



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

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

**Tuesday, September 9, 2025**

**7 PM**

**Wilton Town Hall Courtroom  
42 Main Street**

**Board Members Present:** Neil Faiman (Chairperson); Joanna Eckstrom (Vice-chairperson); Jeff Stone, Peg Duggan (Alternate); Linda Jennings (Alternate)  
**Board Members Absent:** n/a  
**Board Secretary:** Caryn Case (Land Use Administrator)  
**Attendees:** Stephanie Kirsh (Applicant); Nicholas Kirsch; Ken Cadrain; Michael Bronson  
**Remote Attendees:** none

### Table Of Contents

1. Call to Order
2. Minutes
  - a. July 8, 2025
3. Stephanie Kirsch, 68 Burns Hill Road Case No. 09/09/2025-01
4. Adjournment

## MINUTES

### 1. Call to Order

Chairperson Faiman called the public meeting to order at 7 p.m. He reviewed protocols on masking, testimony, and meeting time.

Chairperson Faiman called for a moment of silence to remember Andy Hoar, a dedicated Board Member who passed away on August 25, 2025. He said that Andy was reliable, consistently thoughtful, and contributed to the Zoning Board for the last 19 years.

### 2. July 8, 2025, Minutes

The Board made the following changes to July 8, 2025, Minutes as follows:

- Line 46: replace the word 'establishing' with the word 'established';

- Line 89: add the phrase “of the Wilton Zoning Ordinance” after the phrase ‘subsection 8.6’;
- Line 95: replace the word ‘constructing’ with word ‘requiring’;
- Line 100: add the word ‘that’ after the word ‘citing’;
- Line 123: replace the phrase “is making” with the phrase “proposes to make”;
- Line 124: replace the word ‘useless’ with the word ‘unusable’;
- Line 129: add a comma after the word ‘use’;
- Line 136: add a comma after the word ‘agreed’.

**JK Eckstrom made a MOTION to amend July 8, 2025, minutes as discussed.**

**P Duggan SECONDED the motion.**

There was no further discussion.

VOICE Vote: ayes	5
nays	0
abstentions	1 (J Klinghoffer)

**Motion was CARRIED. 5/0/1**

3. Public Hearing, *NEW*

**Stephanie Kirsch, 68 Burns Hill Road**

**Case No 09/09/2025-01**

*Stephanie Kirsch has requested a special exception under section 5.3.1 of the Wilton Zoning Ordinance and/or a variance to section 5.1 of the Wilton Zoning Ordinance to allow a home-based farmstead business as a home occupation, including producing and packaging items such as canned goods, infused oils, baked goods, and handmade crafts (e.g., candles, leather journals), and selling these goods from the home and elsewhere, and to allow the growing of herbs, vegetables, and fruit, and the keeping of small farm animals such as chickens, on Lot L-4, 68 Burns Hill Road, where agricultural uses, including the keeping of livestock, are not a permitted use in the Residential District.*

Chairperson Faiman opened the public hearing by reading the public notice.

Chairperson Faiman identified the sitting Board as J Stone, JK Eckstrom, N Faiman, J Klinghoffer, and L Jennings. He noted that P Duggan, Alternate, would contribute to the discussions but would not participate as a voting member of the Board.

Chairperson Faiman stated that the applicant will explain what she wants to do on her property, why she needs approval from the Zoning Board, what sections of the Zoning Ordinance are limitations, and why she believes that the Zoning Board ought to approve her requests. He said Board members have the right to interrupt and/or ask questions during the applicant’s presentation to clarify and understand the applicant’s intentions. He added that the public (attendees) would also have opportunity to ask questions, make comments, provide information they think would be useful to the Board in their decision after the

74 applicant has spoken. He said the applicant may choose to rebut or provide a response to any question,  
75 comment, or information that are made.

