

**Town of Wilton, NH**  
**Zoning Board of Adjustment**  
**MINUTES**



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

**Tuesday, April 8, 2025**

**7 PM**

**Wilton Town Hall Courtroom**

**42 Main Street**

<b>Board Members Present:</b>	Neil Faiman (Chairperson); Joanna Eckstrom (Vice-chairperson); Jeff Stone; Judith Klinghoffer; Peg Duggan (Alternate); Linda Jennings (Alternate)
<b>Board Members Absent:</b>	Andy Hoar
<b>Board Secretary:</b>	Caryn Case (Land Use Administrator)
<b>Attendees:</b>	Greg C. Mattison; Dawn Ryan; Christina Ryan; Chris McInerney; Brian Pratt, Fuss & O'Neill; Denise Berrigan; Alan Preston, Wilton Conservation Commission (WCC); Marina Maffis; David Pinsonneault, Esq.; Barbara Pinsonneault; Robert Silva, WCC; Shannen Coffey
<b>Remote Attendees:</b>	Jane Davenport; Gordon Springate; William & Cori Ryan

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2. Minutes
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3. 02/11/2025-01, John Christopher McInerney
4. 03/11/2025-02, Dawn Ryan Revocable Trust of 2021
5. General Business
6. Adjournment

**MINUTES**

- |                  |
|------------------|
| 1. Call to Order |
|------------------|

35 Chairperson Faiman called the public meeting to order at 7:05 p.m. He indicated the meeting was being  
36 recorded and notes were being taken remotely by Secretary, C Case, who was ill. He asked that attendees  
37 sign in and remarked appreciatively that everyone was wearing masks. He said that if anybody had occasion  
38 to speak to do so by introducing themselves and explaining their relationship to the case. He introduced  
39 Regular Board Members J Klinghoffer, N Faiman, J Stone, and Alternate Board Members L Jennings and P  
40 Duggan. He said Alternate Board Members participate in the discussion of a case, and if designated to sit on  
41 a case in the absence or recusal of a regular board member, will participate as a voting member on a case  
42 as well.

43

44 Board Members introduced themselves.

45

46 Chairperson Faiman stated that the Zoning Board Rules of Procedure state the Board will not start  
47 discussion of a new case after 9:30 p.m. and that the Board will adjourn by 10:00 p.m. unless the Board  
48 unanimously votes to extend the meeting time.

49

50 Chairperson Faiman added that it is a right in a public hearing that all parties can hear and are listened to,  
51 and asked participants to interject as may be necessary to get the Board's attention if either of these two  
52 issues are unnoticed.

53

54 **2. Minutes**

55 a. February 11, 2025

56

57 The Board made a change to line 66.

58

59 **JK Eckstrom made a MOTION to amend line 66 of February 11, 2025, meeting**  
60 **minutes.**

61 **L Jennings SECONDED the motion.**

62 **There was no discussion.**

63 **VOICE Vote: ayes 4**

64 **nays 0**

65 **abstentions 1 (J Klinghoffer)**

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

67

68 b. March 11, 2025

69

70 The Board made changes to lines 15, 16, 41, 83, 107, 152, 155, 157, 161, 163, 164 and all locations  
71 where the phrase 'snow mobile' appeared.

72

73 **J Stone made a MOTION to amend lines 15, 16, 41, 83, 107, 152, 155, 157, 161,**  
74 **163, 164 and all locations where the phrase 'snow mobile' appeared on March 11,**  
75 **2025, meeting minutes.**

76 **JK Eckstrom SECONDED the motion.**  
 77 **There was no discussion.**  
 78 **VOICE Vote: ayes 5**  
 79 **nays 0**  
 80 **abstentions 0**  
 81 **Motion was CARRIED. 5/0/0**

83 c. March 15, 2025

84  
85 The Board made changes to lines 15, 18, 78, 80, 85, 89, 90, 101 and all locations where the phrase  
86 'snow mobile' appeared.

87  
88 **J Stone made a MOTION to amend lines 15, 18, 78, 80, 85, 89, 90, 101 and all**  
89 **locations where the phrase 'snow mobile' appeared on March 15, 2025, site visit**  
90 **minutes.**

91 **J Klinghoffer SECONDED the motion.**  
92 **There was no discussion.**

93 **VOICE Vote: ayes 4**  
 94 **nays 0**  
 95 **abstentions 1 (JK Eckstrom)**  
 96 **Motion was CARRIED. 4/0/1**

98 3. Public Hearing, *continued from a previous hearing*

99 **John Christopher McInerney**

100 **Case 03/11/2025-03**

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

106  
107 Chairperson Faiman opened the public hearing by reading the public notice. He accepted J Klinghoffer's request  
108 to relinquish participation as a voting member, then identified the sitting Board as L Jennings, N Faiman, JK  
109 Eckstrom, J Stone, and P Duggan.

