



Town of Wilton, NH Zoning Board of Adjustment MINUTES

1
2 **Saturday, October 5, 2024**

3 **9 AM**

4 **Tax Map F Lot 003-02**

5 **Isaac Frye Highway**

6
7 **ATTENDANCE**

8
9 **Board Members Present:**

Neil Faiman (chairperson); Andy Hoar; Peg Duggan
(alternate); Linda Jennings (alternate)

10
11 **Board Members Absent:**

Joanna Eckstrom (vice chairperson); Jeff Stone; Judith
Klinghoffer

12
13 **Board Secretary:**

Caryn Case (land use administrator)

14
15 **Attendees:**

Kenny Lehtonen (property owner); Sandra Lehtonen
(property owner); Nikki O'Neil; Ken Lehtonen; Lynne
Faiman; Steve Dutton, Esq.; Michael Boggs (abutter); John
Griffith; John Rokeh (Rokeh Consulting); Alex Porada
(abutter)

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24
25 **SITE VISIT MINUTES**

26
27 Prior to the opening of the public meeting, Kenny Lehtonen, asked Chairman Faiman about the rules of a
28 site walk specific to the individuals allowed to attend.

29
30 Chairman Faiman said that pursuant to RSA 91-A the site visit is a meeting of public bodies to which all
31 members of the public are welcome to attend. He added that the property owner has a choice to allow
32 the public to have a site visit, or not allow the public to have a site visit.

34 **1. Call to Order**

35 Chairman Faiman called the meeting to order at 9 a.m. and read the public notice.

36
37 Chairman Faiman said the site visit is a continuation of the public hearing on the case. It is open to the
38 public. Its purpose is to assist the board members and other interested parties to become familiar with the
39 property involved in the application. Board members and other interested parties may, through the board
40 chairperson, ask questions about and the applicant may point out site details pertaining to the application,
41 such as boundaries, contours, proposed buffers, driveways, etc. No other testimony will be taken, and no
42 other discussion should occur. He summarized the site visit as being able to relate to the physical
43 properties of the lot in relation to the application and plans provided.

44
45 Chairman Faiman said the site visit is not a substitute for the public hearing. Comments about the case,
46 about the laws, about all other issues, will be heard at the public hearing in the courtroom on Tuesday,
47 October 8, 2024, at 7 p.m.

48
49 Chairman Faiman instructed attendees to direct questions to him to assure pertinent information becomes
50 part of the permanent record. He said discussions outside of this direction could not be guaranteed to
51 become part of that record.

52
53 Chairman Faiman introduced the Board members who were present: Neil Faiman; Andy Hoar; Linda
54 Jennings and Peg Duggan and noted the latter two (2) as alternates. He noted that everyone identified,
55 including Joanna Eckstrom and Jeff Stone, who were not present, would be sitting on the case. He said
56 Andy Hoar would not be sitting on the case as he was present as a neighbor.

57
58 **2. Isaac Frye Holdings, LLC, Isaac Frye Highway**

59 **Case #08/13/2024-05**

60 *Isaac Frye Holdings, LLC has requested variances to sections 9B.6.1, 9B.6.2, and 9B.6.4 of the Wilton Zoning*
61 *Ordinance to allow a proposed gravel excavation on Lot F-3-2, Isaac Frye Highway, where the excavation would be*
62 *closer to property lines than allowed by the Ordinance, would be reclaimed with steeper slopes than allowed by*
63 *the Ordinance, and the access for the removal of the excavated material would be to Isaac Frye Highway rather*
64 *than to Greenville Road.*

65
66 Chairman Faiman stated the applicant's request is somewhat backwards in that the excavation had already
67 taken place leaving the Board to decide what might have been permitted if the applicant sought the
68 required variances from elements of the zoning ordinance regarding excavations at the outset. He said the
69 elements of interest to be considered are those that relate to the facts of the variances, including but not
70 limited to slope, property lines, driveway, reclamation, structure locations, etc....

72 Ken Lehtonen started to discuss information about the case that was not relevant to the site visit.
73 Chairman Faiman had to reiterate the purpose of the site visit was solely to view the conditions of the
74 property relative to the application that had been submitted.
75

76 John Rokeh described the need for the variance to be able to reclaim the slope, returning the slope to its
77 original condition by matching it up to the slope seen on either side of the excavated area. He said the
78 topsoil piles and new material would be used to accomplish this. It was noted that the disturbed area had
79 not migrated in the three (3) years it was exposed.
80

81 John Rokeh indicated where the single-family dwelling unit, septic system and a detention pond has been
82 proposed and described this area of the lot, along the base of the slope, as level. He described the
83 detention pond as a grass basin where water can flow and for a day or two (2) after a storm event. Kenny
84 Lehtonen added that test pits were used to determine suitable areas for the several detention ponds
85 proposed for the parcel. He added that topsoil piles would be screened for the reclamation areas requiring
86 grass.
87

88 John Griffith asked if more excavation would be conducted to accommodate the proposed driveway and
89 location of the proposed structures. John Rokeh confirmed there would be no additional excavation aside
90 from activity about 50 feet beyond the top of the slope to assist in the required reclamation of the slope.
91 He added that the location chosen for the single-family dwelling unit was in a spot of least impact and
92 compliant with the setbacks. Kenny Lehtonen added that the proposed dwelling unit would be about a foot
93 higher than the existing elevation.
94

95 Andy Hoar asked how the property lines had been determined. Kenny Lehtonen said that Fieldstone Land
96 Consultants had conducted a full boundary survey and said that the flagged stakes to either side of the
97 proposed driveway location were lot line markers.
98

99 John Rokeh walked the Board and attendees down the length of the 58 foot wide area for the proposed
100 driveway stopping at points where additional detention ponds were proposed; where the required
101 reclamation areas would be; where a 12 to 15 foot, three (3) tiered, curved retaining wall would be and the
102 location of a smaller retaining wall on the opposite side; and described how the driveway entrance will be
103 constructed to include a culvert to manage the excess drainage that is a current problem. Kenny Lehtonen
104 pointed to a feature on the abutters lot that marked the approximate edge of the easement granted for
105 the original driveway (about six (6) feet from the abutters front door), to legitimize the need to construct
106 their own driveway and to keep the two (2) parcels separate.
107

108 Chairman Faiman called for final questions or comments regarding the property.
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3. Adjournment

Chairman Faiman closed the public site visit at 9:39 a.m.

APPROVED: 10.08.2024