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77 Chairperson Faiman asked that all questions, comments and information remain focused on the requests  
78 made by the applicant adding that the Board is lawfully responsible to decide whether the application  
79 complies with the requirements of the requested relief as stated in the Zoning Ordinance, and questions,  
80 comments and information are helpful. He continued by saying that questions, comments, and information  
81 that have no relation to the matter are not helpful, and that repetitive testimony would be quelled.

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83 S Kirsch, Applicant, said her property is 68 Burns Hill Road in the Residential District. She said she is  
84 requesting a Special Exception to subsection 5.3 of the Zoning Ordinance for a home occupation. She  
85 added, she also requested a Variance to subsection 5.1 of the Zoning Ordinance for the agricultural use of  
86 her property. She further stated that she would like to amend her application to include a Variance request  
87 to subsection 5.2.3 regarding setbacks, to locate a farm stand within the setback where no structures or  
88 associated uses are permitted in the setback.

89  
90 S Kirsch said she would like to grow produce, vegetables, and the like, apart from a hobby. She said she  
91 runs an out-of-home business as a pop-up vendor at fairs, and the like, selling baked goods, but would like  
92 to do so out of her home instead.

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94 J Klinghoffer asked if production/preparation as a pop-up was on-going in her home.

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96 S Kirsch said production/preparation is currently being done outside of her home, and that family has been  
97 helping her with this for years. She added that the New Hampshire (NH) Cottage Law specifies that baked  
98 goods, for example, could be sold at a farm stand.

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100 S Kirsch said she needs agricultural use approval to keep chickens for their eggs. She said she grew up with  
101 chickens and understands there is often a surplus of eggs, and she intends to sell them to neighbors and  
102 friends by way of a physical structure, a farm stand.

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104 J Klinghoffer asked where on the property a farm stand would be located. S Kirsch said she has a 25 foot-  
105 wide by 40-foot-deep pull-off in front of her property along Burns Hill Road that can accommodate two  
106 vehicles. Vice-chairperson Eckstrom noted the pull-off was to the right of the house when looking at the  
107 house from the street. S Kirsch provided a site plan<sup>1</sup> and indicated the location of the pull-off.

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<sup>1</sup> Portion of a Boundary Plan entitled "Boundary Plan / Tas Map L Lot 4 / Prepared for / Nicholas A Kirsch & / Stephanie M Lingley-Kirsch / Located at: / 68 Burns Hill Road / Wilton, New Hampshire / Scale 1" = 20' Date: May 10, 2020" serving as a site plan exhibit.

Vice-chairperson Eckstrom asked how large the proposed farm stand would be. S Kirsch said the proposed farm stand would be around eight feet by eight feet, or less than 100 square feet. J Klinghoffer noted that the pull-off was halfway through a curve, defined as the property line, on the site plan the applicant provided. S Kirsch said that parking would be on the portion of the pull-off that was on their property. Chairperson Faiman said it would be important to know where the actual right-of-way was. S Kirsch said their surveyor determined their property corners were the large stone pillars shown on the site plan provided making the pull-off area appear more concentrated as part of the right-of-way. Vice-chairperson Eckstrom recalled discussing the pull-off, several years ago, in a previous request the applicant made to the Board.

Vice-chairperson Eckstrom asked where the proposed chickens would be located and how many chickens the applicant was seeking to home. S Kirsch said the chickens would be homed in a coop, less than 100 square feet in area, at the back of their property near the garage. S Kirsch did not know how many chickens she intended to have but said she would start with four chickens. J Stone asked if the applicant would home a rooster. The applicant said she would not. J Stone asked the applicant what other types of farm animals she anticipated homing. S Kirsch said she was not sure but thought maybe rabbits and/or sheep. She said she did not grow up managing large farm animals and did not want to be limited to a certain number or type of farm animals as she is learning about them. Chairperson Faiman stated that an approval would be well defined. Vice-chairperson Eckstrom asked the applicant if she had pets. The applicant said she has indoor cats and dogs.