110  
111 Chairperson Faiman said this new case (03/11/2025-03) evolved from the original case (03/11/2025-01) when  
112 the applicant chose to pursue the special exception to allow the disturbance of the wetland buffer for a  
113 retaining wall. This required the findings of a review by a soil scientist certified by the New Hampshire Board of  
114 Natural Scientists selected by the Zoning Board of Adjustment to justify and support the applicant's proposed  
115 restoration, stabilization, and cleanup in the wetland area at the toe of the slope as shown on the applicant's site

116 plan which was modified from a plan, entitled “Proposed Sewage Disposal System Plan / Tax Map C Lot 94 /  
117 Wilton, New Hampshire / (Wilton Center Roads) / Prepared for, / JCM Custom Building / 46 Wheeler Street -  
118 Pepperell, MA 01463 / Land of, / Priscilla Parker / 5 Howard Street, APT. 5 - Wilton, NH 03086 / Scale: 1” = 20’  
119 October 11, 2022”, received on February 25, 2025, and showing the location of the proposed retaining wall in  
120 the wetland buffer.

121  
122 John (Chris) McInerney distributed copies of the letter received from Christopher A. Guida CWS, CSS,  
123 Certified Wetland and Soil Scientist dated March 28, 2025, which stated that the applicants intent to remove  
124 discarded materials and debris (aka old farm dump) from the steep slope adjacent to the jurisdictional wetland  
125 area and restore and stabilize the remediated area with a tiered retaining wall was not in conflict with the  
126 purpose and intent of subsection 11.4(b). It was noted this letter had already been shared with the Board and  
127 was part of the public record.

128  
129 Chairperson Faiman asked the Board if they had any questions.

130  
131 Chairperson Faiman asked members of the public if they had any questions.

132  
133 Chairperson Faiman delivered a list of relevant facts including but not limited to the following:

- 134 1. Tax Map C Lot 094 has a total land area of 2.1 acres;
- 135 2. The lot is bisected by a perennial stream, and the area west of the stream is all wetlands, resulting in a  
136 small area of dry land;
- 137 3. Variances had been granted in ZBA Cases #2/14/2023-01 and #3/11/2025-01 to allow placement of a  
138 house and septic system on the lot;
- 139 4. The permitted house location is close to the edge of a cove parallel to the embankment which  
140 necessitates the placement of a safety fence around the top of the cove, and a retaining wall within the  
141 embankment; and
- 142 5. The applicant proposes to remove debris, which includes asphalt roofing tiles, from the embankment  
143 and construct a two-tiered retaining wall which will result in the transient and permanent disturbance of  
144 no more than twelve (12) square feet in the wetland buffer.

145  
146 **JK Eckstrom made a MOTION to close the public hearing for deliberations.**

147 **J Stone SECONDED the motion.**

148 **There was no discussion.**

149 **VOICE Vote: ayes 5**

150 **nays 0**

151 **abstentions 0**

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

153  
154 JK Eckstrom said she was comfortable moving forward on a decision.

155

156 Chairperson Faiman said the disturbance to the wetlands buffer was negligible and the proposed two-tiered  
157 retaining wall, within the embankment, would separate the wetland buffer and protect it from residential use.

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**JK Eckstrom made a MOTION to grant the special exception under subsection  
11.4(b) of the Wilton Zoning Ordinance to allow the installation of a two-tiered  
retaining wall that would disturb an area of the wetland buffer.  
J Stone SECONDED the motion.**

164 **JK Eckstrom made a MOTION to reopen the public hearing.**  
165 **J Stone SECONDED the motion.**  
166 **There was no discussion.**

167 **VOICE Vote: ayes 5**  
168 **nays 0**  
169 **abstentions 0**  
170 **Motion was CARRIED. 5/0/0**

171

172 Chairperson Faiman opened the floor to members of the public and then called for a vote on the motion.

173 **There was no discussion.**

174 **ROLL CALL Vote: L Jennings aye**  
175 **N Faiman aye**  
176 **JK Eckstrom aye**  
177 **J Stone aye**  
178 **P Duggan aye**

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

180

181 Chairperson Faiman announced that the request for a special exception had been granted, and that the applicant  
182 would receive a formal, written notification within five (5) business days. He said the decision of the Zoning  
183 Board is appealable for up to thirty (30) days by any abutter, in writing, explaining the reasons why the decision  
184 by the Zoning Board should be overturned. In the interim, he advised the applicant that commencing with any  
185 construction could put such activity at risk.

