman Faiman asked the Board if they had seen the letter received from Lynne Randall and the
137 accompanying document on dog bites. He noted the essence of abutter concerns on safety and property
138 values before closing the hearing for deliberation.

139

140 Virginia Day, abutter attending via Zoom, expressed her concerns about noise and property values.

141

142 **JK Eckstrom MOVED to close the public hearing.**

143 **J Stone SECONDED.**

144 **Discussion:** None

145 **Voice Vote:** ayes 5

146 nays 0

147 abstentions 0

148 **Motion:** Carried 5/0/0

149

150 Chairman Faiman said the board will discuss the application for a home occupation pursuant to §5.3.1 of
151 the zoning ordinance which provides the conditions for granting a home occupation.

152

153 Andy Hoar reflected on dogs in his own neighborhood no different than the coyotes who pass through
154 there every night. Jeff Stone reminded the Board that the dogs in question would be on double leads. Neil

155 Faiman made a comparison to a daycare with up to 12 children and their parents arriving to and leaving the
156 home occupation twice per day, and the mandatory play inside and outside the home and the noise that
157 would generate being more significant impact than the dog training home occupation being sought here.
158 Joanna Eckstrom concurred. She said she respected the opinions of the abutters but felt the applicant had
159 done a very good job demonstrating that this home occupation would be a very silent one.

160
161 Chairman Faiman stated that the home occupation is incidental and secondary to the use of the associated
162 dwelling unit as a residence; the dogs would be taken care of in the basement; the home occupation is
163 being carried out by the resident-owner of the dwelling unit; there are no non-family employees; there is
164 no evidence that makes the home occupation impractical to revert completely back to residential use;
165 there is no exterior storage of materials or equipment; there is adequate parking for the residents; there is
166 no additional traffic generated by the home occupation; and the applicant understands that if the business
167 outgrows the home occupation she must relocate it into the commercial or industrial district. He asked
168 the Board to take into consideration the location of the proposed use, the area of the lot, the type and
169 density of surrounding development, existing buffers and screens between the proposed use and
170 surrounding development and the compatibility of the proposed use for the surrounding neighborhood.

171
172 Neil Faiman had a question about the applicant's training information and daily routine plan and requested
173 to re-open the hearing.

174
175 **JK Eckstrom MOVED to re-open the public hearing.**

176 **J Stone SECONDED.**

177 **Discussion:** None

178 **Voice Vote:** ayes 5
179 nays 0
180 abstentions 0

181 **Motion:** Carried 5/0/0

182
183 Neil Faiman asked the applicant if client pick-up and drop off, between the hours of eight (8) a.m. and five
184 (5) p.m., as noted on the submitted 'Day Plan' was for the property or the facility. Melissa Eastley said she
185 would do all pick up and drop off at her facility.

186
187 **JK Eckstrom MOVED to close the public hearing.**

188 **J Stone SECONDED.**

189 **Discussion:** None

190 **Voice Vote:** ayes 5
191 nays 0
192 abstentions 0

193 **Motion:** Carried 5/0/0

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The Board collectively agreed that items cited in the applicant’s “Day Plan” would serve as conditions for approval.

Joanna Eckstrom asked to re-open the hearing to address the dog’s potty schedule.

JK Eckstrom MOVED to re-open the public hearing.
P Duggan SECONDED.

Discussion: None

Voice Vote:	ayes	5
	nays	0
	abstentions	0

Motion: Carried 5/0/0

Melissa Eastley said dogs would be taken outside for “potty” at least twice per day in the applicant’s back yard or when being transported to or from the property and that waste would be properly disposed of.

Chairman Faiman summarized the facts and conditions the Board had been discussing:

- The subject property is a single-family home on a one-acre lot in an established neighborhood of single-family homes on one-acre lots in the Residential District.
- The applicant has an existing dog training business. She proposes using her home for boarding of up to three client dogs for training primarily elsewhere, with limited training inside the home, and no training outside the home.
- The Zoning Board conducted a site visit at the property on Sunday, September 5, 2024, and were able observe the neighborhood, the outside of the property, and the inside of the basement where the client dogs will be boarded.
- The approval of the special exception is subject to the following conditions on the operation of the home occupation. Note that these conditions do not apply to dogs owned by the applicant or other residents of the property, although such personally owned dogs are subject to all Town dog regulations.
- These conditions are mostly taken from a document titled “Paws from Heaven Board & Training Information and Daily Routine” (included in the case file) and were agreed to by the applicant at the hearing on the application.
- A maximum of three client dogs will be kept in the home.
- Aggressive or reactive dogs will not be accepted for boarding on the property.
- Client dogs will never be left alone. The applicant will always be present when the dogs are in the house.

