



Town of Wilton, NH Zoning Board of Adjustment DRAFT MINUTES

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

Tuesday, September 8th, 2026 Zoning Board of Adjustment Meeting

Board Members' Present: Neil Faiman, *Chairperson*; Joanna K. Eckstrom, *Vice chairperson*; Jeff Stone; Judith Klinghoffer; Peg Duggan, *Alternate*

Board Members Absent: Linda Jennings

NRPC Circuit Rider: Nick Principato

Attendees: Attorney Tom Pappas, Brian Pratt, Dawn Ryan, Dan Reen, Gres Mattison, Alan Preston, Jaran Blessing, Stephen Weighart

TABLE OF CONTENTS

1. Call to Order
2. Board Introductions
3. OPEN Meeting
 - a. Case No. 9/8/2026-01
 - b. Case No. 9/8/2026-02
4. Minutes
5. Adjournment

MINUTES

(Minutes were produced by Nick Principato NRPC Circuit Rider with the assistance of AI.)

1. Call to Order

Chairperson Faiman called the meeting to order 7:03 p.m. on Tuesday, September 8, 2026. He stated that wearing masks would be appreciated as some Board members are or have family who are at elevated risk if they were to contract COVID or other diseases. He asked that the audience members sign in to the sign sheet. P. Duggan was seated for L. Jennings at 7:05 PM.

2. Board Introductions

Chairperson Faiman introduced and identified the capacity each member would serve for the meeting. The Board decided to postpone the discussion on minutes until after the two cases had been heard, since neither sets of minutes would affect the applicants. Chairman Faiman clarified that the Zoning Board must make their decisions based off state and local law. He asked that audience members and applicants stick to the facts when describing their case.

3. OPEN Meeting Case 9/8/2026-01

Case 9/8/2026-01

Edyta and Steven Weighart have requested a variance to section 5.3.1.1(a) of the Wilton Zoning Ordinance and/or special exceptions under sections 6.6.1 and 5.3.1 of the Wilton Zoning Ordinance to allow a single-employee electronic manufacturing business as a home occupation in an existing barn on Lot H-83-1-1, 20 Stephens Road, where the area of the barn that would be used exceeds 20% of the heated floor space of the house.

Chairman Faiman read the public hearing notice into the record. He explained the procedure for hearing applications and asked if any Board members had any conflicts of interest, to which no one did. He asked if any of the Board members have done a drive-by of the property, which no one had. J. Eckstrom stated that many of the Board members are familiar with the site.

J. Blessing explained the application before the Board. He stated that the application comes in two parts, the first being a request for a variance from 5.3.1.1(a), and the second being an alternative request for a special exception under section 6.6.1 if a variance is deemed inapplicable. He explained that Mr. Weighart's business is a single employee manufacturer with no signage, exceptional traffic, or other features that would make the site appear as a business. J. Blessing reinforced the idea that this is a home occupation, and the primary use of the property is residential. He stated that there is a 3,000 square foot barn on the property that Mr. Weighart would like to be able to use for his small electronic manufacturing business. The reason for the variance request is due to the requirement of the heated floor space. J. Blessing explained their five-point rationale for requesting the variance as follows:

1. Granting the variance would not be contrary to the public interest

Granting the variance would not be contrary to the public interest, nor would it violate the spirit of the ordinance. The relief requested would not alter the essential character of the neighborhood or threaten public health, safety, or welfare. The proposed home occupation will be conducted entirely within an

existing barn. It will not involve customer or client visits, non-resident employees, signage, exterior storage, exterior operations, retail sales from the premises, new construction, or material traffic impacts. Furthermore, it does not seek relief from the Ordinance's substantive protections for neighborhood character, traffic, parking, exterior appearance, or performance impacts. The use will remain residentially subordinate and will be effectively invisible from off-site. Under New Hampshire law, mere conflict with the ordinance text is not enough; the question is whether the variance would "unduly, and in a marked degree" conflict with the ordinance's basic zoning objectives.