Vice-chairperson Eckstrom asked the applicant to qualify where in her room she devotes to her home occupation. S Kirsch did not respond though she said she intends to turn part of her unfinished basement into a prep-kitchen that would not require plumbing. She added that the NH Cottage Law gives her permission to utilize her home kitchen. P Duggan asked if the kitchen requires State certification/inspection. S Kirsch said there was a very large list of food products that are allowed and food products that are not allowed, and that potentially hazardous food products require State certification/inspection. S Kirsch said she was not interested in producing the latter.

Chairperson Faiman interrupted with the following summary of the applicant's request: The applicant would like agricultural uses of the property which are not a listed permitted use in the residential district; therefore, the Variance request; and the applicant would like to have a proposed home occupation, which includes but is not limited to the processing, cooking, crafting and so on of products to be placed for sale in a farm stand on the property, which if sold elsewhere as a pop-up vendor would not require a Special Exception, but requires a Special Exception to be sold in a farm stand on the property.

J Klinghoffer asked how the States brands potentially hazardous foods. S Kirsch said the State cites several factors including but not limited to a foods acidity and gave the example of selling jarred Salsa versus jarred Peaches.

Chairperson Faiman said the current application does not request that a farm stand be in the setback and that a new/amended application should be heard and noticed for this purpose. He added that the request for a farm stand exceeds that of a minor application amendment.

L Jennings asked the applicant what she intended to do during the winter. S Kirsch said that eggs are typically lean in the winter and that she expects to devote time in the winter to producing her crafts. She added that the proposed farm stand would be an enclosed structure with electricity sourced from solar pendant lights. P Duggan noted there was a year-round farm stand located in Milford on Main Street before the Dollar Store which is not an enclosed structure. S Kirsch said she would enclose her proposed farm stand to keep products dry, fresh, and clean. C Case noted that the farm stand described by P Duggan had electricity.

Vice-chairperson Eckstrom asked the applicant about employees and farm stand hours. S Kirsch said she would post regular farm stand hours.

Chairperson Faiman opened the discussion to the public.

K Cadrain, Abutter, shared concern about increased traffic on Seagroves Road. He said Seagroves Road is a private road maintained and supported by the property owners who live on Seagroves Road. He said he would be concerned about people using Seagroves Road to turn around and/or park for access to the proposed farm stand. This would block traffic for the caretakers of Seagroves Road to which the applicant chooses not to contribute to the care and maintenance even though their paved driveway is only accessible from Seagroves Road.

Prompted by Chairperson Faiman to further explain the concern, K Cadrain said that Seagroves is narrow with no place to pull over, and that Burns Hill Road is lined by shrubs creating a blind corner to the pull-off area described by the applicant, and into the right-of-way from Seagroves Street. He cited that the applicant often has yard sales which has demonstrated the validity of the concern, and that drivers do not abide by the speed limit in that area which is just beyond the entrance to the High School. Vice-chairperson Eckstrom wondered if a sign could be posted directing traffic to park in the applicants paved driveway to access the proposed farm stand without creating a nuisance on Seagroves Street. Chairperson Faiman noted that Seagroves is a private road and while it may be used by the applicant to access her property it does not translate into the right to use it to access the property for commercial/agricultural purposes. J Klinghoffer concurred.

K Cadrain said the applicant was seeking approval for home chickens when the applicant had already had 20 to 30 chickens living under their porch, subject to nightly predators, until recently. He said he was not

concerned about odors from a few chickens but was concerned about odors from additional and larger farm animals. He said the applicant has not demonstrated herself to be a good caretaker of animals.

M Bronson, Abutter, also expressed concern about odor from additional and larger farm animals. Additionally, he was concerned about the production of baked goods citing that his wife is a professional baker and used to own the bakery in town. He said that when she closed the business explore baking at home, the State had numerous safe food handling requirements including but not limited to a dedicated area in the home, equipment, and was subject to other food handling responsibilities. He asked the Board how the proposed cottage business would be regulated for its food handling. Chairperson Faiman said the State provides the assurance of this through licensure and certification.

M Bronson described on the approval for his home-based vehicle inspection business that required approval through the Zoning Board of Adjustment and Site Plan approval by the Planning Board which limited when, where, and how many hours, vehicles and customers would be allowed for service, as well as approval by the property owners who have access to the properties via Seagroves Road.

