



Town of Wilton, NH Zoning Board of Adjustment Minutes

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

Tuesday, October 14, 2025 Zoning Board of Adjustment Minutes

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

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MINUTES

1. Call to Order

Chairperson Faiman called the public meeting to order at 7:05 p.m. He reviewed protocols on masking, testimony, and meeting time.

The Board introduced themselves.

2. Minutes

a. October 4, 2025, Site Visit

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

- Line 3: insert the phrase “Site Visit” before the word “Minutes”;
- Line 30: replace the phrase “back yard” with the word “backyard”; and

- Line 41: insert the phrase “Approved October 14, 2025”.

Vice-chairperson Eckstrom made a MOTION to amend October 4, 2025, Site Visit minutes as discussed.

J Stone SECONDED the motion.

There was no further discussion.

VOICE Vote: ayes	6
nays	0
abstentions	0

Motion was CARRIED. 6/0/0

b. September 9, 2025

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

- Line 9: add Judith Klinghofer to the list of “Board Members Present”
- Line 29: replace the phrase “on August 25, 2025” with the phrase “in early August”
- Line 75: replace the phrase “that are made” with the word “presented”
- Line 83: insert the word “at” after the word “is”
- Line 85: insert the word “is” after the word “she”, and replace the word “requested” with the word “requesting”
- Line 92: replace the word “instead” with the phrase “as well”
- Line 94: replace the word on-going” with the word “ongoing”
- Line 113: insert the phrase “Burns Hill Road” after the word “actual”, and replace the word “was” with the word “is”;
- Line 130: replace the phrase “where in her” with the word “which”, and insert the phrase “in her home” after the word “room”;
- Line 145: replace the phrase “the States” with the phrase “New Hampshire”, and replace the phrase “State cites” with the phrase “state cite”;
- Line 146: replace the word “Salsa” with the word “salsa”;
- Line 147: replace the word “Peaches” with the word “peaches”;
- Line 178: replace the word “applicants” and replace with the word “applicant’s”;
- Line 189: replace the word “Abutter” with the word “abutter”;
- Line 191: insert the word “to” after the word “business”;
- Line 198: replace the phrase “Site Plan” with the phrase “site plan”;
- Line 202: remove the word “had”;
- Line 203: insert the phrase “questions,” after the word “many”;
- Line 218: replace the phrase “Road Agents” with the phrase “road agents”
- Line 230: replace the phrase “request(s) of” with the phrase “request for”;

- 74 – Line 236: replace the word “it” with the word “in”;
- 75 – Line 237: insert a comma after the word “land”;
- 76 – Line 242: replace the word “prohibited” with the word “permitted”, and replace the phrase
77 “permissive as a traditional rule” with the phrase “permissive”;
- 78 – Line 243: replace the phrase ““yes,” but not for agriculture.” with the phrase ““yes, but not for
79 agriculture.””
- 80 – Line 245: insert the phrase “or what is not” after the word “is”; and
- 81 – Line 272: replace the phrase “Month, day, Year” with the phrase “October 14, 2025”.

82
83 **Vice-chairperspn Eckstrom made a MOTION to amend September 9, 2025,**
84 **minutes as discussed.**

85 **J Stone SECONDED the motion.**

86 There was no further discussion.

87	VOICE Vote: ayes	6
88	nays	0
89	abstentions	0

90 **Motion was CARRIED. 6/0/0**

91
92 **3. Public Hearing, continued from a previous meeting**

93 **Stephanie Kirsch**

94 **(Case #09/09/2025-01)**

95 *Stephanie Lingley- Kirsch has requested a special exception under section 5.3.1 of the Wilton Zoning*
96 *Ordinance and/or variances to sections 5.1 and 5.2.3 of the Wilton Zoning Ordinance to allow a home-based*
97 *farmstead business as a home occupation, including producing and packaging items such as canned goods,*
98 *infused oils, baked goods, and handmade crafts (e.g., candles, leather journals), and selling these goods from*
99 *the home and elsewhere, and to allow the growing of herbs, vegetables, and fruit, and the keeping of small*
100 *farm animals such as chickens, on Lot L-4, 68 Burns Hill Road, where agricultural uses, including the keeping*
101 *of livestock, are not a permitted use in the Residential District, and a proposed farm stand would be closer to*
102 *Burns Hill Road than allowed by the Ordinance.*

103
104 Chairperson Faiman opened the hearing by reading the public notice. He recognized the sitting board J
105 Klinghoffer, L Jennings, N Faiman, JC Eckstrom, and J Stone.