2. Granting the variance would be consistent with the spirit of the Ordinance

The spirit of the Ordinance is observed because the proposed use remains a home occupation in substance. Section 5.3.1.1 allows certain home occupations without special exception approval where they remain small, indoor, resident-operated, and free of customer traffic, employee traffic, signs, and exterior operations. The spirit of the particular requirement from which applicants seek a variance has to do with the space requirements compared to total heated floor area of the residence. The intention of this requirement is to ensure that residences remain primarily residential in character. The Town does not want a residence in name only, that is used more for business than family affairs. Here, the variance concerns only the amount of existing interior barn space that may be used. No portion of the actual residence itself will be used for the Home Occupation. The proposed use satisfies those substantive protections. The only relief requested is from the numerical 20% floor-area cap.

Strict application of the 20% cap to this property would not advance the Ordinance's purpose where the proposed activity will occur inside an existing barn, will be operated by the resident owner, will not be visible from the road, and will not create the external impacts the home-occupation rules are designed to prevent. The variance therefore preserves the Ordinance's basic zoning objectives while allowing reasonable use of an existing associated structure.

3. Granting the variance would do substantial justice

Granting the variance would do substantial justice because denial would impose a substantial burden on Applicant without a corresponding benefit to the public. "Perhaps the only guiding rule on this factor is that any loss to the individual that is not outweighed by again to the general public is an injustice." *Malachy Glen Assocs. v. Town of Chichester*, 155 N.H. 102, 109 (2007). Denial would prevent Applicant from using existing barn space for a quiet, enclosed, low-impact home occupation, even though the use will have no customer traffic, no non-resident employees, no signage, no exterior storage, no exterior operations, and no material effect on abutters.

The public would gain little or nothing from requiring this particular use to be limited to the 20% floor-area cap, because the proposed use does not implicate the traffic, visibility, noise, safety, or neighborhood-character concerns addressed by the home-occupation rules. New Hampshire's substantial-justice test asks whether the loss to the individual is outweighed by again to the general public. Here, there is no appreciable public gain from denial.

4. The proposed use will not diminish surrounding property values

The proposed use will not diminish surrounding property values because it will be conducted indoors, inside an existing barn, and will have no outward commercial appearance. There will be no customer or

client visits, no retail sales from the premises, no non-resident employees, no signage, no exterior storage, no exterior operations, and no new structure.

The use is also represented as complying with the applicable performance standards: no detectable vibration beyond the property line, no excessive noise, no odors, no smoke or airborne particulates, no hazardous or toxic discharge, no lighting or glare beyond ordinary residential use, no signage, no meaningful fire or explosion hazard beyond ordinary residential use, no soil disturbance, and no proposed new structures. Because the use will be enclosed, quiet, and residentially subordinate, there is no reasonable basis to conclude that surrounding property values will be diminished.

5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship.

5(a)(i). Owing to special conditions of the property that distinguish it from other properties in the area

The property contains an existing three-story barn with approximately 3,024 square feet of interior space. The proposed home occupation would use approximately 1,500 square feet of that existing barn space, consisting of all of the second floor and approximately one-half of the first floor, while the third floor remains personal use only. The primary residence remains the principal use of the property. The special condition is the presence, size, and configuration of the existing barn in relation to the residence and the proposed indoor, low-impact use. The barn allows the home occupation to be separated from the family's living space and conducted in a contained interior area without exterior commercial effects. That condition distinguishes the property from atypical residence without a substantial existing associated structure suitable for this type of home occupation.

5(a)(ii). No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property

The general public purpose of Section 5.3.1.1(a) is to ensure that a home occupation remains incidental and secondary to residential use and does not become a commercial or industrial use with off-site impacts. That purpose is fully satisfied here without strict application of the 20% cap.