- 231 • There will be no client visits to the property. Clients will drop off and pick up their dogs elsewhere,
232 and the applicant will transport them to and from the property.
233 • All training will take place either inside the house or off site, never outside the house or elsewhere
234 in the neighborhood.
235 • Client dogs will be taken outside only for “potty” sessions in the applicant’s back yard or when
236 being transported to or from the property.
237 • All client dogs will wear 2 leashes when outside (one 6’ tabbed slip lead and one 15–20’ longline
238 attached to a flat collar) and must always be fully under control.
239 • Barking will be subject to the requirements of Section 4.10.2, “Noise,” of the Wilton Zoning
240 Ordinance.
241 • The applicant has provided a document titled “Paws from Heaven Fire Plan” (included in the case
242 file), which indicates how client dogs will be securely restrained if emergency evacuation should be
243 necessary.
244

245 **J Stone MOVED to approve the request for a special exception under § 5.3.1 of**
246 **the Wilton Zoning Ordinance to allow a dog boarding-and-training business as a**
247 **home occupation on Lot M-66, 87 Abbot Hill Acres Road pursuant to the**
248 **following:**

- 249 **1. The subject property is a single-family home on a one-acre lot in an**
250 **established neighborhood of single-family homes on one-acre lots in the**
251 **Residential District.**
252 **2. The applicant has an existing dog training business. She proposes to use her**
253 **home for boarding of up to three client dogs for training primarily elsewhere,**
254 **with limited training inside the home, and no training outside the home.**
255 **3. The Zoning Board conducted a site visit at the property on Sunday,**
256 **September 5, 2024, and were able observe the neighborhood, the outside of**
257 **the property, and the inside of the basement where the client dogs will be**
258 **boarded.**
259 **4. The approval of the special exception is subject to the following conditions on**
260 **the operation of the home occupation. Note that these conditions do not**
261 **apply to dogs owned by the applicant or other residents of the property,**
262 **although such personally owned dogs are subject to all Town dog regulations.**
263 **5. These conditions are mostly taken from a document titled “Paws from**
264 **Heaven Board & Training Information and Daily Routine” (included in the case**
265 **file) and were agreed to by the applicant at the hearing on the application.**
266 **6. A maximum of three client dogs will be kept in the home.**
267 **7. Aggressive or reactive dogs will not be accepted for boarding on the property.**

- 268 **8. Client dogs will never be left alone. The applicant will always be present when**
- 269 **the dogs are in the house.**
- 270 **9. There will be no client visits to the property. Clients will drop off and pick up**
- 271 **their dogs elsewhere, and the applicant will transport them to and from the**
- 272 **property.**
- 273 **10. All training will take place either inside the house or off site, never outside the**
- 274 **house or elsewhere in the neighborhood.**
- 275 **11. Client dogs will be taken outside only for “potty” sessions in the applicant’s**
- 276 **back yard or when being transported to or from the property.**
- 277 **12. All client dogs will wear 2 leashes when outside (one 6' tabbed slip lead and**
- 278 **one 15–20' longline attached to a flat collar) and must always be fully under**
- 279 **control.**
- 280 **13. Barking will be subject to the requirements of Section 4.10.2, “Noise,” of the**
- 281 **Wilton Zoning Ordinance.**
- 282 **14. The applicant has provided a document titled “Paws from Heaven Fire Plan”**
- 283 **(included in the case file), which indicates how client dogs will be securely**
- 284 **restrained if emergency evacuation should be necessary.**

285 **JK Eckstrom SECONDED.**

286 **Discussion:** None

287
288 Chairman Faiman called for a vote on the motion.