Chairperson Faiman asked S Kirsch if she had had any questions, comments or information to share in response to the abutters concerns. S Kirsch said she had many including but not limited to traffic/travel along Burns Hill Road, yard sales, driveway access off Seagroves Road, her neighbor's home-based businesses, her ability to care for animals, and her chickens.

Vice-chairperson Eckstrom asked S Kirsch if there was any construction currently ongoing on her property. S Kirsch said there was none.

M Bronson pointed out that Seagroves Road commences at two stone pillars which are located north of the applicant's paved driveway and defines the entrance onto the town's right-of-way. JK Eckstrom asked M Bronson if he was limited to the number of 'guests' that could use Seagroves Road to access his property for his home-based business. M Bronson said he was limited by way of the site plan approved by the Planning Board. Chairperson Faiman stated the Zoning Board does not have jurisdiction on the use of Seagroves Road and that that is a civil matter between the property owners. C Case asked S Kirsch when the second curb cut, along Burns Hill Road, was approved by the Planning Board, and then added that the applicant's deed does not reference having an easement over Seagroves Road. S Kirsch said the Town had sent the Road Agents to stage the pull-off along Burns Hill Road in 2017/2018 so that two handicapped individuals who were residing in the household could have access to the home.

Vice-chairperson Eckstrom requested a site visit. J Klinghoffer asked S Kirsch if she would be willing to permit a site visit and N Faiman explained what a site visit entailed. S Kirsch said that she would permit a site visit and stake out the location of the property lines and proposed farm stand. Abutters, K Cadrain and

M Bronson, gave permission to the Board and the public to utilize and park on Seagroves Road as may be necessary for the site visit.

Chairperson Faiman said that it was his opinion that there is not a request in the current application for a farm stand to be in the setback, and that a separate application needs to be noticed to address that. He added that if there were no sales intended on the property, then no Special Exception would be required, however adding the aspect of sales on the property makes the request(s) of a permit a requirement and a clear depiction of the intent needs to be made including but not limited to the location of the farm stand, the construction of the farm stand, what is going to be sold in the farm stand, where/how are the goods being produced, where are the vehicles going to park, how many vehicles can be parked, farm stand hours, and the like.

J Klinghoffer asked where the chickens fit it. Chairperson Faiman said that RSA 674:32 on agricultural uses of land does not explicitly address agricultural use with respect to any zoning district or location, and therefore opens such operations/activities as a permitted use, either as a primary or accessory use, so long as the use is conducted using best management practices, follows all pertinent guidelines etc., for the marketing of food and their products. In other words, whenever agricultural operations or activities are not explicitly addressed with respect to any zoning district, such operations or activities shall be deemed to be prohibited. He added that the zoning ordinance is permissive as a traditional rule meaning that which is not explicitly permitted is prohibited, and what the state has said is "yes", but not for agriculture. He further commented that the Wilton Planning Board never intended to allow agriculture in the Residential District, and the Zoning Board of Adjustment cannot regulate what is allowed.

**JK Eckstrom made a MOTION to schedule a site visit Saturday, October 4, 2025, 9 a.m. and to continue the hearing until Tuesday October 14, 2025, 7 p.m.**

**L Jennings SECONDED the motion.**

There was no discussion.

VOICE Vote:	ayes	5
	nays	0
	abstentions	0
<b>Motion was CARRIED.</b>		<b>5/0/0</b>

Chairperson Faiman asked the Board to read through the RSA collection on agricultural lands and uses recently sent to the Board by C Case.

#### 4. Adjournment

**JK Eckstrom made a MOTION to adjourn at 8:02 p.m.**

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**J Stone SECONDED the motion.**

There was no discussion.

VOICE Vote:	ayes	6
	nays	0
	abstentions	0
<b>Motion was CARRIED.</b>		<b>6/0/0</b>

**APPROVED** Month day, Year

DRAFT