



Town of Wilton, NH Zoning Board of Adjustment MINUTES

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

Tuesday, March 11, 2025

7 PM

Wilton Fire Station, Emergency Operations Center (EOC)

102 Main Street

Board Members Present:	Neil Faiman (Chairperson); Joanna Eckstrom (Vice-chairperson); Jeff Stone; Judith Klinghoffer; Peg Duggan (Alternate); Linda Jennings Alternate)
Board Members Absent:	Andy Hoar
Board Secretary:	Caryn Case (Land Use Administrator)
Attendees:	Greg Mattison; Bart Hunter; Erin Musselwhite; Erin Radenbaugh; David Pinsonnault, Esq.; Barbara Pinsonnault; Brian Pratt, Fuss & O'Neill; Chris McInerney; Jow Dolliver; Dan Feed, NE Forestry Consultants; Robert Silva (Wilton Conservation Commission (WCC)); Heidi Blackmer; Jennifer Beck (WCC); Dawn Ryan; Jane Davenport (remote); William & Cori Ryan (remote)

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MINUTES

1. Call to Order

Chairperson Faiman called the meeting of the Town of Wilton Zoning Board of Adjustment to order at 7:00 p.m. He requested that all attendees sign in. C Case indicated that there were two remote attendees. He encouraged attendees to wear facial masks. He asked attendees if they wished to speak, to state their

34 relationship with the case by name, address, and interest, and direct all questions to the Chairperson. He
35 stated that the purpose of individual testimony is to provide information to help the Board in making their
36 decision and that decisions were made based on the understanding of the zoning ordinance and how the
37 facts of the application relate to said ordinance and the laws involved. He said that while historical and
38 personal data are tempting to share, this information does not generally affect the Board's decision. He said
39 that it is everyone's right to be heard, recognizing that masks wearers might sound muffled encouraging
40 those having difficulty hearing what was being said to let the Board know. Chairperson Faiman introduced
41 the Board and explained the role of alternate Board members and then appointed P Duggan and L Jennings
42 to sit for A Hoar, who was absent, on the McInerney and Ryan cases respectively. He stated that the Board
43 would not start reviewing a new case after 9:30 p.m. and would adjourn at 10 p.m. unless the Board
44 unanimously decided to continue past that hour. Last, he mentioned the meeting was being recorded, and
45 that recordings of meetings are kept until the minutes of a meeting are approved.

47 2. Minutes – February 11, 2025

48
49 **JK Eckstrom made a MOTION to defer review of the February 11, 2025,**
50 **minutes until later in the meeting.**

51 **L Jennings SECONDED the motion.**

52 There was no DISCUSSION.

53 VOICE Vote: ayes 5
54 nays 0
55 abstentions 0

56 **Motion was CARRIED. 5/0/0**

58 3. Public Hearing, NEW

59 **John Christopher McInerney**

60 **Case #03/11/2025-01**

61 *John Christopher McInerney has requested variance to section 4.8 of the Wilton Zoning Ordinance and/or*
62 *a special exception under section 11.4(b) of the Wilton Zoning Ordinance to allow the construction of a*
63 *single-family dwelling on Lot C-94, Marden Road and Wilton Center Road, where the dwelling and a*
64 *retaining wall would be closer to a delineated wetland than allowed by the Zoning Ordinance, and the*
65 *installation of the retaining wall would disturb an area of the wetland.*

66
67 Chairperson Faiman opened the public hearing by reading the public notice. He identified the sitting Board
68 as J Klinghoffer, N Faiman, JK Eckstrom, J Stone, and P Duggan. He mentioned that the Zoning Board
69 reviewed a similar request two years ago and granted that request, however, identified for a smaller house
70 size. The applicant would like to construct a larger dwelling unit and has therefore returned for a different
71 variance to allow that, and for the ability to construct within the wetlands.

73 C McInerney distributed a packet of documents¹. He described how his physical and cognitive impairments
74 had limited his ability to address the parcels hardships two years ago, and now that his health had
75 improved, he realized how limiting the result was. He described wanting to increase the footprint of the
76 proposed dwelling unit cited in the previous request from twelve hundred square feet to about twenty-two
77 hundred and fifty square feet and said the latter was more reasonable as well as consistent with homes in
78 the neighborhood. He added that he also wanted to improve the guardrail design protecting the top of the
79 bank behind the proposed dwelling unit. He said the proposed dwelling unit would include a two-car garage
80 and porch/sunroom/deck increasing the encroachment into the wetland's setback by an additional two and
81 half feet. He emphasized that he extended the proposed structure linearly to discourage a potential buyer
82 from further encroaching into the wetland's setback with accessory use.

83
84 C McInerney described the enhanced guardrail design as more conventional, minimizing disturbance,
85 reducing erosion and avoiding use of invasive and less attractive engineered structures in what would
86 remain of the back yard after development. He said the new guardrail design would encroach about five and
87 half square feet into the wetland's setback and be more environmentally friendly to wildlife. Chairperson
88 Faiman stated that §11.4(b) requires evidence of the effects of the proposed guardrail design by a
89 soil/wetland scientist and that the soil analysis submitted from RPF Environmental did not satisfy this
90 requirement.

91
92 C McInerney then said he could move the guardrail design back far enough so as not to encroach into the
93 wetland's setback if it meant getting the variance expedited, though it was not the most desirable
94 arrangement. B Pratt advised C McInerney to accept the variance with this amendment but keep open the
95 option of the special exception in case he changed his mind.

