

December 16, 2004

Mr. Neil Faiman, Chairman  
Board of Adjustment.  
Wilton, New Hampshire 03086

Dear Mr. Faiman,

I am aggrieved and am objecting to the decision of the Wilton Building Inspector to issue a building permit for a Storage/Workshop/building with Garage on Lot A-21-2 for the following reasons:

Under RSA 676:13 (I) "The Building Inspector shall not issue any building or occupancy permit for any proposed construction, remodeling or maintenance which will not comply with any or all zoning ordinances, building codes or planning board regulations which are in effect."

Before examining the lack of compliance with applicable ordinances and regulations, it must be noted that the application for a building permit is premature since the subdivision is under a lawsuit and an up-coming court review. Irreparable harm can occur if my due process rights are not taken into account in reference to the lawsuit.

To the best of my knowledge the person applying for the building permit is a renter and there is no indication of approval by the owner to the request on the Application for a Building Permit.

The proposed storage/workshop building with garage is in the Watershed District of Wilton and must conform to the rules set forth in that part of Wilton.

The proposed building could be in violation of Section 14.3.3 of the Zoning Ordinance regarding Setbacks, which states, "No residence, building, structure, feed lot, outflow from building, drainage, septic system or its containment area shall be located less than 200 feet from open water and perennial streams nor less than 150 feet from intermittent streams, the 100-year floodplain, the deeded flowage rights to the State of New Hampshire Flood Control System or **any wetland.**"

There is no absolute definitive location for the proposed building and since the proposed location is in an area near open water, perennial streams and wetlands, a more precise location must be indicated and ultimately adhered to in order to comply with the Wilton Setback Ordinance in the Watershed District.

There needs to be an inspection by an independent Wetlands Scientist to determine the full extent of the Wetlands and the flow of the intermittent stream that seems to go into Mill Brook.

There is no approved Driveway Permit for Lot A21-2 or a curb cut as depicted on the Plat as outlined under RSA 236:13.

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There is no safe-sight distance onto the Burton Highway from the driveway.

There is no Letter of Approval from the Wilton Fire Chief.

The proposed building application is not in conformance with Wilton Ordinance 4.1 -- Alteration and removal of Materials.

The proposed building application is not in conformance with Wilton Ordinance 4.6 -- Performance Standards.

The proposed building application is not in conformance with Wilton Ordinance 4.6.6 -- Stormwater Runoff.

The proposed building is not in conformance with Wilton Ordinance 3.1.31-- Structures.

The proposed building application is not in conformance with NH DES Env Wt 303.04 (g) (1) and Env. Wt. 101.77.

The proposed building application is not in compliance with NH DES Env Wt 101.86, Env Wt 101.57 and any other appropriate rules in Env Wt 100-800.

The proposed building application is not in compliance with NH DOT Standards Specifications, 101.36 and 101.107.

The private way is not in conformity with subdivision regulations and plat standards, 6.1 P, 6.3 B, C, H, J, L, P, Q, R, X, W, Y and 9.3,9.4,9.5,9.6,9.7.

The lot in question does not have the required frontage on a Class V road.

For all of the above reasons, I am requesting that the Building Permit for the Storage/Workshop building with Garage on A 21-2 be denied.

I also ask that the Savings Clause - Section 23.0 - of the Wilton Land Use Laws and Regulations be considered - using the strictest interpretations, whether local, state or federal - when reviewing this request.



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