



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

**Tuesday, April 9, 2024**

**7 PM**

**Wilton Town Hall Courtroom**  
**42 Main Street**

**ATTENDANCE**

<b>Board Members Present:</b>	Neil Faiman (chairperson); Joanna Eckstrom (co-chairperson; remote); Andy Hoar; Jeff Stone (remote); Judith Klinghoffer; Peg Duggan (alternate); Linda Jennings (alternate)
<b>Board Members Absent:</b>	n/a
<b>Zoning Board of Adjustment Secretary:</b>	Caryn Case
<b>Attendees:</b>	Tom Ryna; Eric Bacon; Allen John; Carol John; Bill Raney; Katie Raney; Laurence Withers; Dana LaFleur; Michaelann Murphy; Alison Meltzer; Andy Simpson; Jason C. Bolduc; Marcia Potter; David Potter; Rob Spittel; Cale Brandley; Elizabeth Brandley; Denise Jacobs; Chris Guida

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**MINUTES**

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**1. Call to Order**

Chairman Faiman called the meeting to order at 7 pm.

a. Review of Meeting Protocols

Chairman Faiman took measures to assure all individuals in attendance could hear and could be heard and requested that all individuals sign into the meeting.

b. Mask Wearing

Chairman Faiman read the following statement regarding mask wearing: "Zoning Board of Adjustment members are volunteers who put in time and energy without compensation to perform a needed service in the town. We appreciate their time and energy. We do not ask them to risk their health or the health of their loved ones. Some of our members are or have family members who are at particular risk if they become ill to accommodate our members' reasonable health concerns and to make it possible for them to attend zoning board meetings in person. The zoning board policy is that all attendees should wear masks and zoning board meetings. Compliance with this policy is optional. Legally, we cannot compel any participant to wear a mask or discriminate against them for choosing not to do so as a matter of courtesy, and to allow all ZBA members to participate fully in board meetings. We request that you wear a mask at our meetings, but the choice is yours. Thank you." Chairman Faiman pointed out to the availability of masks and asked if anyone was unwilling to wear one. It was noted that at least one (1) attendee chose not to wear a mask, thus, J Stone left the meeting to participate remotely.

c. Meeting Time

Chairman Faiman stated the Board does not start review of a new case after 9:30 pm and will terminate the meeting at 10 pm unless the Board has unanimously agreed to continue the meeting.

d. Introductions

Chairman Faiman asked that attendees who wish to speak during the meeting to introduce themselves and state your relation to the case you are speaking to. He said that if you are a resident of Wilton your address would be helpful. He describes the Zoning Board as a Court who makes decisions on facts of law. He said facts are the details of a proposed use and where it is being proposed and how it relates to and affects the neighborhood and the town. The law is the zoning ordinance. Chairman Faiman described the ZBA hearing process on applications as having two (2) purposes: (1) to allow the applicant and any other interested parties to provide information that the zoning board may take into account when making a decision on an application, and (2) to allow the public to know what is being proposed and what information the ZBA has heard that will go into the decision. He said comments, questions and other testimony are welcome. He noted that a ZBA decision about a proposed use and property is what is about a proposed use on property not about the applicant. If the property is sold, the decision still applies to the property under its new owner. Therefore, comments about the applicant, their character, their habits, their family, or their pets, are at best a distraction. He said the ZBA cannot consider those types of comments when making a

82 decision. He emphasized that the Board members do listen to the testimony, and repetition does  
83 not make a position stronger.

84  
85 Chairman Faiman introduced the Zoning Board:

86 Caryn Case, Board Secretary;

87 Judith Klinghoffer;

88 Neil Faiman, Chairperson;

89 Peg Duggan, Alternate;

90 Jeff Stone, Board member participating remotely due to concerns of some attendees not  
91 wearing masks;

92 Joanna Eckstrom, Co-Chairperson and participating remotely due to illness making it  
93 impartible to do so in person;

94 Andy Hoar; and

95 Linda Jennings, Alternate.

96  
97 **2. Minutes**

98 a. March 12, 2024

99  
100 P Duggan noted a duplication on line 82.