106
107 Chairperson Faiman noted the hearing was a continuation from Tuesday, September 9, 2025, and a site
108 visit on Saturday, October 4, 2025, the latter having allowed the board and anybody else present to
109 observe the things being talked about at the hearing. He said the premise for the case does not need to be
110 reiterated, except that a new element was being introduced, which is the request for a setback variance for
111 the farmstand shed.

113 S Kirsch, applicant, said she had a surveyor locate her side property line. As a result of this location, the
114 surveyor said that two vehicles could park in the gravel turnout area to satisfy the 15-foot sideline setback,
115 but not the 35-foot frontline setback.

116
117 Chairperson Faiman noted the applicant's intention, as she described at the previous meeting, to serve only
118 one customer at a time, and asked the applicant if she was going to schedule pick-up times, or if she was
119 expecting that the number of customers would be such that there would not be multiple visitors to the
120 farmstand.

121
122 S Kirsch said she would not be scheduling appointments, instead the farmstand would operate on the
123 honor system with a cash box.

124
125 Chairperson Faiman asked for clarification on the pickup of items for specific individuals, such as "Mary's
126 eggs" or "John's cucumbers," and how that would be managed. S Kirsch reiterated it is her intent to avoid
127 reservations and appointments for the pickup of products she produces.

128
129 Vice chairperson Eckstrom asked if there would be signage and if signage would include where and how
130 many vehicles could be parked at one time. S Kirsch said she would accommodate that request pursuant to
131 the sign requirements. N Faiman noted that signage, and lighting, is a requirement of site plan review from
132 the Planning Board.

133
134 J Stone raised concern about the proposed parking of two vehicles, suggesting some way to show
135 customers what is expected, such as a white line in the middle of the gravel turnout. He additionally said
136 that the turnout would be safer if customers would back in and drive out forward. This would allow
137 customers to see vehicles coming down Burns Hill Road, which cannot be seen if they back out of the
138 gravel turnout. P Duggan noted that a stone pillar and hedgerow currently obstruct the sight distance
139 looking North (northwest) up Burns Hill Road. Vice chairperson Eckstrom also noted a large Maple tree. S
140 Kirsch said that the driveway agent helped them scope out the location of the gravel turnout because you
141 could see vehicles approaching both directions on Burns Hill Road, when backing out.

142
143 Vice chairperson Eckstrom asked the applicant how the gravel turnout is currently used, noting that a
144 previous Zoning Board of Adjustment application permitted use of the gravel turnout to access a first-floor
145 dwelling unit from the street level. S Kirsch said she uses the gravel turnout to access her home, while her
146 husband parks in the driveway off Seagroves Street. Chairperson Faiman asked the applicant if she would
147 now be dedicating the gravel turnout entirely to use by the farmstand. There was no response to this that
148 was recognized.

149
150 Vice chairperson Eckstrom asked the applicant to describe the size of the farmstand and other details. S
151 Kirsch said she would build or purchase a structure less than 100 square feet in area with a window. She

152 added it was not her intent to connect utilities to the structure but would provide solar lighting. She noted
153 the structure would be open year-round during daylight hours and locked at night.

154
155 Chairperson Faiman opened the discussion to the public.

156
157 M Bronson, abutter, shared an exhibit¹ on the keeping of sheep and public health relative to the applicant's
158 request to keep small farm animals. He said his wife is asthmatic and this would be a problem.

159
160 K Cadrain, abutter, said the applicant, has had yard sales in the past where people have parked parallel to
161 Burns Hill Road along the front of the applicant's yard. He suggested this parallel car park would improve
162 the driver's ability to see traffic on Burns Hill Road in lieu of the gravel turnout. He said the applicant
163 would need to remove the vegetation and relocate the mailbox in the front yard to assure the parallel
164 parking would be in the applicant's setback and not on the asphalt of the right-of-way. J Klinghoffer said this
165 would eliminate the gravel turnout. Chairperson Faiman noted this would also eliminate use of Seagroves
166 Street as it is unclear if the applicant has permission to use the private way. Chairperson Faiman asked if
167 there was a practical way to locate the farmstand so as not to access the farmstand from Burns Hill Road. J
168 Klinghoffer and others noted the parcel is sloped indicating a different location would not be convenient.

