



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; Judith Klinghoffer
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 |
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36 Chairperson Faiman called the meeting to order at 7:02 p.m. and asked that everyone sign in. He
37 mentioned the Board would be wearing masks and requested those present to also wear masks. He said
38 wearing masks can make it difficult to project and be heard and being heard is everyone's right.
39 He asked anybody who would speak to introduce themselves by name and state their relation to the case.
40 He introduced the Board and indicated that the alternate Board members would be sitting for two
41 members who were absent.

42
43 Chairperson Faiman conveyed that the Zoning Board of Adjustment Rules of Procedure were such that no
44 new case would be reviewed after 9:30 p.m. and that the meeting would adjourn no later than 10 p.m.
45 unless the Board unanimously decides to continue past those deadlines.

46
47 The Board introduced themselves to benefit the accuracy of the recording.
48

49 **2. Minutes**

50 **A. May 13, 2025**

51
52 **JK Eckstrom made a MOTION to amend lines 98, 105, 107, 111, 137, 182, 193,**
53 **and 231 of May 13, 2025, meeting minutes.**

54 **L Jennings SECONDED the motion.**

55 **There was no discussion.**

56 **VOICE Vote: ayes 4**
57 **nays 0**
58 **abstentions 1 (J Stone)**

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

60
61 **B. June 8, 2025**

62
63 **JK Eckstrom made a MOTION to amend lines 12, 17, 27, 29 through 39, 41, 49,**
64 **and 76 of June 8, 2025, meeting minutes.**

65 **L Jennings SECONDED the motion.**

66 **There was no discussion.**

67 **VOICE Vote: ayes 5**
68 **nays 0**
69 **abstentions 0**

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

71
72 **3. Public Hearing, continued from a previous meeting**

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

74 **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, applicant, and the Board did not feel this was
84 an issue.

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

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

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

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

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

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

114 onto and flowing through the land is the same as that which pre-existed, adding there is nothing about the
115 existing driveway and wetland crossing design that would exacerbate any off-site hydrologic issues.
116

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

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

131

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

133 **J Stone SECONDED the motion.**

134 **There was no discussion.**

135 **VOICE Vote: ayes 5**

136 **nays 0**

137 **abstentions 0**

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

139

140 Chairperson Faiman announced that the public hearing had been closed. He explained this procedure to
141 the attendees.
142

143

143 Chairperson Faiman commented that the request, other than its facts, mirror every other wetland crossing
144 request the Board has heard. He reminded the Board that the conditions of the special exception must be
145 satisfied, and in summary said the proposed wetland crossing is essential to the productive use of land that
146 is not in the wetland, and the wetland crossing was located and constructed to minimize the detrimental
147 impact of the crossing on the wetlands.
148

149

149 Vice chairperson Eckstrom said it was an important consideration to consider the fact that due diligence
150 was conducted by the State regarding the issuance of the State Wetland Permit.
151

151

152 Chairperson Faiman read subsection 4.12, Special Exceptions, which permits the Zoning Board of
153 Adjustment to grant special exceptions only upon finding that the proposed use, structure, or activity ...
154 (a) Is not permitted by the Ordinance in the absence of a Special Exception;
155 (b) Is consistent with and will not substantially affect the character of the neighborhood in which it is
156 proposed;
157 (c) Will comply with Sections 4.10 - 4.10.11 inclusive of all General Provisions (Chapter 4) and not
158 jeopardize the health or safety of anyone on or off site;
159 (d) Will not cause diminution of surrounding area property values;
160 (e) Will not have an unacceptable effect on traffic in the neighborhood or in the Town;
161 (f) Will have available, adequate off-street parking, if required;
162 (g) Will not be detrimental to the attractiveness of the Town;
163 (h) Is consistent with the spirit of the Ordinance;
164 (i) Meets all other criteria enumerated in the Section that permits the Special Exception,
165 ... and asked the Board if there were any concerns relative to vibrations or other perceptible ground
166 motion, objectionable odors, smoke or airborne particles, hazardous or toxic materials, lighting or glare
167 from signage, electromagnetic radiation, or explosions, as well as new construction, development,
168 reconstruction and other activity that disturbs the soil shall be designed to minimize stormwater runoff
169 from the site in excess of the natural pre-existing conditions including location and volume, and shall
170 comply with the requirements of Section H, Storm Water Management and Erosion Control of the Town
171 of Wilton Land Use Laws and Regulations for activity within the watershed protection district. Chairperson
172 Faiman said that all surface storm water shall be kept on site and handled in a manner to allow water to
173 infiltrate into the ground before leaving the site.

174
175 In closing, Chairperson Faiman cited the wetland crossing was necessary for the productive use of the lot
176 and was constructed to minimize the impact to the wetlands. He said the 'laundry' list of special exception
177 requirements were self-evident and called for a motion.

178
179 **JK Eckstrom made a MOTION to grant the special exception to allow a**
180 **wetland crossing for a driveway on Tax Map A Lot 058-02 as requested and**
181 **shown on the "As-Built Wetland Crossing / Map A Lot 58-2 / Prepared for /**
182 **Chris Brown / Wilton, New Hampshire / Scale: 1" = 20' July 6, 2025" and**
183 **prepared by Meridian Land Services, Inc.**
184 **L Jennings SECONDED the motion.**

185
186 **JK Eckstrom made a MOTION to reopen the public hearing.**
187 **J Stone SECONDED the motion.**

188 **There was no discussion.**
189 **VOICE Vote: ayes 5**
190 **nays 0**

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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 Stone 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 six-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.

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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'x13' 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'x13' 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

268 from the Wilton Conservation Committee inaccurately referenced how the deck would be located relative
269 to the setbacks.