186

187 4. Public Hearing, *continued from a previous hearing*

188 **Dawn Ryan Revocable Trust of 2021**

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

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

194

195 Chairperson Faiman opened the public hearing by reading the public notice. He identified the sitting Board as J  
196 Klinghoffer, L Jennings, himself (N Faiman), JK Eckstrom, and J Stone.

197  
198 Chairperson Faiman noted this was the second consecutive hearing on the case, as required under subsection  
199 11.4 of the Wilton Zoning Ordinance, adding that this request required a letter from a certified wetland  
200 scientist in support of the application. Chairperson Faiman stated the Board had received a great deal of written  
201 correspondence from abutters, neighbors, the WCC, and the Board's consulting engineer, Aries Engineering.

202  
203 Chairperson Faiman reiterated the applicant's request to approve a trail and a bridge that crosses the wetlands.  
204 He noted that during the site visit on March 15, 2025, the Board, several abutters and interested parties, viewed  
205 a great deal more of the property that was helpful putting the request into context. However, he noted that  
206 anything beyond the scope of the trail and the bridge across the wetlands was not within the purview of the  
207 application. He said the Board was determining whether the requirements of the special exception were  
208 satisfied by the applicant relative to a trail and a bridge that crosses the wetlands.

209  
210 G Mattison, the applicant's general contractor, cited, from their response, dated April 8, 2025, to the letters  
211 received from abutters, the neighbors, and the WCC, confirming that the third party review had been retained  
212 and completed by Aries Engineering, and that the New Hampshire Department of Environmental Service  
213 (NHDES) application, an ancillary permit not pertinent to the decision by the ZBA, was being updated.

214  
215 B Pratt, the applicant's engineer, said that NHDES had requested additional information and determined that a  
216 Wetlands Standard Permit was required. As a result, he said stream studies and bridge design plans were being  
217 pursued. Currently, a boardwalk style bridge with girders and wood planks, eight (8) feet wide with a six (6)  
218 foot wide usable path, spanning 1.2 times the full width of the stream and supported on concrete abutments to  
219 support pedestrian, farm animals, and small vehicle traffic, i.e. snowmobiles, ATV, lawnmower, small tractor and  
220 the like up to a maximum of 4,000 pounds, is being discussed for seasonal use. The final bridge design will  
221 require the stamp of a professional engineer and NHDES approval. G Mattison added that corduroys (a trail  
222 best management practice) would be constructed over "mucky loamy soils" as may be necessary.

223  
224 Chairperson Faiman asked the applicant if the design standards and use of the bridge were specific to the  
225 request to which the applicant responded "yes".

226  
227 A conversation developed relative to the snowmobile trail(s) that included questions from JK Eckstrom, J Stone,  
228 abutters, J Davenport and C Ryan, and a statement from Chairperson Faiman describing the property as three  
229 (3) parcels: the western part having the road frontage; the intermediate part on the other side of the easement  
230 bridge; and the eastern part, Parcel 'B', legally inaccessible, other than by the snowmobile trail located on the  
231 Hoover Trust. However, the snowmobile trail and Parcel 'B', as indicated on the plan set entitled "Ryan  
232 Property Improvements / Proposed Trail Plans / 74 Stagecoach Road / <sup>TM</sup> A Lot 47-1 / Wilton New  
233 Hampshire", dated April 2021, and received on April 1, 2025, were not relevant to the application request other  
234 than to put the applicant's request into context.

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JK Eckstrom asked where the Mill Brook outlet was. G Mattison said the brook wandered through the Hoover Trust, through the watershed, to the highway. N Faiman elaborated on this saying Mill Brook runs along Burton Highway then cuts through a wetland area that confluences near Burton Highway, Isaac Frye Highway, Stagecoach and Davisville Roads.

Chairperson Faiman opened the floor to questions and comments from attendees.

B Silva asked why the Trails Statutory Permit-By-Notification (Trails SPN) had been disqualified for the Wetlands Standard Permit. B Pratt said a reason had not been given other than to go through the standard permitting process. B Silva speculated if the need for the special exception and a building permit might have triggered the disqualification. B Pratt said that the new application would be submitted to the WCC for review and comment as required.

Chairperson Faiman pointed out that if some other relief is necessary for the applicant to proceed, then a new request would be required on any applicable restriction. He added that the ZBA can only grant a special exception for what that special exception authorizes and nothing else.

A Preston, referencing the April 14, 2025, letter submitted by the WCC discussing wildlife and other New Hampshire Fish and Game (NHFG) corridors asked how these areas would be delineated. B Pratt said NHFG have criteria that define corridors that include looking at land structures, topography, and the like. He added that a nature trail does not have an impact on wildlife corridors.

J Davenport asked how long it would take to put the bridge together and what the noise level might be during that time. B Pratt said that NHDES requires that stream crossing permits are constructed during low flow periods with proper erosion control in place. G Mattison added the bridge would take about ten (10) days to construct.

