



Town of Wilton, NH Zoning Board of Adjustment Minutes

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

**Tuesday, June 10, 2025
7 PM**

**Wilton Town Hall Courtroom
42 Main Street**

Board Members Present:	Neil Faiman (Chairperson); Joanna Eckstrom (Vice-chairperson); Jeff Stone; Linda Jennings (Alternate); Peg Duggan (Alternate)
Board Members Absent:	Andy Hoar
Board Secretary:	Caryn Case
Attendees:	Sarah Brown; Chris Brown; Bill Gagan; Andrew Luongo; Don Bogdan; Susan Bogdan; Dan Barowski, SIT, Fieldstone Land Consultants; Natham Witham; Spencer Tate, CWS/CSS, Meridian Land Services
Remote Attendees:	none

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MINUTES

1. Call to Order

Chairperson Faiman called the meeting to order at 7:02 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 anybody who would speak to 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 to benefit the accuracy of the recording.

2. Minutes

A. May 13, 2025

JK Eckstrom made a MOTION to amend lines 98, 105, 107, 111, 137, 182, 193, and 231 of May 13, 2025, meeting minutes.

L Jennings SECONDED the motion.

There was no discussion.

VOICE Vote: ayes	4
nays	0
abstentions	1 (J Stone)

Motion was CARRIED. 4/0/1

B. June 8, 2025

JK Eckstrom made a MOTION to amend lines 12, 17, 27, 29 through 39, 41, 49, and 76 of June 8, 2025, meeting minutes.

L Jennings SECONDED the motion.

There was no discussion.

VOICE Vote: ayes	5
nays	0
abstentions	0

Motion was CARRIED. 5/0/0

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

Nathan Witham (owner) and Chris Brown (applicant)

Case # 05/13/2025-02

75 Nathan Witham (owner) and Chris Brown (applicant) have requested a special exception under section
76 11.4(a) of the Wilton Zoning Ordinance to allow a wetland crossing for a driveway on Lot A-58-2, Davisville
77 Road.

78
79 Chairperson Faiman open the public hearing by reading the public notice. He identified the voting Board as
80 L Jennings, N Faiman, JK Eckstrom, J Stone, and P Duggan.

81
82 J Stone reminded the Board he was absent from the May 13, 2025, meeting when the case was first heard,
83 and asked if he should recuse himself. The property owner and the applicant did not feel this was an issue.

84
85 Vice-chairperson Eckstrom asked for confirmation that there would be no additional disturbance to the
86 wetland area than was seen during the site visit on June 8, 2025. The property owner and the applicant said
87 there is no additional wetland disturbance intended and no other wetland crossing requested.

88
89 C Brown, applicant, said the reason for the request is to construct a single-family dwelling on the better
90 portion of the lot which the special exception would allow for that purpose. He indicated there was limited
91 area in the front portion of the lot to do so which S Tate, Meridian Land Services, confirmed citing a
92 required seventy-five-foot wetland well setback and a one-hundred-twenty-five septic system setback that
93 cannot be met.

94
95 At the request of Chairperson Faiman, S Tate, said the wetland crossing had been constructed as proposed
96 in the NHDES Wetland Permit Application with a thirty-foot long, twenty-four-inch diameter HPDE
97 culvert with partial embedment and inverts with 0.03 tenths of the design specifications. He added that the
98 total wetland disturbance was equal to about twenty-four hundred square feet.

99
100 Vice-chairperson Eckstrom said she had seen a green substrate during the site visit. S Tate confirmed that
101 there was an erosion control measure placed at the surface during construction of the wetland crossing.
102 He described it as a biodegradable silk stocking filled with wood chips which would slowly photodegrade.
103 She then asked about the direction the water flowed in.

104
105 Chairperson Faiman described a swamp near a rise on Davisville Road to the east where water flows
106 before dropping down to a low point at Stagecoach Road and other wetland areas.

107
108 Vice-chairperson Eckstrom asked if the property owner was aware of excess runoff onto the abutting
109 property. N Witham, property owner, said he was not. However, S Tate, said the intent of the culvert
110 within the wetland crossing is to maintain the hydrologic connectivity so that no water stages up gradient,
111 that is on the north side of the driveway. He said there is no change in the flow of water which can be
112 associated with the installation of the driveway or wetland crossing. He stated the volume of water falling

onto and flowing through the land is the same as that which pre-existed, adding there is nothing about the existing driveway and wetland crossing design that would exacerbate any off-site hydrologic issues.