The proposed home occupation will remain resident-operated, indoors, and subordinate to the residence. It will involve no customers or clients at the property, no non-resident employees, no signs, no exterior storage, no exterior operations, and no meaningful increase in traffic. Applying the 20% cap to prohibit use of existing barn space would not materially advance the purpose of the provision, because the proposed use does not create the visibility, traffic, parking, noise, or neighborhood-character impacts the provision is intended to prevent.

RSA 674:33 expressly allows this hardship analysis where, owing to special property conditions, no fair and substantial relationship exists between the public purpose of the ordinance provision and its application to the property, and the proposed use is reasonable.

5(a)(iii). The proposed use is a reasonable one

The proposed use is reasonable. It is a home occupation conducted by the resident owner within an existing barn. It involves small, specialized, low-voltage electronic sensing and monitoring devices, with remote sales only. There will be no customer or client visits to the property, no non-resident employees,

no signage, no exterior storage, no exterior operations, no retail sales from the premises, and only limited small-scale deliveries.

The use is also reasonable because Wilton's Ordinance expressly allows qualifying home occupations without special exception approval. The requested variance does not seek to avoid the home-occupation rules generally; it seeks relief only from the numerical area cap, while leaving all substantive protections in place. Under New Hampshire law, the applicant does not have to prove the proposed use is necessary to the operation, only that it is a reasonable use of the property given its special conditions.

Mr. Weighart demonstrated some of the electronic manufacturing products that he creates with his home occupation. The variance will not be a threat to the public health, wealth, or will cause inconvenience to neighbors. J. Eckstrom asked if there was no noise or smoke produced in the creation of these products. S. Weighart explained that the sensors are for different industrial applications. J. Klinghoffer asked how they are distributed. S. Weighart explained that he drops his products off at the postal center in Milford. P. Duggan asked if there were any chemicals in the building. S. Weighart stated that there is only isopropyl in the building. S. Weighart performed a demonstration of his small electronic product. The product essentially acts as a sensor. J. Blessing stated that the creation of these items does not produce any noise louder than a vacuum. There was discussion over the capabilities of the equipment.

J. Klinghoffer asked what the hours of operation would be. The Applicant responded that it would be from 9:00 AM to 6:00 PM, and that it would take a couple of hours to produce the product he demonstrated to the Board. There was discussion over whether the product was custom, to which it is not, and how the business is being marketed. P. Duggan asked how far away the barn is from the road. Chairman Faiman showed pictures of the property which can be seen in the application's case file.

J. Blessing stated that the issuance of the variance does not depart from the Wilton Zoning Ordinance in an unduly, unjust way, to which the issuance of this variance would not. J. Blessing referenced *Malachy Glen Associates, Inc v. Town of Chichester* to guide the substantial justice requirement for this case. He stated that the intended meaning of this precedent is that if a Zoning Board denies an application for a variance then there must be a public gain that outweighs the benefit of the Applicant. In this case, the Applicant's loss if the variance was denied would outweigh any gain to the public. J. Eckstrom asked if the business grows, will the Applicant be able to confine the business to the approved location in the barn. The Applicant responded yes. J. Klinghoffer asked how often the Applicant was driving to Milford per week to distribute the product, to which the Applicant responded twice a week.

Chairperson Faiman asked if there was anyone from the public who wished to speak on this application. There were no other speakers.

J. Klinghoffer made a MOTION to close the public hearing and move to a deliberative session.

189 **J. Eckstrom SECONDED the motion.**

190 **There was no discussion.**

191 **J. Klinghoffer aye**

192 **N. Faiman aye**

193 **J. Eckstrom aye**

194 **J. Stone aye**

195 **P. Duggan aye**

196 **Motion PASSED 5-0-0**

197
198 The Board discussed the merits of the application at length. J. Klinghoffer commented that this is a good
199 idea for a home occupation because it will not disturb any neighbors or appear as any use other than
200 residential. Chairperson Faiman stated that all the reasons stated in the application work as the findings of
201 fact for the case. J. Stone asked Chairperson Faiman what the rationale was for heated floor space required
202 for home occupations. J. Stone noted that the allowed variance is an unusual amount of space in
203 accordance with the ordinance, however, the oversized barn permits the opportunity for it. P. Duggan
204 asked if a variance stays with the property after it is sold. Chairperson Faiman answered that it does but
205 only for the specific use that the variance was granted for. J. Stone stated that the decision should include
206 the specific parameters for the allowed home occupation. J. Eckstrom asked if this should be a variance or
207 a special exception, to which Chairman Faiman responded that a variance would suffice for this application.
208