C Ryan asked why the trail was being called a nature trail rather than a utility road referencing the types of vehicles that might be using it. B Pratt, referencing subsection 11.3, stated the zoning ordinance allows for nature trails which best defines how the applicant wants to use her property. Chairperson Faiman said that if the applicant chooses to use her property as a nature trail, that is permitted as a right, however, he noted that the applicant had requested a special exception for uses which are not otherwise permitted in the district, and basically the question as to what the applicant chooses to call the trail is a semantic question without relevance to the consideration of the application, and no different than calling the bridge a boardwalk.

**J Klinghoffer made a MOTION to close the public hearing for deliberations.**

**JK Eckstrom SECONDED the motion.**

**There was no discussion.**

**VOICE Vote: ayes                      5**

275 nays 0  
276 abstentions 0  
277 **Motion was CARRIED. 5/0/0**  
278

279 Chairperson Faiman said subsections 11.4(a) and 11.4(b) deal with someone wanting to use the wetland to make  
280 better use of their property. He noted the request for relief from subsection 11.4(a) was more common and  
281 that this request for relief from subsection 11.4(b) was somewhat novel in that it says you can do almost  
282 anything that is not allowed in the wetlands provided it is generally legal, that you can demonstrate it is  
283 consistent with the spirit of the wetland district, and that a Board chosen certified soil scientist has approved it.

284  
285 JK Eckstrom said it was reasonable to allow the special exception that had been requested because Parcel 'B' is  
286 inaccessible without it.

287  
288 Chairperson Faiman stated the proposed bridge enabling the trail to cross Mill Brook is the purpose of the  
289 request, and that access to Parcel 'B' is irrelevant. He said, the trail, a compacted strip of land running through  
290 the wetland with a bridge constructed over Mill Brook that will allow a greater capacity for water to flow under  
291 it in the event of a flood, with a corduroy (or corduroys) to cross a streamlet (or streamlets) on the east side of  
292 Mill Brook, and approved by a New Hampshire Certified Soil Scientist, has shown that the requirements of  
293 subsection 11.4(b) have been satisfied and do not conflict with the purpose and intent of the Wetlands  
294 Conservation District, and that written evidence in submitted documents, plans, and the findings of the soil  
295 scientist confirm how the project is consistent with the spirit of the zoning ordinance (public health, safety and  
296 welfare), and consistent with the rules for special exceptions in subsection 4.12.

297  
298 **J Klinghoffer made a MOTION to grant the special exception under subsection**  
299 **11.4(b) of the Wilton Zoning Ordinance to allow the creation of a nature trail,**  
300 **including a bridge of no more than eight (8) feet wide with a carrying capacity**  
301 **of 4,000 pounds, over Mill Brook, as presented in the applicant's written**  
302 **submissions, a site visit, opinion of an independent third-party engineering**  
303 **firm, and report from a certified soil scientist, and finding that the proposed**  
304 **bridge and trail do not conflict with the purpose and intent of the Wetlands**  
305 **District, or the spirit of the zoning ordinance (public health, safety and welfare)**  
306 **and are consistent with the rules for special exceptions in subsection 4.12.**

307 **L Jennings SECONDED the motion.**  
308

309 **J Klinghoffer made a MOTION to reopen the public hearing.**

310 **L Jennings SECONDED the motion.**

311 **There was no discussion.**

312 **VOICE Vote: ayes 5**  
313 **nays 0**  
314 **abstentions 0**



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

316

317 Chairperson Faiman opened the floor to members of the public then called a vote on the motion.

318 **There was no discussion.**

319 **ROLL CALL Vote: J Klinghoffer aye**

320 **L Jennings aye**

321 **N Faiman aye**

322 **JK Eckstrom aye**

323 **J Stone aye**

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

325

326 Chairperson Faiman announced that the request for a special exception had been granted, and that the applicant  
327 would receive a formal, written notification within five (5) business days. He said the decision of the Zoning  
328 Board is appealable for up to thirty (30) days by any abutter, in writing, explaining the reasons why the decision  
329 by the Zoning Board should be overturned. In the interim, he advised the applicant that commencing with any  
330 construction could put said activity at risk.

331

332 **5. General**

333

334 J Stone expressed difficulty finding ZBA documents and advised creating a consistent system to name  
335 documents that would make them easier to locate. P Duggan agreed. Chairperson Faiman agreed to further  
336 discuss this.

337

338 **6. Adjournment**

339

340 **J Stone made a MOTION to reopen the public hearing.**

341 **P Duggan SECONDED the motion.**

342 **There was no discussion.**

343 **VOICE Vote: aye 5**

344 **nays 0**

345 **abstentions 0**

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

347

348

349 **Approved May 13, 2025**