289

Roll Call Vote:	A Hoar	aye
	N Faiman	aye
	JK Eckstrom	aye
	J Stone	aye
	P Duggan	aye

294 **Motion:** Carried 5/0/0

295
296
297 Chairman Faiman stated the Board’s decision shall expire if the construction or use permitted by it has not
298 begun by Tuesday, September 10, 2026. (Wilton Zoning Ordinance § 17.4) He added that the selectmen,
299 any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing of
300 this decision, and that a request for a rehearing must be filed in writing with the Zoning Board of
301 Adjustment on or before Wednesday, October 9, 2024, and must fully specify all grounds on which the
302 rehearing is requested (N.H. RSA 677:2)

303
304 **4. Isaac Frye Holdings, Inc.**

305 Public Hearing, *NEW*

306 **Case 08/13/2024-05**

307 *Isaac Frye Holdings, LLC has requested variances to § 9B.6.1, 9B.6.2, and 9B.6.4 of the Wilton Zoning*
308 *Ordinance to allow a proposed gravel excavation on Lot F-003-02, Isaac Frye Highway, where the*
309 *excavation would be closer to lot lines than allowed by the Ordinance, would be reclaimed with steeper*
310 *slopes than allowed by the Ordinance, and the access for the removal of the excavated material would be*
311 *to Isaac Frye Highway rather than to Greenville Road.*

312
313 Andy Hoar recused himself from the Board to participate as an attendee.

314
315 Chairman Faiman opened the public hearing by reading the applicant's request for variances to the Wilton
316 Zoning Ordinance to excavate gravel from the property to construct a single-family manufactured dwelling
317 unit. He said the application had been previously heard by the Board and the granting of that request was
318 conditioned upon excavation site plan approval from the Planning Board. Chairman Faiman identified the
319 voting Board as: Linda Jennings, Neil Faiman, Joanna Eckstrom, Jeff Stone, and Peg Duggan.

320
321 Roy Tilsley, Esq., representative for the applicant, described the variances being sought and the purposes
322 for them. He said approximately 5,000 cubic yards of material, associated with the creation of the driveway
323 and the development of the property into a single-family residential, manufactured dwelling unit, was
324 necessary to develop the property. He mentioned that the Board had previously granted a variance to § 4.1
325 of the Wilton Zoning Ordinance conditioned upon there being no further removal of material from the
326 site and excavation site plan approval by the planning board. He said the Planning Board raised an issue
327 regarding whether additional variances were needed. This resulted in litigation which was settled with an
328 agreement between his client and the Town of Wilton. That agreement required that his client obtain the
329 necessary permits to get the excavation site plan approval from the planning board, and once that was
330 done, return to the Zoning Board of Adjustment for additional variances. He said the Planning Board
331 conditionally approved the site plan and stormwater management application, which included waivers of
332 both the 50 foot and 300-foot buffer requirements required under RSA 155-E and the excavation site plan
333 review regulations at the regular meeting held on June 19, 2024. Conditions included additional vegetative
334 screening along the north border with a landscaping plan. He remarked that the variances currently being
335 sought are basically the same requests made to the Planning Board who granted said relief.

336
337 John Rokeh, Engineer for the applicant, commented about the extensive third-party review with the
338 Wilton Town Engineer related to the variances requested. He said the steep slope, at the back of the
339 property, was addressed with Landscape Architects who put together the 'planting plan' for the buffer that
340 had been disturbed that the Town Engineer reviewed, and the Planning Board approved with modifications
341 pursuant to the recommendations by the Town Engineer for the inclusion of several small detention ponds
342 and a bench slope in the middle. A geotechnical report was prepared to address the stability of this slope,
343 and a plan was created to maintain it. He stated that no additional excavation would be conducted on the
344 site.

345

346 Chairman Faiman commented that only three (3) Board members were involved in the previous decision
347 and suggested a site visit for new Board members to become familiar with the topographic conditions of
348 the property.

349

350 Joanna Eckstrom mentioned that the proposed house location was further back than shown on the plan on
351 display to which John Rokeh confirmed that the original proposal had been submitted for the building
352 permit and driveway permit applications. It was moved as a condition for the relief that was granted as that
353 area had already been cleared.

354

355 In summary, John Rokeh said the plans for the driveway, slope and buffer had been designed to restore the
356 property as close to its original condition as could be attained.

357

358 Caryn Case noted, for the record, that Roy Tilsley stated earlier in the hearing that the stormwater
359 management permit had been approved by the Planning Board, but in fact, it was a condition of Planning
360 Board of approval among other required documents that had not yet been approved.

361

362 Chairman Faiman said it would be appropriate for the Board to review documents discussed by John Rokeh
363 and stated that though the Board is being asked to basically approve what the Planning Board already has, it
364 does not necessarily mean the Zoning Board should automatically do the same; he made a request to see
365 the various documents mentioned for the Board to decide.