101  
102 **P Duggan MOVED to accept the meeting minutes of March 12, 2024, with the change to line 82.**

103 **JK Eckstrom SECONDED.**

104 **There was no discussion.**

105 <b>Roll Call Vote:</b>	A Hoar	abstain
	N Faiman	aye
	P Duggan	aye
	JK Eckstrom	aye
	J Klinghoffer	abstain

109  
110 **Motion was carried.**

111  
112 **3. Michaelann Murphy, 291 Captain Clark Highway**

113 Public Hearing; **NEW**

114 **Case #01/09/2024-01**

115 a. *Michaelann Murphy has requested special exceptions under sections 5.3.1 and 6.6.1 of the Wilton*  
116 *Zoning Ordinance to operate a licensed family group care as a home occupation at Tax Map H Lot H-*  
117 *132, 292 Captain Clark Highway.*

118  
119 Chairman Faiman opened the hearing by reading the Applicant's request. He identified the Voting Board as  
120 JK Eckstrom, J Klinghoffer, P Duggan, N Faiman, and L Jennings. He said the hearing had been continued  
121 from March 12, 2024, and that the site visit schedule for April 6, 2024, had be cancelled due to snow.

123 M Murphy introduced herself as an experienced childcare taker and explained that she was seeking to open  
124 a licensed family group childcare program for school aged children through the New Hampshire  
125 Department of Health and Human Services. She explained that the license permits up to an additional five  
126 (5) children on days where school might have been postponed accommodating the siblings of registered  
127 childcare participants only. She referenced an email sent to the land use Administrator that cited the State  
128 definition for this program.

129  
130 JK Eckstrom asked how many children the Applicant would expect to have on a regular day to day basis.

131  
132 M Murphy said the State will issue a license based on the square footage required per child in the space  
133 designated for the home occupation. She said this number has not yet been determined, however, she is  
134 applying for the maximum capacity for this type of license which is 12.

135  
136 J Klinghoffer asked if the capacity is 12 how would siblings be accommodated on an inclement weather day  
137 when schools are closed.

138  
139 M Murphy cited it as part of the State's definition for the license type.

140  
141 J Klinghoffer stated that it could be possible as many as 17 children would be in the childcare program on a  
142 snow day.

143  
144 M Murphy confirmed that would be true, however, stating, that only with the required assistance for such  
145 capacity. She emphasized the Sate has very strict guidelines on this.

146  
147 N Faiman mentioned that concerns had been expressed about the driveway and parking area.

148  
149 M Murphy said a layout for the proposed driveway and parking was visible on her lawn and would be  
150 constructed to be compliant with the driveway and other regulations. She said the Fire Chief had given the  
151 new presentation a "thumbs up" as the loop adequately provides access for emergency vehicles.

152  
153 T Ryan, reiterated concerns he presented at the last meeting regarding traffic flow and speed on Captain  
154 Clark Highway, and the intersection at Potter Road. He says the increased traffic will become a safety  
155 hazard. He said the application does not explain what the Applicant is exactly seeking, that the zoning  
156 ordinance states the home occupation must be located within the residence and not in a barn/garage, and  
157 that only two (2) parking spaces are permitted. He argued that the program being discussed was not State  
158 licensable.

159  
160 Chairman Faiman referenced the areas of the zoning ordinance T Ryan seemed confused by and attempted  
161 to explain them more clearly. T Ryan was not open to any clarification.

