



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

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

**Tuesday, May 13, 2025**

**7 PM**

**Wilton Town Hall Courtroom**

**42 Main Street**

**Board Members Present:**

Neil Faiman (Chairperson); Joanna Eckstrom (Vice-chairperson); J Klinghoffer; Linda Jennings Alternate); Peg Duggan (Alternate)

**Board Members Absent:**

Andy Hoar; Jeff Stone

**Board Secretary:**

Caryn Case

**Attendees:**

Sarah Brown; Chris Brown; Nathan Whitam; Bill Abrahams-Dematte; Richard Kahn; Sharon Blackburn; Kevin Feist; Russell Huntley

**Remote Attendees:**

none

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2. Election of Officers
3. Case #0/13/2025-0, Bill & Deb Abrahams-Dematte
4. Case #05/13/2025-02, Nathan Whitam (property owner) and Chris Brown (applicant)
5. Minutes
  - a. April 8, 2025
6. General Business
  - a. Education & Training Workshops
7. Adjournment

## MINUTES

**1. Call to Order**

Chairperson Faiman called the meeting to order at 7:06 p.m. and asked that everyone sign in. He mentioned the Board would be wearing masks and requested those present to also wear masks. He said wearing masks can make it difficult to project and be heard and being heard is everyone's right.

He asked if anybody has the opportunity to speak, that they introduce themselves by name and state their relation to the case. He introduced the Board and indicated that the alternate Board members would be sitting for two members who were absent.

Chairperson Faiman conveyed that the Zoning Board of Adjustment Rules of Procedure were such that no new case would be reviewed after 9:30 p.m. and that the meeting would adjourn no later than 10 p.m. unless the Board unanimously decides to continue past those deadlines.

The Board introduced themselves for the recording.

## 2. Election of 2025 – 2026 Zoning Board of Adjustment Officers

Chairperson Faiman said that the election of officers takes place at the first or second meeting following the town elections. He said he was willing and looked forward to the opportunity of becoming Chairperson for another year.

### A. Chairperson

**JK Eckstrom made a MOTION to nominate N Faiman as the 2025 – 2026 Chairperson to the Zoning Board of Adjustment.**

**J Klinghoffer SECONDED the motion.**

**There was no discussion.**

<b>ROLL CALL Vote:</b>	<b>J Klinghoffer</b>	<b>aye</b>
	<b>N Faiman</b>	<b>abstain</b>
	<b>JK Eckstrom</b>	<b>aye</b>
	<b>L Jennings</b>	<b>aye</b>
	<b>P Duggan</b>	<b>aye</b>

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

Similarly, Vice-chairperson JK Eckstrom said she was willing and looked forward to serving as Vice-chairperson for another year.

### B. Vice-chairperson

**N Faiman made a MOTION to nominate JK Eckstrom as the 2025 – 2026 Vice-chairperson to the Zoning Board of Adjustment.**

**J Klinghoffer SECONDED the motion.**

**There was no discussion.**

<b>ROLL CALL Vote:</b>	<b>J Klinghoffer</b>	<b>aye</b>
	<b>N Faiman</b>	<b>aye</b>
	<b>JK Eckstrom</b>	<b>abstain</b>
	<b>L Jennings</b>	<b>aye</b>

P Duggan      aye  
Motion was CARRIED.      4/0/1

3. Public Hearing, NEW  
Bill and Deb Abrahams-Dematte

**Case 05/13/2025-01**

*Bill and Deb Abrahams-Dematte have requested a variance to section 14.3.1 of the Wilton Zoning Ordinance to allow a lot line adjustment that would reduce the area of Lot A-40, 72 Barrett Hill Road, which is already smaller than required for a residential lot in the Watershed District.*

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

Chairperson Faiman described the procedure for presenting a case. He asked applicants to provide an explanation of the request, describe why the request is needed, and state why the Zoning Board of Adjustment should grant the request. He said the Board would then close the public hearing, deliberate on the request and decide on the request. Once the Board is questioned out, the public hearing will be reopened for questions, comment, et al before a vote on a motion takes place.

B Abrahams-Dematte described a necessary lot line adjustment to rearrange a parcel of his neighbor's land which had been inadvertently used as a garden for about twenty years. The adjustment further reduces his land area. He added the adjustment does not involve development of any kind but will provide additional area for his neighbor should a new well or septic be required. He said the exchange is a net of 7,000 square feet (6,000 square feet added to his lot, and 13,000 square feet added to is neighbor's lot).

R Huntley, PLS, said the perimeter of the two lots will not change and once the lot line adjustment is approved by the Planning Board, monuments would be set along the newly created property corners. He ascertained the exchange was equitable, noting that the garden was upland and more valuable than the steep wooded area and lowlands.

Chairperson Faiman noted that the Watershed District came into being in 1989.

R Kahn said the encroachment was discovered during the lot line adjustment with another neighbor a couple of years ago. He said that he was in favor of the boundary adjustment to resolve this issue.

R Huntley said there would be two conveyances to swap the parcels identified in the lot line adjustment. These conveyances would be recorded. He said new deeds would not be generated until such time the adjusted parcels may be sold.

B Abrahams-Dematte felt the request would be in the public's interest to resolve. He added that the spirit of the ordinance to maintain the land was being followed, there would be no harm to the public, neighboring property values would not be affected because no structural changes are proposed, and that a substantial effort and injustice would be shared by the land and the property owner to return the encroachment to its original condition.