The following findings of fact were cited by Chairperson Faiman and based on the application, the as-built plan, documents submitted with the application, and the June 8, 2025, site visit:

1. The lot has a total area of 8.4 acres, and 230 feet of frontage along Davisville Road;
2. The lot is in the General Residence and Agricultural District and Watershed District;
3. The lot is bisected by a wetland;
4. The greater portion of the lot is separated from Davisville Road by the wetland;
5. Lot line setbacks, Watershed District wetland setbacks, and the location of a neighbor's well make it impossible to construct a residential dwelling unit in the portion of the lot that is accessible without crossing the wetlands;
6. A portion of a driveway and a wetland crossing was constructed in 2020 without receiving a special exception pursuant to Chapter 11 of the Wilton Zoning Ordinance;
7. An after-the-fact special exception is being sought by the property owner and applicant;
8. The wetland crossing incorporates a thirty-foot by twenty-four-inch diameter HDPE culvert; and
9. The disturbed wetland area is approximately twenty-four hundred square feet.

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

Chairperson Faiman announced that the public hearing had been closed. He explained this procedure to the attendees.

Chairperson Faiman commented that the request, other than its facts, mirror every other wetland crossing request the Board has heard. He reminded the Board that the conditions of the special exception must be satisfied, and in summary said the proposed wetland crossing is essential to the productive use of land that is not in the wetland, and the wetland crossing was located and constructed to minimize the detrimental impact of the crossing on the wetlands.

Vice chairperson Eckstrom said it was an important consideration to consider the fact that due diligence was conducted by the State regarding the issuance of the State Wetland Permit.

Chairperson Faiman read subsection 4.12, Special Exceptions, which permits the Zoning Board of Adjustment to grant special exceptions only upon finding that the proposed use, structure, or activity ...

- (a) Is not permitted by the Ordinance in the absence of a Special Exception;
- (b) Is consistent with and will not substantially affect the character of the neighborhood in which it is proposed;
- (c) Will comply with Sections 4.10 - 4.10.11 inclusive of all General Provisions (Chapter 4) and not jeopardize the health or safety of anyone on or off site;
- (d) Will not cause diminution of surrounding area property values;
- (e) Will not have an unacceptable effect on traffic in the neighborhood or in the Town;
- (f) Will have available, adequate off-street parking, if required;
- (g) Will not be detrimental to the attractiveness of the Town;
- (h) Is consistent with the spirit of the Ordinance;
- (i) Meets all other criteria enumerated in the Section that permits the Special Exception, and ...

... asked the Board if there were any concerns relative to vibrations or other perceptible ground motion, objectionable odors, smoke or airborne particles, hazardous or toxic materials, lighting or glare from signage, electromagnetic radiation, or explosions, as well as new construction, development, reconstruction and other activity that disturbs the soil shall be designed to minimize stormwater runoff from the site in excess of the natural pre-existing conditions including location and volume, and shall comply with the requirements of Section H, Storm Water Management and Erosion Control of the Town of Wilton Land Use Laws and Regulations for activity within the watershed protection district. He said that all surface storm water shall be kept on site and handled in a manner to allow water to infiltrate into the ground before leaving the site.

In closing, Chairperson Faiman cited the wetland crossing was necessary for the productive use of the lot and was constructed to minimize the impact to the wetlands. He said the 'laundry' list of special exception requirements were self-evident and called for a motion.

JK Eckstrom made a MOTION to grant the special exception to allow a wetland crossing for a driveway on Tax Map A Lot 058-02 as requested and shown on the "As-Built Wetland Crossing / Map A Lot 58-2 / Prepared for / Chris Brown / Wilton, New Hampshire / Scale: 1" = 20' July 6, 2025" and prepared by Meridian Land Services, Inc.

L Jennings 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 then called a vote on the motion.

There was no discussion.

ROLL CALL Vote: J Klinghoffer aye

N Faiman aye

JK Eckstrom aye

L Jennings aye

P Duggan aye

Motion was CARRIED. 5/0/0

Chairperson Faiman announced that the request for a special exception for the wetland crossing had been granted. He told the property owner and applicant they would receive a written notice within five business days. He let them know the law says that the Select Board and any abutters to the proceedings have the right to request the Zoning Board of Adjustment to hold a rehearing on the case, however, such request would need to be filed within thirty days from the date of decision explaining why. In the absence of such a request, the decision made becomes final.

4. Public Hearing, *NEW*

William Gagan

(Case #06/10/2025-01)

William Gagan has requested a variance to section 4.8 of the Wilton Zoning Ordinance and/or a special exception under section 17.3.1 of the Wilton Zoning Ordinance to allow the construction of a 6'x10' deck attached to the existing house on Lot J-118, 27 Island Street, where the deck would be less than the required distance from the Souhegan River and from one or more lot lines.

Chairperson Faiman open the public hearing by reading the public notice. He identified the voting Board as L Jennings, N Faiman, JK Eckstrom, J Stone, and P Duggan.

Vice chairperson Eckstrom said that she was at the site on June 9, 2025, in the capacity as the Sewer and Water Commissioner, and had the opportunity to also speak with the applicant about the location of the proposed deck.