96
97 **J Stone made a MOTION to proceed on the variance to include the**
98 **amended location of the new guardrail design and continue the special**
99 **exception application to next month.**

100 **JK Eckstrom SECONDED the motion.**

101 There was no DISCUSSION.

VOICE Vote:	ayes	5
	nays	0
	abstentions	0

105 **Motion was CARRIED. 5/0/0**

106
107 Chairperson Faiman said the proposed residential use remains consistent with the character and use of
108 neighboring lots. He added that no reasonable use of the property could satisfy the setback requirements

¹ Six pages of application narrative, and eleven pages of construction like documents.

109 and noted that the issue of the septic system was no longer relevant. He said the impact of granting the
110 variance is minimal and denying the variance would effectively deny the property owner of its intended use.

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JK Eckstrom made a MOTION to grant the variance as amended relative to the plan entitled “Proposed Sewage Disposal System Plan / Tax Map C Lot 94 / Wilton, New Hampshire / (Wilton Center Road) / Prepared for / JCM Custom Building / 46 Wheeler Street – Pepperell, MA 01463 / Land of, / Priscilla Parker / 5 Howard Street, APT. 5 – Wilton, NH 03286 / Scale 1” = 20’ October 11, 2002” and stamped as received on February 25, 2025, showing a proposed residential dwelling unit with a footprint of two thousand two hundred forty two square feet (2,242 sq ft), and proposed retaining wall / guardrail design that does NOT encroach into the wetland’s setback.

122

J Stone SECONDED the motion.

123

There was no DISCUSSION.

124

ROLL CALL Vote: J Klinghoffer abstain

125

N Faiman aye

126

JK Eckstrom aye

127

J Stone aye

128

P Duggan aye

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Motion was CARRIED. 4/0/1

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Chairperson Faiman reminded the applicant that Zoning Board decisions are subject to request for a rehearing within 30 days of the date of decision and must be filed in writing by the applicant to the Town order by an abutter, and that a request for rehearing is a necessary precondition for any subsequent appeal, and in the absence of a request for rehearing, within the statutory 30 day time period, the decision becomes final and unappealable.

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4. Public Hearing, NEW

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Dawn Ryan Revocable Trust of 2021

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Case #03/11/2025-02

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The Dawn Ryan Revocable Trust of 2021 has requested a special exception under section 11.4(b) of the Wilton Zoning Ordinance and/or a special exception under section 11.3 of the Wilton Zoning Ordinance to allow the creation of a nature trail, including a boardwalk over Mill Brook, on Lot A-47-1, 74 Stagecoach Road.

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145

Chairperson Faiman opened the public hearing by reading the public notice. He acknowledged there is history relevant to the property but indicated it would be irrelevant to this case.

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147

148 G Mattison, Mattison Contracting, indicated he was accompanied by B Pratt, Licensed, Professional
149 Engineer, Fuss & O'Neill; D Reed, Forester, NE Forestry Consultants; and David Pinsonnault, Esq., Land
150 Use Attorney on behalf of the applicant D Ryan. He said they are proposing a nature trail to access a
151 portion of the property that could not legally be accessed by other means. The trail includes a Puncheon
152 (boardwalk) across Mill Brook, and Turnpikes and Corduroys across wetlands and soft, wet areas. These
153 structures are described in the New Hampshire Trail and Construction Manual as best management
154 practices (BMP's) for trail creation. B Pratt said the proposed span of the Puncheon will be twenty feet
155 (20') and exceed the clearance of a similar bridge upstream to avoid flooding triggered by an exceptional
156 rain event. The wetland area leading up to the Puncheon would be raised by twelve (12) to sixteen (16)
157 inches of gravel and would slope to either side toward the existing terrain into little ditches to regulate the
158 flow of water back into the existing surface. He said the total area along the entire trail would be less than
159 three thousand square feet of disturbance and would not require a stormwater permit application. G
160 Mattison noted the trail would be used for walking, snowshoeing, snowmobiles, and small machinery as
161 may be necessary to maintain the property.
162

163 G Mattison said the property owner would like to be able to access the snowmobile trail on the
164 conservation areas she abuts known as Trail #13. He said they learned, from one of the abutters, that this
165 snowmobile trail runs through a portion of the applicant's property not legally accessible to her at this
166 time. Upon learning this, the applicant said she did not have an issue with the use of the snowmobile trail
167 by others.
168

169 G Mattison said they understood a nature trail was a permitted use and they have applied to the State for
170 the necessary permits required by its creation through critical areas. J Beck stated that the Permit by
171 Notification (PBN) process may not adequately address the scope of disturbance anticipated and expressed
172 concern that the plans had not been certified and stamped by a licensed soil scientist and engineer.
173

174 Chairperson Faiman said the request requires evidence of the effects of the proposed trail creation by a
175 soil/wetland scientist and advised the applicant to work with the Town Engineer on that. C Case said she
176 would plan with G Holt, Aries Engineering, to address that with the applicant.
177

178 With that said, the Board decided on a date for a site visit to which Chairperson Faiman reminded
179 everyone that the site visit is an extension of the public hearing and open to the public.
180

181 **J Klinghoffer made a MOTION to schedule a site visit for Saturday, March**
182 **15, 2025, 9 a.m. at Tax Map A Lot 047-01, 74 Stagecoach Road, and plan**
183 **with the Town Engineer as required by §11.4(b).**

184 **JK Eckstrom SECONDED the motion.**

185 There was no DISCUSSION.

186 VOICE Vote: ayes 5

187 nays 0
188 abstentions 0
189 **Motion was CARRIED. 5/0/0**

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191

192 **5. General**

193 None.

194

195 **6. Adjournment**

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197 **JK Eckstrom made a MOTION to adjourn at 10:20 p.m.**

198 **J Stone SECONDED the motion.**

199 There was no DISCUSSION.

200 VOICE Vote: ayes 5
201 nays 0
202 abstentions 0

203 **Motion was CARRIED. 5/0/0**

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207 APPROVED on 04.02.2025