Chairperson Faiman said the facts seemed pretty straightforward: there is a lot that predates the Watershed District; the lot line adjustment is a marginal reduction to remedy a problem; the result would still be two lots with no possibility for new dwelling units; the proposal is an attempt to protect and work within the requirements of the Watershed District; and the motivation for the request is an amicable solution to the problem.

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

**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**

Chairperson Faiman described the purpose of the Watershed District as protecting the quality of the water in the watershed by introducing setbacks, limiting density, and requiring certain lot sizes. He noted the proposed lot line adjustment does not affect that in any way. He added that there will be no possibility for creating an additional dwelling unit, this increasing density. J Klinghoffer said forcing the applicant to dismantle the garden is more likely to burden the watershed than leaving the garden as it is.

**JK Eckstrom made a MOTION to grant the variance as presented to allow a lot line adjustment that would reduce the area of Lot A-40, which is already smaller than required for a residential lot in the Watershed District, as an amicable solution for the inadvertent use of the neighbor's property over a period of years.**

**L Jennings SECONDED the motion.**

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

**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**

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

155 **There was no discussion.**

156 **ROLL CALL Vote:** J Klinghoffer aye  
157 N Faiman aye  
158 JK Eckstrom aye  
159 L Jennings aye  
160 P Duggan aye

161 **Motion was CARRIED.** 5/0/0  
162

163 Chairperson Faiman announced that the variance had been granted. However, the applicants, the abutters, and  
164 the Select Board, have the right to request the Zoning Board to hold a new hearing to reconsider their decision.  
165 Such a request for a rehearing would have to be filed in writing and directed to the Town no more than 30 days  
166 from the day of the decision. A request for a rehearing is a mandatory prerequisite for any subsequent appeal of  
167 the decision, and if nobody requests a rehearing in that time frame, the decision becomes final. He noted that if  
168 a request for a rehearing is granted there is a possibility the decision of the Board could be overturned, so as a  
169 precaution he advised the applicant to consider that possibility.  
170

171 **4. Public Hearing, NEW**

172 **Nathan Witham (owner) and Chris Brown (applicant)**

173 **Case # 05/13/2025-02**

174 *Nathan Witham (owner) and Chris Brown (applicant) have requested a special exception under section*  
175 *11.4(a) of the Wilton Zoning Ordinance to allow a wetland crossing for a driveway on Lot A-58-2, Davisville*  
176 *Road.*  
177

178 Chairperson Faiman opened the public hearing by reading the public notice. He identified the sitting Board as J  
179 Klinghoffer, N Faiman, JK Eckstrom, L Jennings, and P Duggan.  
180

181 C Brown described that he is seeking a special exception to construct a wetland crossing with the intent to  
182 constructing a single-family dwelling at the rear of the lot which is inaccessible without it. Chairperson Faiman  
183 confirmed there is a swale that runs across the lot parallel to Davisville Road prohibiting access to the rear of  
184 the lot. N Witham said the area for the wetlands crossing is a seasonal wetland.  
185

186 N Witham said he purchased the lot in January 2019 and received a state permit to construct a driveway across  
187 the wetlands. He constructed that wetland crossing in 2020. He said he was not aware a special exception from  
188 the Town was also required.  
189

190 The Board discussed various features of the wetlands crossing identified in the state permit application prepared  
191 by Meridian Land Consultants and noted Meridian would have been aware of local requirements prior to  
192 constructing the wetlands crossing. As a result, the Board required a presentation and review of the wetlands  
193 crossing from the professional wetland engineer despite opposition from the property owner and the applicant.

The Board insisted this is the procedure the Board would have followed had the application been before them five years ago.

**J Klinghoffer made a MOTION to schedule a site visit for Saturday, May 31, 2025, or Sunday June 8, 2025, whichever date the applicant can arrange with their engineer.**

**JK Eckstrom SECONDED the motion.**

<b>ROLL CALL Vote:</b>	<b>J Klinghoffer</b>	<b>aye</b>
	<b>N Faiman</b>	<b>aye</b>
	<b>JK Eckstrom</b>	<b>aye</b>
	<b>L Jennings</b>	<b>aye</b>
	<b>P Duggan</b>	<b>aye</b>

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

**N Faiman made a MOTION to continue the hearing until June 10, 2025.**

**L Jennings SECONDED the motion.**

<b>ROLL CALL Vote:</b>	<b>J Klinghoffer</b>	<b>aye</b>
	<b>N Faiman</b>	<b>aye</b>
	<b>JK Eckstrom</b>	<b>aye</b>
	<b>L Jennings</b>	<b>aye</b>
	<b>P Duggan</b>	<b>aye</b>

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

## 5. Minutes

### A. April 8, 2025

**J Klinghoffer made a MOTION to amend lines 45, 72, 87, 102, 114, 158, 177, 186, 228, 238, 284, 298, 312, 313, 330, 331. 353, and 356 of April 8, 2025, meeting minutes.**

**JK Eckstrom SECONDED the motion.**

**There was no discussion.**

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

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

## 6. General Business

C Case informed the Board there was a webinar on Zoning Board of Adjustment Basics on June 18th.

7. Adjournment

**L Jennings made a MOTION to adjourn at 8:51 p.m.**

**JK Eckstrom SECONDED the motion.**

**There was no discussion.**

**VOICE Vote: aye 5**

**nays 0**

**abstentions 0**

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

**APPROVED on Month Day, Year**