209 **Chairperson Faiman made a MOTION to approve the variance from Section 5.3.1.1 (a) of**
210 **the Zoning Ordinance pursuant to the findings made in this case and the application as long**
211 **as it continues to meet the limits of the business in the home occupation section of the**
212 **Zoning Ordinance and it continues to satisfy the other conditions of the home occupation**
213 **requirements 5.3.1.1 (b-e), and it uses no more than 50% of the barn.**

214 **J. Klinghoffer SECONDED the motion.**

215 **There was discussion. J. Eckstrom recommended that the Board reopen the public**
216 **comment period.**

217
218 **J. Eckstrom made a MOTION to reopen the public comment.**

219 **J. Klinghoffer SECONDED the motion.**

220 **There was no discussion.**

221 **J. Klinghoffer aye**

222 **N. Faiman aye**

223 **J. Eckstrom aye**

224 **J. Stone aye**

225 **P. Duggan aye**

226 **Motion PASSED 5-0-0**

Chairperson Faiman asked if there was anything made in the approval motion that is against the Applicant's wishes. The Applicant responded no.

Chairman Faiman called for a vote on the motion of whether to approve the variance or not.

J. Klinghoffer aye

N. Faiman aye

J. Eckstrom aye

J. Stone aye

P. Duggan aye

Motion PASSED 5-0-0

Case 9/8/2026-02

The Dawn Ryan Revocable Trust has requested variances to sections 14.3.3 and 14.3.5 of the Wilton Zoning Ordinance to allow a second driveway access and the construction of a bridge in the Watershed District setback area from Mill Brook on Lot A-47-1, 74 Stagecoach Road.

Chairman Faiman read the public hearing notice into the record. He asked if any of the Board members had a conflict of interest with the case, to which no one did.

B. Pratt explained the application in front of the Board. He stated that the Applicant had originally came to the Board in April 2025 for a special exception, and that the plans are primarily the same as the Board has seen in the past. He noted that the Applicant is looking to gain access to the back half of her property. The Applicant does have an access easement to cross Mill Brook which bisects the property towards the east; however, the access easement was made before Parcel B was added onto the property. This means that the Applicant cannot use the access easement to access Parcel B of her property. The Applicant has recently obtained a conditional approval for a minor site plan review from the Planning Board on August 5th, 2026. During this process it was determined that the Applicant also needs a variance from section 14.3.3 and 14.3.5. The Applicant disagreed with this, however, Town Counsel agreed that the Applicant would need a variance for a structure within the wetland's setback. B. Pratt explained that the proposed trail is small, unintrusive, and has a 4,000-pound limit. The bridge will have railings on it, and it does not disturb the flow of the Brook, which is why the trail is at grade. The Applicant does have a Wetlands Permit from the New Hampshire Department of Environmental Services. Town Counsel stated that the Applicant needs a variance from 14.3.5 due to the access easement and the proposed bridge being seen as two driveways through wetlands. The Applicant does not see the proposed trail as a driveway. B. Pratt explained that the hardship for this case is that the Applicant does not have access to the back half of the property.

J. Eckstrom asked if the Applicant is prohibited from accessing her own property to which B. Pratt responded yes. J. Eckstrom stated that Parcel B is now land locked unless the Applicant walks through the Brook. B. Pratt stated he cannot use the access easement to access Parcel B for surveying the wetlands.