169
170 S Kirsch said her intent is to avoid having customers park within the setback. C Case cited subsection 5.3.2
171 Setbacks, citing that an abutter to the applicant's parcel is in the General Residence & Agricultural District
172 and therefore the sideline setback is 35 feet not 15 feet as the applicant noted.

173
174 Vice chairperson Eckstrom mentioned that Burns Hill Road was once Route 101. Chairperson Faiman
175 confirmed that it was true and the width of the roadway was greater than four rods (66 feet), which is
176 wider than expected. J Stone remarked that the parallel car park suggestion by K Cadrain, would be a
177 viable solution that would answer a lot of safety concerns for farmstand customers, and drivers on Burns
178 Hill, however, noting that the zoning ordinance does not permit additional parking spaces in the front yard
179 or in the setback. C Case noted that the paved portion of Burns Hill Road, the travel way, is predominately
180 in the northerly portion of the right-of-way, suggesting this was deliberate based on surface and sight
181 conditions. Vice chairperson Eckstrom suggested that since Burns Hill Road was once a state highway it
182 added something unique to the applicant's parcel. Chairperson Faiman said that is a fact to be considered,
183 however, he said you are not allowed to build things on the right-of-way or to impinge on the right-of-way
184 in a way which would obstruct its use.

185
186 J Stone requested that the Board take a five-minute break.

187
188 The Board resumed the discussion at 8:44 p.m.

¹ Google document on the effects of sheep dander and health.

189 Chairperson Faiman summarized the applicant’s proposal as a request for the agricultural use of her land,
190 and the production and sale of farm and other related products. He said relief requires a variance to allow
191 agricultural use, specifically small farm animals; a variance to allow the construction of the farmstand in the
192 setback as well as parking within the right-of-way; and a special exception to allow the home occupation,
193 the latter being a requirement.

194
195 Vice chairperson Eckstrom asked the applicant if she had documentation from the road agent on the gravel
196 turnout. S Kirsch said she has the original application that she believed was submitted but does not have
197 any confirmation of that. C Case noted that she could not locate a driveway permit application in either
198 the land use or building files. S Kirsch said that when the ZBA granted her request for a variance for the
199 two-family dwelling unit, parking had been designated in the driveway off Seagroves Street for six vehicles.
200 Vice chairperson Eckstrom recalled a gravel pull-off in the location of the gravel turnout years prior to the
201 applicant’s ownership of the parcel. C Case confirmed evidence of the gravel pull-off from Google Earth
202 imagery dated 2017, and evidence of the gravel turnout from Google Earth imagery dated after 2018; a
203 second curb cut that should have been reviewed by the Planning Board. Vice chairperson Eckstrom asked
204 the applicant if her deed describes where her parking and driveway access might be. S Kirsch said the
205 language in her deed is old and unclear.

206
207 Chairperson Faiman advised the Board to deliberate on the request for a variance to subsection 5.1
208 Permitted Uses. He said he received advice from the Board’s Counsel to deny the request for a Variance to
209 subsection 5.1, Permitted Uses, of the Town of Wilton’s Zoning Ordinance without prejudice and then
210 read RSA 674:32-a Presumption. – “In accordance with RSA 672:1, III-d, whenever agricultural operations
211 or activities as defined in RSA 21:34-a are not explicitly addressed with respect to any zoning district or
212 location, such operations or activities shall be deemed to be permitted there, as either a primary or
213 accessory use, so long as conducted in accordance with best management practices guidelines adopted by
214 the commissioner of the department of agriculture, markets, and food and with applicable federal and state
215 laws, regulations, and rules.” He summarized by saying the use is permitted, and a variance is not required.