162

163 M Murphy said the State of New Hampshire has vigorous guidelines for the development of a childcare  
164 program. She said the building is inspected by the Fire Chief, the Building Inspector and all other health and  
165 safety personnel. She said it is a long process that would not receive approval if it could not be fully  
166 compliant. She emphasized her purpose here was permission to go forward to start the licensing process.  
167

168 M Murphy spoke regarding the pickup and drop-off of childcare participants stating there would be  
169 contracted times for each childcare participant to reduce the amount of traffic at any particular time. She  
170 said enough (temporary) parking spaces would be provided for this 'staggered' activity.  
171

172 N Faiman was unsure of the number of parking spaces necessary.  
173

174 M Murphy said she based her proposed driveway layout to meet the driveway requirements which resulted  
175 in about 15, 9 feet by 18 feet parking spaces. She noted that two (2) additional parking spaces could be  
176 cited on the pad in front of the barn. She remarked that the Fire Chief had been supportive of the layout.  
177

178 JK Eckstrom asked if the barn had water and septic system access.  
179

180 M Murphy said she has not made any financial investment toward the improvements necessary to  
181 accommodate her vision. She said that once approved for the home occupation she would be compliant  
182 with all regulations and requirements.  
183

184 T Ryan disagreed with the Applicant regarding the barn being a suitable location for the childcare program  
185 and the parking spaces on the pad as he interpreted from the zoning ordinance.  
186

187 The Board discussed the necessity of a site visit.  
188

189 The Board discussed scheduling a Special hearing date.  
190

191 **P Dugan MOVED to schedule a site visit for Saturday, April 13, 2024, at 9 am.**

192 **L Jennings SECONDED.**

193 **Discussion:** None

194 **Roll Call Vote:** J Klinghoffer aye

195 N Faiman aye

196 JK Eckstrom aye

197 P Duggan aye

198 L Jennings aye

199 **Motion was carried.**  
200

201 **JK Eckstrom MOVED to schedule a Special Zoning Board of Adjustment meeting for Tuesday,**  
202 **April 30, 2024, at 7 pm to continue the hearing.**

203 **J Klinghoffer SECONDED.**  
204 **Discussion:** None  
205 **Roll Call Vote:** J Klinghoffer aye  
206 N Faiman aye  
207 JK Eckstrom aye  
208 P Duggan aye  
209 L Jennings aye

210 **Motion was carried.**

211  
212 **J Klinghoffer MOVED to continue the hearing to Tuesday, April 30, 2024, at 7pm in the Fire**  
213 **Station Conference Room.**

214 **P Dugan SECONDED.**  
215 **Discussion:** None  
216 **Roll Call Vote:** J Klinghoffer aye  
217 N Faiman aye  
218 JK Eckstrom aye  
219 P Duggan aye  
220 L Jennings aye

221 **Motion was carried.**

222

223 **4. Cale & Elizabeth Brandley, 19 Potter Road**

224 Public Hearing, *NEW*

225 **Case #04/09/2024-04**

- 226 a. Cale and Elizabeth Brandley have requested variances to sections 6.2.4 and 6.2.5 of the Wilton  
227 Zoning Ordinance to allow the partial demolition and replacement of an existing house, and the  
228 replacement of an existing septic system, on Lot H-13, 19 Potter Road, where the new house and  
229 septic system would be closer to the lot lines than allowed by the Ordinance.

230

231 **A Hoar MOVED to continue the hearing on April 30, 2024.**

232 **P Duggan SECONDED.**  
233 **Discussion:** None  
234 **Roll Call Vote:** J Klinghoffer aye  
235 A Hoar aye  
236 N Faiman aye  
237 J Stone aye  
238 JK Eckstrom aye  
239 P Duggan aye  
240 L Jennings aye

241 **Motion was carried.**

242  
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244  
245 **5. The Clinton & Heidi Wilder Revocable Trust of 2022, Wilson Road**  
246 Public Hearing, **NEW**  
247 **Case #04/09/2024-01**

- 248 a. The Clinton & Wilder Revocable Trust of 2022 has requested a special exception under section  
249 11.4(a) of the Wilton Zoning Ordinance to allow a driveway to cross a wetland area to access a  
250 buildable area at the rear of the property on Lot D-133-2, Wilson Road.  
251

252 Chairman Faiman read the request by the Applicant. He explained that the request two (2) public hearings  
253 and a site visit.