Attorney Tom Pappas briefly went through the five criteria of a variance for the Board. He explained that it is not contrary to public interest because the proposed bridge is entirely on the Applicant's property. He stated that it is consistent with the spirit of the ordinance because it preserves the natural characteristics of the area and minimizes disturbances to the wetlands. For the third criterion, substantial justice, the guidance is that if the loss of the Applicant is greater than the gain to the public, then it is unjust. There would be no gain to the public for denying this application and significant loss to the Applicant. T. Pappas stated that if the bridge is constructed it would likely only increase property values. Lastly, the hardship for the Applicant is that Parcel B is currently land locked to the Applicant for the use of snowmobiles, tractors, or even walking. The property is quite unique due to Parcel B being landlocked, and it is creating a hardship. He claimed that a variance would allow for a reasonable use of the property and believes that the five elements are sufficed.

J. Klinghoffer asked if there is anything about the current appeal between D. Ryan and C. Ryan that the Board needs to know.

T. Pappas stated no. The recent case does not have anything to do with this, it is mainly about the maintenance of the easement. T. Pappas stated that it is not really an appeal.

J. Eckstrom asked if there are and/or would be any structures in the future built on Parcel B. The Applicant responded that the process to put a house on Parcel B would be extremely burdensome and unlikely. Parcel B is the high point of the property and the value of it is for hiking, snowmobiling, and scenic views. J. Eckstrom asked how much use Parcel B gets from snowmobiling besides the Applicant. Chairperson Faiman stated that it is part of the New Hampshire route and people routinely use it. D. Ryan explained that to utilize these trails she must trailer her snowmobiles and take them to the trail head instead of being able to access her property directly from her backyard.

Chairperson Faiman stated that it should be noted that the Zoning Board had performed a site walk for this property when it came for a Special Exception in April. Chairperson Faiman read a letter from abutter, Cori Ryan, into the record. This can be found in the case file. Additionally, a surveyed wetlands delineation of Heidi Blackmer's property can help to show the wetlands on Parcel B. B. Pratt stated that the Applicant will add the wetland buffers to the plan set since it was a condition of approval from the Planning Board.

Chairman Faiman stated that the letter from C. Ryan is irrelevant to this application, to which T. Pappas agreed.

Chairperson Faiman provided a summary for the case. The lot has an area of 14.5 acres and 300 feet of frontage on Stagecoach Road. The lot is rectangular and the Mill Brook and associated wetlands are prevalent on the lot. The portion of the lot east of Mill Brook has no direct road access and it is benefited by an easement by the abutting lot. The easement does not allow for access towards the easternmost portion of the property, Parcel B, see approved site plan. Historically, the Zoning Board granted a Special Exception for the creation of a trail and bridge in the Wetlands Conservation District, the Planning Board granted a conditional approval for the site plan but requested that the Applicant obtain variances from 14.3.3 and 14.3.5. J. Eckstrom asked for a description of the maintenance equipment to which would be equipment that is no more than 4,000 pounds. P. Duggan asked why Chairperson was using the term “driveway”, to which Chairperson responded that he will explain in their deliberative session.

J. Eckstrom made a MOTION to close the public comment period and enter deliberative session.

J. Klinghoffer SECONDED the motion.

There was no discussion.

J. Klinghoffer aye

N. Faiman aye

J. Eckstrom aye

J. Stone aye

P. Duggan aye

Motion PASSED 5-0-0

Chairperson Faiman explained the two sections of the Zoning Ordinance that the Applicant is applying for a variance from. The first is the variance to 14.3.3, that no structure shall be located anywhere near the wetlands in the Watershed Protection District. The issue here is the question of if a bridge is a structure. The Board agreed that a bridge is a structure. The Board agreed that there is an obvious need for a variance for the construction of this bridge.