366

367 Dan Dillon, abutter, sought clarification on the drainage system, expressing concern about standing water.
368 Abutter, Shannon Linn agreed. Kenny Lehtonen, applicant, described the engineered detention ponds as
369 having high sides fed by water through culverts across the road entrance that would quickly drain.
370 Chairman Faiman noted these structures are not part of Zoning Board review and advised the applicant to
371 speak again with the Planning Board on this matter.

372

373 Andy Hoar, abutter, mentioned being concerned about the sight distance at the right-of-way onto Isaac
374 Frye Highway for large excavation vehicles. Neil Faiman stated that the excavation had already been
375 performed and there was no further removal of material from the property proposed.

376

377 In general, Roy Tilsley, Esq. stated that the variance requests are not contrary to public interest. He said
378 this was a small excavation that would allow for the use intended, a single-family residential dwelling unit.
379 He noted the neighborhood is densely forested, and the variances requested would not change the
380 character of the neighborhood, though he admitted the development would be close to the lot lines.
381 Regardless, he said the nearest dwelling unit was 540 feet away, except for Dan Dillion, who will share a
382 portion of the driveway. He noted there would be no impact on public health, safety or welfare by granting
383 these variances, and the variance requests are consistent with the spirit of the ordinance. He indicated this

384 is a time limited excavation to allow for the reasonable development of the property for permitted use. He
385 emphasized his client is maintaining the forested areas well beyond what is required. He pointed out that
386 some excavation would be required for any development of this lot, thus the limited excavation for
387 substantial justice to be done. He added that all parties impacted by the proposal would benefit when the
388 project is complete and reflect in increased property values.

389
390 Joanna Eckstrom called for a site visit on Saturday, October 5, 2024, at 9 a.m. just before the next meeting.

391
392 **JK Eckstrom MOVED to schedule a site visit for Saturday, October 5, 2024, at 9:00**
393 **a.m. and to continue the public hearing to Tuesday, October 8, 2024.**

394 **L Jennings SECONDED.**

395 **Discussion:** None

396 **Voice Vote:** ayes 5

397 nays 0

398 abstentions 0

399 **Motion:** Carried 5/0/0

400

401 Andy Hoar returned to the Board.

402

403 Chairman Faiman noted the late hour and polled the Board on continuing the public meeting.

404

405 **J Stone MOVED to continue the public hearing past the 9:30 p.m. protocol for**
406 **such.**

407 **JK Eckstrom SECONDED.**

408 **Discussion:** None

409 **Voice Vote:** ayes 6

410 nays 0

411 abstentions 0

412 **Motion:** Carried 6/0/0

413

414 **5. John & Sarah Rondeau, 17 Richfield Way**

415 Public Hearing, *continued from a previous meeting*

416 **Case 08/13/2024-01**

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

420

421 Chairman Faiman opened the public hearing by reading the applicant's request for a variance to the Wilton
422 Zoning Ordinance to permit the capacity of a rooftop solar collection system that was greater than

423 allowed. Chairman Faiman identified the voting Board as: Linda Jennings, Andy Hoar, Neil Faiman, Joanna
424 Eckstrom, Jeff Stone, and said Peg Duggan would only participate in the discussion.

425

426 Anthony Koga, Branch Manager with Freedom Forever, LLC, stated his company has installed solar
427 collection systems in households all over New Hampshire. He said they design systems to offset the usage
428 a customer needs based on their utility bill. He said his client requires 12.60 KWAC which exceeds that
429 permissible by Wilton.

430

431 Chairman Faiman asked if it were possible to install a given number of solar panels leaving some panels
432 temporarily disconnected. Anthony Koga said you could but doing so would not meet the customer's
433 expected usage and therefore would not be efficient or cost effective.

434

435 Chairman Faiman noted that the structure of the zoning ordinance, relative to this matter, falls under the
436 definition of a residential solar collection system which typically is not varied. However, the bottom line is
437 that the applicant needs to install a system that is larger than would be allowed, but consistent with their
438 needs.

439

440 Jeff Stone asked why there would be a limitation on this, to which Chairman Faiman remarked that was
441 unknown and said the Planning Board was reviewing this as part of their 2025 zoning ordinance
442 amendments.