254 J Goldberg, Meridian Land Services, explained that his client would like to construct a single-family  
255 residence in the buildable area at the rear of the lot. He said the subdivision plan cites the access way to  
256 the west in a non-wetland area. He said they evaluated the driveway regulations and opted to re-locate the  
257 access way and seek relief for a wetland crossing after meeting with the Road Agent to minimize safety  
258 hazards, even though the impact to the wetlands in this area would be slightly greater. J Goldberg cited  
259 that the impact to the wetlands for the construction of the crossing would be approximately 20 feet by 30  
260 feet or 525 square feet of total disturbance (220 square feet of temporary disturbance; 375 square feet of  
261 permanent disturbance). **THIS DOESN'T ADD UP!**

262  
263 J Goldberg said the proposed development would not affect the character of the neighborhood to which it  
264 is proposed as it is zoned General Residence & Agricultural District and among already developed single  
265 family residences. He does not see that the health and safety of anyone would be in jeopardy by the  
266 proposed development, nor would surrounding property value be diminished. He said the proposed two (2)  
267 bedroom dwelling unit would place no obvious strain on traffic in the area.  
268

269 Chairman Faiman interrupts realizing he had not identified the Voting Board and acknowledges late receipt  
270 of a letter from the Wilton Conservation Commission (WCC). The Voting Board is JK Eckstrom, J Stone, A  
271 Hoard, J Klinghoffer, N Faiman.  
272

273 Chairman Faiman reads the letter into the record: "The Wilton Conservation Commission recommends a  
274 site walk in association with this case. Review of available wetland mapping shows the NWI overlay having  
275 a mismatch between plan mapping and NWI. Although the NWI can have variances this should be reviewed  
276 in the field. The Wilton Conservation Commissions position would be to minimize impact to the wetland  
277 resource on site as much as possible. This was originally reviewed due to the wet portion of the lot having a  
278 non-wetland section according to the plan. Although it may be within a lot line setback it could minimize  
279 wetland impact as an alternative. Septic field setbacks should also be reviewed. Wilton has a stricter  
280 standard in some circumstances depending on drainage. Review of the site from the road shows that this  
281 location has a stone wall that will need to be broken for access. With Wilson Road being a scenic road, the

282 applicant should review town regulations as this may be required to have site plan review by the planning  
283 board.”

284

285 J Goldberg stated that as a Wetlands Scientist regional planning tools were utilized to evaluate the best  
286 location for the driveway and minimal impact to the wetlands, citing that even in the non-wetland area  
287 mentioned by the WCC, there would still be an impact to the wetlands from construction. He clarified that  
288 NWI was the National Wetlands Inventory.

289

290 **A Hoar MOVED to schedule a site visit for Saturday, May 4, 2024, at 9 am.**

291 **JK Eckstrom SECONDED.**

292 **There was no discussion.**

293	<b>Roll Call Vote:</b>	A Hoar	aye
294		N Faiman	aye
295		J Stone	aye
296		JK Eckstrom	aye
297		J Klinghoffer	aye

298 **Motion was carried.**

299

300 **JK Eckstrom MOVED to continue the hearing to Tuesday, May 14, 2024.**

301 **A Hoard SECONDED.**

302 **There was no discussion.**

303	<b>Roll Call Vote:</b>	A Hoar	aye
304		N Faiman	aye
305		J Stone	aye
306		JK Eckstrom	aye
307		J Klinghoffer	aye

308 **Motion was carried.**

309

310 **6. Lawrence Withers, 19 Davisville Road**

311 Public Hearing, **NEW**

312 **Case #04/09/2024-02**

313 a. Lawrence Withers has requested a variance to section 14.3.1 of the Wilton Zoning Ordinance to  
314 allow subdivision of Lot A-55, 19 Davisville Road, into two lots, neither of which would have the  
315 required area.

316

317 Chairman Faiman read the request submitted by the Applicant and noted receipt of a late comment/letter  
318 from the Wilton Conservation Commission regarding the case. He identified the Voting Board as J  
319 Klinghoffer, A Hoar, N Faiman, J Stone, and JK Eckstrom.