Chairperson Faiman explained that 14.3.5 has to deal with the trail rather than the bridge. He believes that the Planning Board and Town Counsel have misinterpreted it. There are two parts to this section stating that the setback area must be left in its natural state. The second part has an escape clause for this. Additionally, the word driveway is not defined in the Zoning Ordinance. Chairperson Faiman listed multiple different definitions of driveways:

“A private road giving access from a public way to a building on abutting grounds” – Merriam Webster Dictionary

“A road, especially a private one leading from a street or thoroughfare to a building, house, etc, or any road for driving on” -Random House Dictionary

“A driveway is a private road for local access to one or a small group of structures owned and maintained by an individual or group” - Wikipedia
“A short private road that leads to a street from a persons house or garage” - Cambridge Academic Content Dictionary
“A private way or road for cars leading to or from a street or road to a garage, house, etc. ” - Webster’s New World College Dictionary

Chairperson Faiman asserted that all these definitions lead to a driveway being a term of access that leads from a highway to a structure, garage, parking area, or some facility. Chairman Faiman explained how driveways are used within the Zoning Ordinance. He listed the following sections of the Zoning Ordinance to establish the criteria that the Wilton Zoning Ordinance definition of “driveway” is the same as the common definition of the word: 9.A.2.3, 10.1.2, the Home Occupation section of the ordinance, 13.3, and 15.4.7. Chairperson Faiman stated that the Wilton Zoning Ordinance uses the term “driveway” in a consistent fashion as to the common definition of the word. He then asserted that if that is true then a natural trail for a purpose of accessing the woods and nature is not a driveway. If that deduction is true, then the third and final paragraph of 14.3.5 is irrelevant. However, the Applicant may need a variance for leaving the setback in its natural state. To clarify, the Applicant will not need a variance for a second driveway but may need one for disturbing the wetlands. After some discussion, the Board agreed with Chairperson Faiman’s deductions.

In terms of the first two paragraphs of 14.3.5, the Applicant may still need a variance for leaving the setback in its natural state and minimizing the affects growth. He asked the Board if the setback area would be left in its natural state with the proposed structure. J. Eckstrom that the Applicant is allowing for the setback to stay in its natural state as much as possible.

J. Stone made a MOTION to reopen the public comment section.

J. Eckstrom SECONDED the motion.

There was no discussion.

J. Klinghoffer aye

N. Faiman aye

J. Eckstrom aye

J. Stone aye

P. Duggan aye

Motion PASSED 5-0-0

B. Pratt wanted to clarify that the bridge is elevated over the brook, and the water can pass under the bridge unobstructed. The trail is at grade so that it would not obstruct water if there was a 100-year flood.

J. Eckstrom asked how much space is there between the high level of the water and the bottom of the

bridge. Alan Preston recommended looking at the Stagecoach Bridge 200 yards down the road. B. Pratt answered that it would be about 6 feet from the top of the Bridge to the bottom of Mill Brook.

J. Stone made a MOTION to close the public comment period and enter deliberative session.

J. Eckstrom SECONDED the motion.

There was no discussion.

J. Klinghoffer aye

N. Faiman aye

J. Eckstrom aye

J. Stone aye

P. Duggan aye

Motion PASSED 5-0-0

Chairperson Faiman stated that in the application, it states that there will be a minimal amount of clearing for access to the bridge. The ordinance says that the setback area shall be left in its natural state. Chairman Faiman asked the Board if this will leave the setback in its natural state if they are performing a minimal amount of clearing. P. Duggan stated that sometimes an improvement leaves an area in a better state than not disturbing it, and asked whether that violates the ordinance or not. J. Stone stated that the definition of better is very subjective. Chairman Faiman stated that “better” may be a departure from the natural state of the buffer. There was significant discussion over whether improving the wetland buffer would require the Applicant to receive a variance. Ultimately, the Board decided that due to the fact that there will be change in the condition of the natural state of the wetland setback, regardless of the fact that it is being improved, the Applicant will still need a variance from section 14.3.5.1.

Chairperson Faiman made a MOTION that the proposed trail use does not leave the setback area in its natural state and that therefore a variance from 14.3.5.1 is required.