443

444 Andy Hoar said there should be a way for the applicant to obtain what they need.

445

446 Jef Stone noted that four (4) of the five (5) criteria for granting a variance on this matter were easily met
447 but was having a difficult time identifying the hardship and asked if that could be waived. Chairman Faiman
448 said it could not and commented that a hardship is a special condition that says you should treat this
449 property differently from other properties because of that difference, so that a regulation which applies to
450 other properties, doesn't need to apply to you.

451

452 Anthony Koga said the applicant must have a certain size system to adequately support their need, and felt
453 the hardship was the fact that the existing structure is of a certain size and facing a certain direction, this
454 drives the number of solar panels necessary to meet the applicant's electrical output. He said that every
455 home is different from that, and people are trying to be more energy efficient.

456

457 The Board discussed how the Planning Board might change the zoning ordinance on the capacity of
458 residential solar collection systems and pondered if the applicant could wait another six (6) months before
459 that was determined, reduce the capacity of the proposed system, or partially connect the system they
460 have designed until that time.

461

462 Anthony Koga said they must apply for approval from the utility company each time they interconnect
463 panels to the grid. Thus, it would not be viable to install inoperable panels just to be turned on later.

464
465 Chairman Faiman said his position is to stand up for the basic principle of the zoning law. The purpose of
466 which is to resolve the friction when a generally reasonable ordinance becomes unreasonable as it's applied
467 to a particular property. The solution for an unreasonable law is not to grant variances every time
468 somebody is fastened to it but change the law instead. He indicated this matter was a very clear example of
469 that.

470
471 Linda Jennings asked if a different solar panel company would evaluate the applicant's energy use any
472 differently to which Anthony Koga said the evaluation on use is based on the homeowner's actual need and
473 every company would determine a customer's energy use on their utility bill when creating the energy
474 offset. She then asked if a financial need met the hardship criteria.

475
476 The Board vacillated on the issue of hardship versus the requirement in the zoning ordinance and agreed
477 the zoning ordinance should be amended on this matter. It was noted that nearly all the homes in this
478 neighborhood have roof mounted solar collection systems.

479
480 Jeff Stone urged the Board to proceed with the request stating it was reasonable for the homeowner to
481 wish to generate this onsite power.

482
483 Chairman Faiman said the standard rubric for a variance are public health, safety, welfare and character in
484 the neighborhood, property values and substantial justice and noted they had been met by this application,
485 but the fundamental essence of the zoning ordinance was not. However, he did acknowledge that the
486 power consumption of the home exceeds the solar power production allowed by the ordinance and would
487 use that as justification for the hardship.

488
489 **J Stone MOVED to grant the request for a variance to § 15B.3 of the Wilton Zoning**
490 **Ordinance to allow the installation of a rooftop solar collection system whose rated**
491 **capacity exceeds the solar production power allowed for residential use in the**
492 **General Residence and Agricultural.**

493 **JK Eckstrom SECONDED.**

494 **Discussion:** None

495

496 Chairman Faiman called for a vote on the motion.

497

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

499 N Faiman nay

500 JK Eckstrom aye

501 J Stone aye
502 L Jennings nay
503 **Motion:** Carried 3/2/0
504

505 Chairman Faiman stated that the decision would expire if the construction or use permitted by it has not
506 begun by Thursday, September 10, 2026. (Wilton Zoning Ordinance section 17.4) He said the selectmen,
507 any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing of
508 this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or
509 before Thursday, October 10, 2024, and must fully specify all grounds on which the rehearing is requested.
510 (N.H. RSA 677:2) Findings of Fact Lot F-125-11 is a 0.41-acre lot at the bottom of Richfield Way, in the
511 General Residential & Agricultural District.
512

513 **6. Other Business**

514 A. HAB Appeal Update
515

516 Chairman Faiman updated the Board on the appeal by Thomas Ryan to the Housing Appeals Board
517 regarding the special exception granted to Michaelann Murphy for a home occupation. He said Thomas
518 Ryan did not show up for the pre-trial conference held on Tuesday, September 10, 2024, in Concord. He
519 said the trial is still on schedule for the end of the month.
520

521 **7. Adjournment**

522 **A Hoar MOVED to adjourn at 10:53 p.m.**

523 **JK Eckstrom SECONDED.**

524 **Discussion:** None

525 **Voice Vote:** ayes 6

526 nays 0

527 abstentions 0

528 **Motion:** Carried 6/0/0
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530
531

532 **Approved on: 10.08.2024**