B Gagan, applicant, said the proposed ten-foot by thirteen-foot L-shaped deck would be located at the left and rear side of the house and would not be seen from the road. He said the proposed deck does not

impede into the setbacks any further than what the foundation on the left and rear sides of the house already does and that most of the deck runs parallel to that side lot line.

P Duggan recalled that the architectural plans submitted at the January 9, 2024, hearing requesting relief to allow the construction of a new house on the foundation of the existing house (which had been demolished) and closer to one or more lot lines, and the Souhegan River, than allowed by the zoning ordinance, and granted by the Zoning Board of Adjustment, had included the deck being discussed. However, the Board discussed and concluded that that decision specifically referenced Sheet DD-4 on the plan entitled "Project: Single Family Home / 27 Island Street / Wilton, New Hampshire / East Elevation / North Elevation / West Elevation" and dated January 8, 2024, did not identify that a ten-foot by thirteen-foot deck would be constructed.

J Stone made a MOTION to proceed with the request for a variance to section 4.8 of the Wilton Zoning Ordinance and/or a special exception under section 17.3.1 of the Wilton Zoning Ordinance to allow the construction of a 6'x10' deck attached to the existing house on Lot J- 118, 27 Island Street, were the deck would be less than the required distance from the Souhegan River and from one or more lot lines.

L Jennings SECONDED the motion.

There was no discussion.

VOICE Vote: ayes	4
nays	1
abstentions	0

Motion was CARRIED. 4/1/0

Chairperson Faiman announced that the proposed deck was not implicitly allowed by the decision of January 9, 2024, and the board should proceed with the hearing on the requested relief.

JK Eckstrom made a MOTION to grant the variance to section 4.8 of the Wilton Zoning Ordinance and a special exception under section 17.3.1 of the Wilton Zoning Ordinance to allow the construction of a 6'x10' deck attached to the existing house on Lot J-118, 27 Island Street, where the deck would be less than the required distance from the Souhegan River and from one or more lot lines.

L Jennings SECONDED the motion.

Vice-chairperson Eckstrom said the deck was non imposing.

L Jennings said the deck is a benefit as the new homeowner could erect swings, place a table or anything else beyond the foundation, which the deck would otherwise restrict. She also said that the letter received from the Wilton Conservation Committee inaccurately referenced how the deck would be located relative to the setbacks.

Chairperson Faiman said, also about the letter received from the Wilton Conservation Commission about the proposed deck, development on the lot already exceeds the 50% threshold for impervious surfaces and noted the deck, at less than one hundred square feet, still includes grass area greater than what previously existed on that side of the house.

P Duggan noted the deck was essential to safely accommodate the two-foot drop when exiting the door from that side of the house.

B Gagan added that the thirteen-foot length was needed to accommodate the sliding glass door.

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

Discussion: C Case indicated that the 'Amended Shoreland Impact Permit 2023- 02404' included "an additional deck on the northwest side" to which the applicant would be responsible for adhering to best management practices to assure runoff from the deck will remain contained on site.

ROLL CALL Vote: J Klinghoffer aye

N Faiman aye

JK Eckstrom aye

L Jennings aye

P Duggan aye

Motion was CARRIED. 5/0/0

Chairperson Faiman said the decision would include the findings of fact established in the previous case as well as a few new ones and then told the applicant he would receive a written notice within five business days. He let them know the law says that the Select Board and any abutters to the proceedings have the right to request the Zoning Board of Adjustment to hold a rehearing on the case, however, such request would need to be filed within thirty days from the date of decision explaining why. In the absence of such a request, the decision made becomes final.

5. Public Hearing, *NEW*
J&L Revocable Trust of 2013 (owner) and Andrew Luongo (applicant)
(Case #06/10/2025-02)

J&L Revocable Trust of 2013 (owner) and Andrew Luongo (applicant) has requested variances to sections 8.1 and 8.6 of the Wilton Zoning Ordinance and/or a variance to section 8.2.2 of the Wilton Zoning Ordinance to allow the single-family residential use of Lots D-101 and D-102, 325 Gibbons Highway, in the Industrial District, and a lot line adjustment between the two lots which would result in a lot with less than the required frontage.

Chairperson Faiman open the public hearing by reading the public notice. He identified the voting Board as L Jennings, N Faiman, JK Eckstrom, J Stone, and P Duggan.

D Barowski, SIT from Fieldstone Land Consultants, distributed a copy of a proposed lot line adjustment¹ and described the request for three variances related to a proposed lot line adjustment between Tax Map D Lot 102 and Tax Map D Lot 101 in the northern section of the industrial zone along Route 101. He described the two lots under single ownership, surrounded on three sides by the General Residence & Agricultural District, with road frontage to Tax Map D Lot 102 only where there is an existing and occupied residence. He noted that the terrain on these two lots would not be conducive to industrial use. JK Eckstrom agreed the parcels would be more suitable for residential use.