320

321 The Applicant distributed an exhibit for the Board to reference in his presentation.

322



323 L Withers explained his request to subdivide his lot into two (2) equal parcels to provide for a family  
324 member, one with frontage on Duggan, the other with frontage on Davisville. He stated the reason for his  
325 request is knowing he will not meet the minimum lot size for the Watershed District, however, noting he  
326 would meet the requirement for minimum lot size for the General Residence & Agricultural District to  
327 which his property is also located. He stated the first known reference to his property dates to the 1830's,  
328 pre-dating the establishment of the Wilton Zoning Ordinance and the delineation of the Watershed District.  
329 He said his request for a Variance would not be contrary to the public interest citing most lots, immediately  
330 surrounding his own, do not meet the minimum lot size for the Watershed District. He referenced the  
331 exhibit distributed earlier, adding that no disservice would be imposed upon his neighbors as the character  
332 of the neighborhood would not be changed. Additionally, L Withers noted that since his lot predates both  
333 the Wilton Zoning Ordinance and the delineation of the Watershed District, literal enforcement of the  
334 ordinance would result in an unfair hardship and defy the spirit of the ordinance.  
335

336 Chairman Faiman read the letter received from the Wilton Conservation Commission who recommended  
337 denying the Variance request. The letter went on to read, "The purpose of the Watershed District is to  
338 preserve the quality of the water and to protect the health and welfare of residents of the Town of Wilton  
339 by minimizing sources of pollution through regulations and restriction of population density and activity,  
340 and by keeping organic and inorganic wastes to a minimum. By creating a district which has lower density  
341 the town has been successful in preserving the water quality of this district. Water quality tests in 2023 for  
342 this area of town continue to show some of the lowest levels of E. coli compared to our other water  
343 resources. Allowing a higher density of lot concentration the town could potentially negatively impact this  
344 resource. Beyond just the housing density additional lot creation does increase the likelihood of  
345 containments which could include inorganics and or animal waste. Within the district multiple NH  
346 threatened species exist that have a dependency on water quality. One publicly available threatened  
347 species data point is location data for Eastern Brook Trout. The flagged location for this species is just  
348 upstream of this lot location which a map has been included below. Other threatened species do exist  
349 within the district, some of which also have a dependency on water quality which also could be negatively  
350 impacted. The roadside view of this particular property off Duggin Road shows a stream flowing form the  
351 property. Based on the lot configuration and location of the stream it may be difficult for this lot to meet a  
352 continuous dry requirement. The stream location and flow would also increase the likelihood of potential  
353 impact to additional water resources in the event a containment is introduced."  
354

355 L Withers discussed the stream off Duggan Road referenced in the letter. He said there is a trench which  
356 flows under Duggan Road but not on his property. He said the flow stems from a residence built by San-Ken  
357 Homes. He identified himself as a sustainable building advisor noting that organic filters along Davisville  
358 have protected against containments going into neighboring marshland.  
359

360 E Bacon, abutter, expressed concern about an access point onto Duggan Road which he described as a one  
361 (1) lane road. He expressed moving here because of the rules and regulations that protected their privacy  
362 and their land.  
363

364 JK Eckstrom asked if the Applicant had property values assessed to confirm there would be no diminution  
365 to them.

366  
367 L Withers acknowledged that he had not, but cited the number of lots nearby with acreage less than he was  
368 proposing in his two (2) lot subdivisions.

369  
370 **A Hoar MOVED to close the public hearing.**

371 **J Stone SECONDED.**

372 **There was no discussion.**

373	<b>Roll Call Vote:</b>	A Hoar	aye
374		N Faiman	aye
375		J Stone	aye
376		JK Eckstrom	aye
377		J Klinghoffer	aye

378 **Motion was carried.**

379  
380 A Hoar commented that the Watershed District was designed to keep pollution levels down by minimizing  
381 the number of residents and buildings. He states that he is hesitant to grant the Variance.

382  
383 N Faiman conveyed he was having difficulty seeing the hardship presented by the Applicant. He described  
384 the request as rather extraordinary based on the minimum lot size for the Watershed District being 6 acres  
385 and the request by the Applicant for approximately 2 acres per lot. JK Eckstrom responded similarly.