J. Stone SECONDED the motion.

There was no discussion.

J. Klinghoffer aye

N. Faiman aye

J. Eckstrom nay

J. Stone aye

P. Duggan aye

Motion PASSED 4-1-0

Chairman Faiman explained that after the previous deduction, the Applicant is still in need for two variances from Section 14.3.3 and Section 14.3.5.1. However, it is a departure from the original application

because there is no need for a variance from a driveway in section 14.3.5, but there is a need for a variance due to disturbances in the setback.

J. Eckstrom explained that the bridge does not obstruct the natural flow of the water. Chairperson Faiman stated the findings of fact:

- Lot A-47-1 has an area of 14.5 acres and 380 feet of frontage on Stagecoach Road. It is located in the General Residence and Agricultural District and the Watershed overlay district, and portions are in the Wetlands Conservation, Aquifer Protection, and Floodplain Conservation overlay districts.
- The lot is more or less rectangular. It is 380 feet north-south at the western end and 234 feet north-south at the east end, but runs over 2000 feet east-west.
- Mill Brook and associated wetlands meander roughly north-south through the lot approximately 700–750 feet east of Stagecoach Road.
- The only access to the lot is by its Stagecoach Road frontage. The portion of the lot east of Mill Brook is accessible only by passing over the property of other owners or by crossing Mill Brook.
- The lot is benefited by an easement over abutting lot A-47-2, immediately to the north, which allows access to the western part of the portion east of Mill Brook.
- The easement does not allow access to the easternmost 3.2 acres of the lot.
- The applicant proposes to create a trail running from the western part of the lot to the eastern lot line, and a bridge which the trail would traverse. The trail has been variously characterized as a nature trail and a snowmobile trail, and would also allow equipment access (less than 4000 pounds) for land maintenance purposes.

Chairperson Faiman said that the proposed trail and bridge will not have any negative impacts on the bridge. Additionally, it will not impact the public and does not degrade public health. The Board found that the proposed bridge and trail will not diminish property values. The Board found that the owner will lose access to a significant amount of her property without the bridge and trail to get there. Lastly, due to the unique conditions of this property, it is being denied of reasonable use. Therefore, the Board found supporting facts for each variance criteria.

Chairperson Faiman made a MOTION to grant the requested variances from Sections 14.3.3 and 14.3.5.1 to allow for the construction of the bridge which is a structure in the setback area and the construction of the trail which will not leave the setback area in its natural state, and that the proposed trail is not a driveway, so the language in 14.3.5 pertaining to driveways is not relevant pursuant to the findings made in deliberative session.

J. Stone SECONDED the motion.

J. Klinghoffer made a MOTION to reopen the public comment portion of the hearing.

J. Eckstrom SECONDED the motion.

There was no discussion.

J. Klinghoffer aye

N. Faiman aye

J. Eckstrom aye

J. Stone aye

P. Duggan aye

Motion PASSED 5-0-0

There were no comments from the public. The Board voted on the previous motion.

There was no discussion.

J. Klinghoffer aye

N. Faiman aye

J. Eckstrom aye

J. Stone aye

P. Duggan aye

Motion PASSED 5-0-0

The Board reminded the Applicant of the appeal period and procedure.

4. Minutes 7/14/2026

The Board decided to table the discussion on minutes because there were not enough copies for the Board members to review. J. Eckstrom and P. Duggan requested that more information be added to the minutes of 7/14/2026 in relation to case 6/09/2026-01.

The Board discussed the ongoing potential scams the Town has faced and the wording the Neil includes in communication with Applicant's.

5. Adjournment

J. Stone made a MOTION to adjourn at 9:32 PM.

J. Eckstrom SECONDED the motion.

There was no discussion.

J. Klinghoffer aye

N. Faiman aye

495 **J. Eckstrom aye**
496 **J. Stone aye**
497 **P. Duggan aye**
498 **Motion PASSED 5-0-0**

499
500 APPROVED _____

DRAFT