In the first variance request the applicant is proposing to transfer approximately seven acres to a new proposed Tax Map D Lot 101, which is currently land-locked and therefore non-compliant, onto lands where the existing and occupied residence, and its driveway, are located along with two-hundred feet of road frontage, making the newly proposed Tax Map D Lot 101 a compliant lot except for use.

In the second variance request, the applicant is seeking relief from road frontage for the proposed new Tax Map D Lot 102, as the balance of road frontage remaining is only twenty-one-foot.

In the third variance request, the applicant would like to construct a single-family residential dwelling unit, which is a change of use, with access by an easement deed over the existing driveway on the proposed new Tax Map D Lot 101.

In response to questions from the Board about the stonewall, wetlands, and existing driveway, D Barowski said the applicant intends to utilize the existing wetlands crossing to the upland on the newly proposed Tax Map D Lot 102 for the proposed new residence as any other means of access would require disturbance to the wetlands and is not necessary. He said access by use of the existing driveway by easement deed keeps the newly proposed Tax Map D Lot 101 compliant, and Tax Map D Lot 102 compliant by way of the variance requests. He said they strategically proposed the reduced frontage lot for newly proposed Tax Map D Lot 102 which abuts the Souhegan River as to flip-flop the lot line arrangement would create an

¹ "Conceptual Lot Line Adjustment Exhibit / Tax Map D Lots 101 & 102 / (325 Gibbons Highway) / Wilton, New Hampshire / Prepared For, / Andrew Luongo / 325 Gibbons Highway Wilton, NH 03086 / Land of, / J&L Revocable Trust of 2013 / PO Box 688 Wilton, NH 03086 / Scale: 1" = 100' May 20, 2025"

additional curb-cut along Route 101/Gibbons Highway that would not be compliant with the driveway regulations. Chairperson Faiman indicated there was a subdivision across the highway where the potential for additional traffic would make conditions unsafe, and the New Hampshire Department of Transportation not likely to permit a new curb cut.

J Stone noted an erroneous reference to section 8.6 on the application to which the Board understood to be a simple error.

JK Eckstrom made a MOTION to amend the application reference to section 8.5 with the correct reference to section 8.6 which is the prohibition on residential uses.

N Faiman SECONDED the motion.

There was no discussion.

VOICE Vote: ayes 5

nays 0

abstentions 0

Motion was CARRIED. 5/0/0

For the record, D Barowski read through the variance criteria submitted with the application dated May 19, 2025, addressing each of the statutory requirements which must be satisfied that the variance requests are not contrary to the public interest, that the variance requests observe the spirit of the ordinance, that the variance requests do not diminish the values of surrounding properties, and that the variance requests, if not granted, would result in unnecessary hardship for the applicant. (This document can be viewed in the case file on the Wilton Zoning Board of Adjustment website: www.wiltonzba.org.)

D Bogdan, abutter, spoke in favor of the proposal saying it was a great use of the properties, but expressed concern about excessive runoff from the existing driveway crossing the highway onto his yard and seeping into his basement during notable rain events. He said this first began when the house was constructed about twenty years ago. A Luongo, applicant, said the house was constructed in 1968. They both then concurred that the issue is a matter of the culvert, at the base of the driveway, which is often clogged. D Bogdon asked for some type of mitigation to remedy that.

D Barowski commented that the drainage is not anything proposed in these requests but remarked that the Planning Board would have jurisdiction on standards that would involve addressing that issue, as would the State.

Vice-chairperson Eckstrom requested a site visit to become familiar with the thirty-five acres in question.

JK Eckstrom made a **MOTION** to schedule a site visit for June 21, 2025, or June 28, 2025, at 9 a.m. dependent on the availability of the applicant and his representative to be present and continue the public hearing until July 8, 2025. N Faiman **SECONDED** the motion.

There was no discussion.

VOICE Vote: ayes	5
nays	0
abstentions	0

Motion was CARRIED. 5/0/0

6. Old Business

There was no 'Old Business' for the Board to address.

7. New Business

Vice chairperson Eckstrom requested clarification on the notices and noticing to which C Case said she would research.

8. Other Business

A. Education & Training

i. ZBA Basics – Wednesday, June 18, 2025; 12 p.m. to 2 p.m.; via Zoom

A basic overview of the organization, powers, duties, and relevant statutory and case law authority to make public service enjoyable and productive.

C Case reminded the Board of June 18, 2025, webinar on Zoning Board of Adjustment Basics. P Duggan and L Jennings requested to receive that link when available.

9. Adjournment

JK Eckstrom made a **MOTION** to adjourn at 10:06 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

417

418 **APPROVED** Month Date, Year

DRAFT