



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; Heidi Blackmer; Jennifer Beck; 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 relationship with the case by name, address, and interest, and direct all questions to the Chairperson. He

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

45
46 **2. Minutes – February 11, 2025**

47
48 **JK Eckstrom made a MOTION to defer review of the February 11, 2025,**
49 **minutes until later in the meeting.**

50 **L Jennings SECONDED the motion.**

51 There was no DISCUSSION.

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

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

56
57 **3. Public Hearing, NEW**

58 **John Christopher McInerney**

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

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

65
66 Chairperson Faiman opened the public hearing by reading the public notice. He mentioned that the Zoning
67 Board reviewed a similar request two years ago and granted that request, however, identified for a smaller
68 house size. The applicant would like to construct a larger dwelling unit and has therefore returned for a
69 different variance to allow that, and for the ability to construct within the wetlands.

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

81
82 C McInerney described the enhanced guardrail design as more conventional, minimizing disturbance,
83 reducing erosion and avoiding use of evasive and less attractive engineered structures in what would remain
84 of the back yard after development. He said the new guardrail design would encroach about five and half
85 square feet into the wetland's setback and be more environmentally friendly to wildlife. Chairperson
86 Faiman stated that §11.4(b) requires evidence of the effects of the proposed guardrail design by a
87 soil/wetland scientist and that the soil analysis submitted from RPF Environmental did not satisfy this
88 requirement.

89
90 C McInerney then said he could move the guardrail design back far enough so as not to encroach into the
91 wetland's setback if it meant getting the variance expedited, though it was not the most desirable
92 arrangement. B Pratt advised C McInerney to accept the variance with this amendment but keep open the
93 option of the special exception in case he changed his mind.

94
95 **J Stone made a MOTION to proceed on the variance to include the**
96 **amended location of the new guardrail design and continue the special**
97 **exception application to next month.**

98 **JK Eckstrom SECONDED the motion.**

99 There was no DISCUSSION.

100 VOICE Vote: ayes 5
101 nays 0
102 abstentions 0
103 **Motion was CARRIED. 5/0/0**

104
105 Chairperson Faiman said the proposed residential use remains consistent with the character and use of
106 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.

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

109
110 **JK Eckstrom made a MOTION to grant the variance as amended relative to**
111 **the plan entitled “Proposed Sewage Disposal System Plan / Tax Map C Lot**
112 **94 / Wilton, New Hampshire / (Wilton Center Road) / Prepared for / JCM**
113 **Custom Building / 46 Wheeler Street – Pepperell, MA 01463 / Land of, /**
114 **Priscilla Parker / 5 Howard Street, APT. 5 – Wilton, NH 03286 / Scale 1” =**
115 **20’ October 11, 2002” and stamped as received on February 25, 2025,**
116 **showing a proposed residential dwelling unit with a footprint of two**
117 **thousand two hundred forty two square feet (2,242 sq ft), and proposed**
118 **retaining wall / guardrail design that does NOT encroach into the wetland’s**
119 **setback.**

120 **J Stone SECONDED the motion.**

121 There was no DISCUSSION.

122 ROLL CALL Vote: J Klinghoffer abstain
123 N Faiman aye
124 JK Eckstrom aye
125 J Stone aye
126 P Duggan aye

127 **Motion was CARRIED. 4/0/1**

128
129 Chairperson Faiman reminded the applicant that Zoning Board decisions are subject to request for a
130 rehearing within 30 days of the date of decision and must be filed in writing by the applicant to the Town
131 order by an abutter, and that a request for rehearing is a necessary precondition for any subsequent appeal,
132 and in the absence of a request for rehearing, within the statutory 30 day time period, the decision
133 becomes final and unappealable.

134

135 4. Public Hearing, NEW

136 **Dawn Ryan Revocable Trust of 2021**

137 **Case #03/11/2025-02**

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

142

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

145

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

160
161 G Mattison said the property owner would like to be able to access the snow mobile trail on the
162 conservation areas she abuts known as Trail #13. He said they learned, from one of the abutters, that this
163 snow mobile trail runs through a portion of the applicant's property not legally accessible to her at this
164 time. Upon learning this, the applicant said she did not have an issue with the use of the snow mobile trail
165 by others.

166
167 G Mattison said they understood a nature trail was a permitted use and they have applied to the State for
168 the necessary permits required by its creation through critical areas. J Beck stated that the Permit by
169 Notification (PBN) process may not adequately address the scope of disturbance anticipated and expressed
170 concern that the plans had not been certified and stamped by a licensed soil scientist and engineer.

171
172 Chairperson Faiman said the request requires evidence of the effects of the proposed trail creation by a
173 soil/wetland scientist and advised the applicant to work with the Town Engineer on that. C Case said she
174 would plan with G Holt, Aries Engineering, to address that with the applicant.

175
176 With that said, the Board decided on a date for a site visit to which Chairperson Faiman reminded
177 everyone that the site visit is an extension of the public hearing and open to the public.

178
179 **J Klinghoffer made a MOTION to schedule a site visit for Saturday, March**
180 **15, 2025, 9 a.m. at Tax Map A Lot 047-01, 74 Stagecoach Road, and plan**
181 **with the Town Engineer as required by §11.4(b).**

182 **JK Eckstrom SECONDED the motion.**

183 There was no DISCUSSION.

184 VOICE Vote: ayes 5

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

190 **5. General**

191 None.
192

193 **6. Adjournment**

194
195 **JK Eckstrom made a MOTION to adjourn at 10:20 p.m.**

196 **J Stone SECONDED the motion.**

197 There was no DISCUSSION.

198 VOICE Vote: ayes 5
199 nays 0
200 abstentions 0

201 **Motion was CARRIED. 5/0/0**
202
203
204
205

APPROVED on XX.XX.2025