216
217 **Chairperson Faiman made a MOTION to close the public hearing and**
218 **deliberate on the applicant’s request for a Variance to subsection 5.1,**
219 **Permitted Uses, of the Town of Wilton’s Zoning Ordinance, to allow the**
220 **keeping of small farm animals such as chickens, on Lot-4, 68 Burns Hill Road.**
221 **Vice-chairperson Eckstrom SECONDED the motion.**

222 There was no DISCUSSION.

223	VOICE Vote:	ayes	5
224		nays	0
225		abstentions	0
226	Motion was CARRIED.		5/0/0

227

228 Chairperson Faiman said the statute trumps the Town of Wilton Ordinance which does not address the
229 keeping of livestock and poultry in the residential district. Therefore, the applicant's proposal to keep small
230 farm animals such as chickens, rabbits and sheep on her property is a permitted use. As a result, when a
231 use is permitted, as of right, there is no hardship, and therefore a variance cannot be granted to allow the
232 use. He referenced the case of Bartlett versus City of Manchester, and suggested the Board deny the
233 request to subsection 5.3 Permitted Uses without prejudice.

234

235 The Board understood that any issue (health, nuisance, odor, noise, etc...) arising from the keeping of small
236 farm animals in the Residential District would be a private/civil matter. The Board also understood that if
237 the Town of Wilton Zoning Ordinance were to be amended and the keeping of farm animals prohibited in
238 the Residential District the applicant would be grandfathered if the use had not been abandoned.

239

240 **J Klinghoffer made a MOTION deny the applicant's request for a Variance to**
241 **subsection 5.1, Permitted Uses, of the Town of Wilton's Zoning Ordinance, to**
242 **allow the keeping of small farm animals such as chickens, on Lot-4, 68 Burns**
243 **Hill Road, without prejudice as the use is permitted by RSA 672:1, III-d, and**
244 **therefore a variance is not required.**

245 **L Jennings SECONDED the motion.**

246

247 **Vice-chairperson Eckstrom made a MOTION to re-open the public hearing**
248 **L Jennings SECONDED the motion.**

249 There was no discussion.

250 VOICE Vote: ayes 5

251 nays 0

252 abstentions 0

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

254

255 Chairperson Faiman opened the discussion to attendees.

256

257 M Bronson argued that the matter of health was an issue the Board should be addressing. Chairperson
258 Faiman said it is not the Board's decision whether the applicant should have animals or not; the state has
259 passed laws the Town cannot regulate, albeit lengthy and unclear, so unless the town takes legislative
260 action regarding the ordinance, we basically have no authority to regulate it.

261

262 K Cadrain expressed concern on the number of predators the chickens will have and how the applicant will
263 protect them. He is concerned that they will construct a fence with a lean-to, to which Chairperson
264 Faiman said the applicant would have that right to protect her chickens within the limitations of the law.

265

266 **Chairperson Faiman called for a vote on the Motion.**

267 ROLL Call Vote: J Klinghoffer aye
268 L Jennings aye
269 N Faiman aye
270 JK Eckstrom aye
271 J Stone aye
272 **Motion was CARRIED. 5/0/0**
273

274 Chairperson Faiman asked the applicant if she would be willing to allow another site visit so a firm
275 determination of where the edge of the right-of-way is. S Kirsch agreed and would have her surveyor mark
276 the front and side lot lines. Chairperson Faiman added that if the proposed parking required a variance the
277 application, as presented, could be amended without additional public notice.
278

279 **J Klinghoffer made a MOTION to continue the public hearing by request of the**
280 **applicant until November 11, 2025, and to schedule a site visit for Sunday,**
281 **November 2, 2025 at 9 a.m.**

282 **L Jennings SECONDED the motion.**

283 There was no discussion.

284 VOICE Vote: ayes 5
285 nays 0
286 abstentions 0

287 **Motion was CARRIED. 5/0/0**
288

289 **4. Old Business**

290 There was no Old Business discussed.
291

292 **5. New Business**

293 There was no New Business discussed.
294

295 **6. General Business**

296 P Duggan and JK Eckstrom announced that the Select Board appointed L Jennings as a regular member of the
297 Zoning Board of Adjustment.
298

299 **7. Adjournment**

300 **JK Eckstrom made a MOTION to adjourn at 9:30 p.m.**

301 **J Stone SECONDED the motion.**

302 There was no discussion.

303 VOICE Vote: ayes 6
304 nays 0
305

306 abstentions 0
307 **Motion was CARRIED. 6/0/0**
308
309
310
311 **APPROVED December 9, 2025**