



**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**

**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 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

**Remote Attendees:**

Jane Davenport; Gordon Springate; William & Cori Ryan

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4. 03/11/2025-02, Dawn Ryan Revocable Trust of 2021
5. General Business
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## MINUTES

### 1. Call to Order

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

Board Members introduced themselves.

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

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

### 2. Minutes

#### a. February 11, 2025

The Board made a change to line 66.

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

**L Jennings SECONDED the motion.**

**There was no discussion.**

<b>VOICE Vote: ayes</b>	<b>4</b>
<b>nays</b>	<b>0</b>
<b>abstentions</b>	<b>1 (J Klinghoffer)</b>

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

#### b. March 11, 2025

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

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

**JK Eckstrom SECONDED the motion.**

**There was no discussion.**

<b>VOICE Vote: ayes</b>	<b>5</b>
<b>nays</b>	<b>0</b>
<b>abstentions</b>	<b>0</b>

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

c. March 15, 2025

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

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

**J Klinghoffer SECONDED the motion.**

**There was no discussion.**

<b>VOICE Vote: ayes</b>	<b>4</b>
<b>nays</b>	<b>0</b>
<b>abstentions</b>	<b>1 (JK Eckstrom)</b>

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

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

**John Christopher McInerney**

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

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

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

Chairperson Faiman said this new case (03/11/2025-03) evolved from the original case (03/11/2025-01) when the applicant chose to pursue the special exception to allow the disturbance of the wetland buffer for a retaining wall. This required the findings of a review by a soil scientist certified by the New Hampshire Board of Natural Scientists selected by the Zoning Board of Adjustment to justify and support the applicant's proposed restoration, stabilization, and cleanup in the wetland area at the toe of the slope as shown on the applicant's site plan which was modified from a plan, entitled "Proposed Sewage Disposal System Plan / Tax Map C Lot 94 / Wilton, New Hampshire / (Wilton Center Roads) / Prepared for, / JCM Custom Building / 46 Wheeler Street - Pepperell, MA 01463 / Land of, / Priscilla Parker / 5 Howard Street, APT. 5 - Wilton, NH 03086 / Scale: 1" = 20' October 11, 2022", received on February 25, 2025, and showing the location of the proposed retaining wall in the wetland buffer.

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

Chairperson Faiman asked the Board if they had any questions.

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

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

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

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

**J Stone SECONDED the motion.**

**There was no discussion.**

**VOICE Vote: ayes 5**

nays 0  
abstentions 0

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

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

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

**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.**

**JK Eckstrom made a MOTION to reopen the public hearing.**  
**J Stone SECONDED the motion.**

**There was no discussion.**

**VOICE Vote:** ayes 5  
nays 0  
abstentions 0

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

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

**There was no discussion.**

**ROLL CALL Vote:** L Jennings aye  
N Faiman aye  
JK Eckstrom aye  
J Stone aye  
P Duggan aye

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

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

4. Public Hearing, *continued from a previous hearing*  
**Dawn Ryan Revocable Trust of 2021**

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

*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.*

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

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

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

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

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

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

A conversation developed relative to the snowmobile trail(s) that included questions from JK Eckstrom, J Stone, abutters, J Davenport and C Ryan, and a statement from Chairperson Faiman describing the property as three

(3) parcels: the western part having the road frontage; the intermediate part on the other side of the easement bridge; and the eastern part, Parcel 'B', legally inaccessible, other than by the snowmobile trail located on the Hoover Trust, however, the snowmobile trail and Parcel 'B', as indicated on the plan set entitled "Ryan Property Improvements / Proposed Trail Plans / 74 Stagecoach Road / <sup>TM</sup> A Lot 47-1 / Wilton New Hampshire", dated April 2021, and received on April 1, 2025, were not relevant to the application request other than to put the applicant's request into context.

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**

**nays 0**

**abstentions 0**

**Motion was CARRIED.**

**5/0/0**

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

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

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

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

**L Jennings SECONDED the motion.**



**L Jennings SECONDED the motion.**

**VOICE Vote:** ayes 5  
nays 0  
abstentions 0

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

**ROLL CALL Vote:** J Klinghoffer aye  
L Jennings aye  
N Faiman aye  
JK Eckstrom aye  
J Stone aye

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

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

**P Duggan SECONDED the motion.**

**VOICE Vote:** aye 5  
nays 0  
abstentions 0

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356    Approved MONTH DATE, YEAR

DRAFT