386  
387 N Faiman further noted that the Watershed District was created with the knowledge that there were lots  
388 that did not meet the standard and was designed to avoid creating new lots. He further noted that the  
389 purpose of the Watershed District is to preserve the quality of the water and protect the health and welfare  
390 of the residents of the town of Wilton by minimizing sources of pollution through regulation and restriction  
391 to population density. He stated the proposed subdivision directly contradicts that purpose.

392  
393 N Faiman notes that this case is a rare occasion in that he could not actually see something which reached  
394 the standard of failure to be exempt from the ordinance. He added that regarding substantial justice, the  
395 property is already smaller than would be allowed for a subdivision in the Watershed District and the  
396 restriction to the owner is outweighed by the damage that would be done to the Watershed District by  
397 allowing the subdivision.

398  
399 JK Eckstrom stated that if it impacts the watershed, it impacts property values within the watershed. J  
400 Klinghoffer responded similarly.

401  
402 **JK Eckstrom MOVED to deny the request for a Variance to section 14.3.1 of the Wilton Zoning**  
403 **Ordinance arguing that the diminution of property values would result from impact to the**  
404 **Watershed District inconsistent with the zoning requirements for that district.**  
405 **A Hoar SECONDED.**

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**A Hoar MOVED to re-open the public hearing.  
J Stone SECONDED.**

**There was no discussion.**

<b>Roll Call Vote:</b>	A Hoar	aye
	N Faiman	aye
	J Stone	aye
	JK Eckstrom	aye
	J Klinghoffer	aye

**Motion was carried.**

**VOTE ON THE MOTION: JK Eckstrom MOVED to deny the request for a Variance to section 14.3.1 of the Wilton Zoning Ordinance.**

**A Hoar SECONDED.**

**There was no discussion.**

<b>Roll Call Vote:</b>	A Hoar	aye
	N Faiman	aye
	J Stone	aye
	JK Eckstrom	aye
	J Klinghoffer	aye

**Motion was carried.**

N Faiman informed the Applicant that a Notice of Decision would be forthcoming. He said the Select Board, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before Thursday, May 9, 2024, and must clearly state the reasons why it is claimed the Board made the wrong decision. (N.H. RSA 677:2)

**7. Robert & Sara Spittel, 748 Isaac Frye Highway**

Public Hearing, **NEW**  
**Case #04/09/2024-03**

- a. Robert and Sara Spittel have requested a variance to section 6.2.4 of the Wilton Zoning Ordinance and/or a special exception under section 17.3 of the Wilton Zoning Ordinance to remove and replace an existing nonconforming garage with a new one which would still be closer to the front lot line than allowed by the Ordinance on Lot C-47, 748 Isaac Frye Highway.*

The Board agreed to continue the public meeting to hear the Spittel case despite the hour being past 9:30 pm. J Klinghoffer left the meeting.

As a result of J Klinghoffer's departure, Chairman Faiman identified the Voting Board as A Hoar, N Faiman, J Stone, JK Eckstrom, and L Jennings.

448 Chairman Faiman read the Applicant's request for a variance to section 6.2.4 and special exception request  
449 pursuant to section 17.3 of the Town of Wilton Zoning Ordinance to remove and replace an existing non-  
450 conforming garage with a new garage which would be closer to the front lot line than allowed. He added  
451 that the requests were essentially the same as those heard in case number 06/13/2003-02, however, the  
452 boundary setback information turned out to be incorrect.

453  
454 R Spittel, Applicant, described that in the process of architecting the site to prepare for the new garage, a  
455 site survey revealed that the front lot line was only three (3) feet from the existing structure instead of 15  
456 feet as was presented in June 2023. He said the existing garage is over 100 years old and failing. The new  
457 garage will be set, as far back as possible, decreasing the encroachment into the front lot line setback. The  
458 new garage will be adequate for parking two (2) vehicles inside and provide storage on the second floor.