270
271 Chairperson Faiman said, also about the letter received from the Wilton Conservation Commission about
272 the proposed deck, development on the lot already exceeds the 50% threshold for impervious surfaces and
273 noted the deck, at less than one hundred square feet, still includes grass area greater than what previously
274 existed on that side of the house.

275
276 P Duggan noted the deck was essential to safely accommodate the two-foot drop when exiting the door
277 from that side of the house.

278
279 B Gagan added that the thirteen-foot length was needed to accommodate the sliding glass door.

280
281 Chairperson Faiman opened the floor to members of the public then called a vote on the motion.

282
283 **Discussion: C Case indicated that the ‘Amended Shoreland Impact Permit**
284 **2023- 02404’ included “an additional deck on the northwest side” to which the**
285 **applicant would be responsible for adhering to best management practices to**
286 **assure runoff from the deck will remain contained on site.**

287 **ROLL CALL Vote: J Klinghoffer aye**
288 **N Faiman aye**
289 **JK Eckstrom aye**
290 **L Jennings aye**
291 **P Duggan aye**
292 **Motion was CARRIED. 5/0/0**

293
294 Chairperson Faiman said the decision would include the findings of fact established in the previous case as
295 well as a few new ones and then told the applicant he would receive a written notice within five business
296 days. He let them know the law says that the Select Board and any abutters to the proceedings have the
297 right to request the Zoning Board of Adjustment to hold a rehearing on the case, however, such request
298 would need to be filed within thirty days from the date of decision explaining why. In the absence of such a
299 request, the decision made becomes final.

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301 5. Public Hearing, *NEW*

302 **J&L Revocable Trust of 2013 (owner) and Andrew Luongo (applicant)**

303 **(Case #06/10/2025-02)**

304 *J&L Revocable Trust of 2013 (owner) and Andrew Luongo (applicant) has requested variances to sections 8.1*
305 *and 8.6 of the Wilton Zoning Ordinance and/or a variance to section 8.2.2 of the Wilton Zoning Ordinance to*
306 *allow the single-family residential use of Lots D-101 and D-102, 325 Gibbons Highway, in the Industrial*

307 *District, and a lot line adjustment between the two lots which would result in a lot with less than the required*
308 *frontage.*

309

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

312

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

320

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

325

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

328

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

332

333 In response to questions from the Board about the stonewall, wetlands, and existing driveway, D Barowski
334 said the applicant intends to utilize the existing wetlands crossing to the upland on the newly proposed Tax
335 Map D Lot 102 for the proposed new residence as any other means of access would require disturbance to
336 the wetlands and is not necessary. He said access by use of the existing driveway by easement deed keeps
337 the newly proposed Tax Map D Lot 101 compliant, and Tax Map D Lot 102 compliant by way of the
338 variance requests. He said they strategically proposed the reduced frontage lot for newly proposed Tax
339 Map D Lot 102 which abuts the Souhegan River as to flip-flop the lot line arrangement would create an
340 additional curb-cut along Route 101/Gibbons Highway that would not be compliant with the driveway
341 regulations. Chairperson Faiman indicated there was a subdivision across the highway where the potential

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"

342 for additional traffic would make conditions unsafe, and the New Hampshire Department of
343 Transportation not likely to permit a new curb cut.

344

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

347

348 **JK Eckstrom made a MOTION to amend the application reference to section**
349 **8.5 with the correct reference to section 8.6 which is the prohibition on**
350 **residential uses.**

351 **N Faiman SECONDED the motion.**

352 **There was no discussion.**

353 **VOICE Vote: ayes 5**

354 **nays 0**

355 **abstentions 0**

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

357

358 For the record, D Barowski read through the variance criteria submitted with the application dated May
359 19, 2025, addressing each of the statutory requirements which must be satisfied that the variance requests
360 are not contrary to the public interest, that the variance requests observe the spirit of the ordinance, that
361 the variance requests do not diminish the values of surrounding properties, and that the variance requests,
362 if not granted, would result in unnecessary hardship for the applicant. (This document can be viewed in the
363 case file on the Wilton Zoning Board of Adjustment website: www.wiltonzba.org.)

364

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

371

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

375

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

377

378 **JK Eckstrom made a MOTION to schedule a site visit for June 21, 2025, or June**
379 **28, 2025, at 9 a.m. dependent on the availability of the applicant and his**
380 **representative to be present and continue the public hearing until July 8, 2025.**

381 **N Faiman SECONDED the motion.**
382 **There was no discussion.**
383 **VOICE Vote: ayes 5**
384 **nays 0**
385 **abstentions 0**
386 **Motion was CARRIED. 5/0/0**

388 6. Old Business

389
390 There was no 'Old Business' for the Board to address.
391

392 7. New Business

393
394 Vice chairperson Eckstrom requested clarification on the notices and noticing to which C Case said she
395 would research.
396

397 8. Other Business

398 A. Education & Training

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

400 *A basic overview of the organization, powers, duties, and relevant statutory and case law authority*
401 *to make public service enjoyable and productive.*
402

403 C Case reminded the Board of June 18, 2025, webinar on Zoning Board of Adjustment Basics. P Duggan
404 and L Jennings requested to receive that link when available.
405

406 9. Adjournment

407
408 **JK Eckstrom made a MOTION to adjourn at 10:06 p.m.**
409 **JK Eckstrom SECONDED the motion.**
410 **There was no discussion.**
411 **VOICE Vote: aye 5**
412 **nays 0**
413 **abstentions 0**
414 **Motion was CARRIED. 5/0/0**

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416
417 **APPROVED July 8, 2025**