459  
460 Chairman Faiman, referencing the plat provided by the Applicant's Architect, noted that once the existing,  
461 non-conforming garage is raised the propose new structure would not meet setback requirements even  
462 though the new footprint would be smaller. With no practical place to put the new structure to meet  
463 setback requirements, the Board would be able to grant a special exception for reduced setbacks. He  
464 additionally noted that the result would remain consistent with the neighborhood character.

465  
466 The Board reflected on the June 2023 decision.

467  
468 **A Hoar MOVED to close the public hearing.**

469 **L Jennings SECONDED.**

470 **There was no discussion.**

471 **Roll Call Vote:** A Hoar aye  
472 N Faiman aye  
473 J Stone aye  
474 JK Eckstrom aye  
475 L Jennings aye

476 **Motion was carried.**

477  
478 Chairman Faiman noted that (a) the lot shape and topography, location of the existing house, and buried  
479 utility lines make it impractical to place the garage any further than 12.2 feet from the lot line; (b) the  
480 setback in question is a lot line setback; (c) the house and proposed garage locations are consistent with an  
481 area of town in which many historic houses have nonconforming front setbacks; and (d) the proposed  
482 garage is to be constructed in the location indicated by the rectangle labeled "Proposed Garage" on the  
483 Architect's drawing submitted with the application.

484  
485 **JK Eckstrom MOVED to grant the request for a special exception to section 17.3 of the Wilton**  
486 **Zoning Ordinance to allow the removal and replacement of an existing non-conforming garage**  
487 **with a new one which will still be closer to the road than allowed by the Zoning Ordinance.**  
488 **J Stone SECONDED.**

489

490 **A Hoar MOVED to re-open the public hearing.**  
491 **L Jennings SECONDED.**  
492 **There was no discussion.**

493 **Roll Call Vote:** A Hoar aye  
494 N Faiman aye  
495 J Stone aye  
496 JK Eckstrom aye  
497 L Jennings aye

498 **Motion was carried.**

499  
500 **VOTE ON THE MOTION: JK Eckstrom MOVED to grant the request for a special exception to**  
501 **section 17.3 of the Wilton Zoning Ordinance.**

502 **J Stone SECONDED.**  
503 **There was no discussion.**

504 **Roll Call Vote:** A Hoar aye  
505 N Faiman aye  
506 J Stone aye  
507 JK Eckstrom aye  
508 L Jennings aye

509 **Motion was carried.**

510  
511 **JK Eckstrom MOVED to deny, without prejudice, the request for a variance from section 6.2.4 of**  
512 **the Wilton Zoning Ordinance because the requested use is permitted by the Special Exception**  
513 **granted under section 17.3.**

514 **L Jennings SECONDED.**  
515 **There was no discussion.**

516 **Roll Call Vote:** A Hoar aye  
517 N Faiman aye  
518 J Stone aye  
519 JK Eckstrom aye  
520 L Jennings aye

521 **Motion was carried.**

522  
523 N Faiman informed the Applicant that a Notice of Decision would be forthcoming, and that the decision will  
524 expire if the construction or use permitted by the Special Exception has not begun by April 9, 2026. (Wilton  
525 Zoning Ordinance section 17.4) He said the selectmen, any party to the action or proceedings, or any  
526 person directly affected thereby may apply for a rehearing of this decision. A request for a rehearing must  
527 be filed in writing with the Zoning Board of Adjustment on or before Thursday, May 9, 2024, and must fully  
528 specify all grounds on which the rehearing is requested. (N.H. RSA 677:2) He stated that any  
529 activity/progress by the applicant during that period on the request could be at risk if the decision is  
530 overturned at a rehearing.

531  
532 **8. Other Business**

533 None.

534

535 **9. Adjournment**

536

537 **JK Eckstrom MOVED to adjourn at 10:02 p.m.**

538 **J Stone SECONDED.**

539 **Discussion:** None

540 **Roll Call Vote:** J Klinghoffer aye

541 A Hoar aye

542 N Faiman aye

543 J Stone aye

544 JK Eckstrom aye

545 **Motion was carried.**

546

547

548 **APPROVED XX.XX.2024**

DRAFT