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RECEIVED  
MAY 23 2006  
TOWN OF WILTON, NH

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May 23, 2006

Ms. Joanna K. Eckstrom  
14 Laurel Hill Road  
Wilton NH 03086

Ms. Joanna K. Eckstrom  
Zoning Board of Adjustment  
Town of Wilton  
P O Box 83, Main St.  
Wilton, NH 03086

Re: Application of Zahn/Kennedy to gravel on Lot F-3.  
Isaac Frye Highway

Dear Ms. Eckstrom:

The State of New Hampshire Office of Energy and Planning has available from its website a pamphlet entitled "The Board of Adjustment in New Hampshire - A Handbook for Local Officials". This is last revised January, 2006. The handbook can be downloaded from the Office of Energy and Planning's website. With this letter I am enclosing pages 76 to 80 which are forms the Office of Energy and Planning recommends for use by the Zoning Board of Adjustment in acting on appeals to the Zoning Board of Adjustment, whether special exceptions, variances or equitable dimension waivers. The statement of reasons for the use variance is particularly useful as it draws the distinction between a use variance and an area variance and I believe the use variance is involved in the application for the excavation on Isaac Frye Highway.

Whether the Board chooses to actually complete the forms and make them part of the record or whether the Board merely chooses to use the forms as a guide in its decision making, I leave to the Board. However, for purposes of its decision, I recommend to the Board that the Board at least consider using the guidelines that the statement of reasons and notice of decision embody.

If you have any questions, please give me a call. The webpage for the publications of the Office of Energy and Planning is the following:

*<http://nh.gov/oepl/resourcelibrary/HandbooksAndOtherPublications.htm>*

If it would be of assistance to the Board, I can print out the document from the website although I am certain there are members of the Board or persons in town who could accomplish the same task.

Very truly yours,

Fernald, Taft, Falby & Little  
Professional Association

By:



Silas Little

*Direct line: 603-924-3364 X14*

SL/jeh  
Enclosures

**WORK SHEET: STATEMENT OF REASONS – USE VARIANCE**

Petition for a variance of \_\_\_\_\_  
for property located at \_\_\_\_\_

After reviewing the petition and after hearing all of the evidence and by taking into consideration the personal knowledge of the property in question, the \_\_\_\_\_ board of adjustment should consider the following before making a motion to approve or disapprove the request:  
(community)

1. There (would - would not) be a diminution in value of surrounding properties as a result of the granting of this variance because.....

2. The granting of this variance (would - would not) be contrary to the public interest because.....

3. Since  
a. the zoning restriction as applied to the property (interferes - does not interfere) with the reasonable use of the property, considering the unique setting of the property in its environment such that .....

and

b. there (is - is not) a fair and substantial relationship between the general purposes of the zoning ordinance and the specific restriction on the property because .....

and

c. that the variance (would - would not) injure the public or private rights of others since .....

4. By granting this variance substantial justice (would - would not) be done because.....

5. The use contemplated by petitioner as a result of obtaining this variance (would - would not) be contrary to the spirit of the ordinance because.....

**WORK SHEET: STATEMENT OF REASONS – AREA VARIANCE**

Petition for a variance of \_\_\_\_\_  
for property located at \_\_\_\_\_

After reviewing the petition and after hearing all of the evidence and by taking into consideration the personal knowledge of the property in question, the \_\_\_\_\_ board of adjustment should consider the following before making a motion to approve or disapprove the request:  
(community)

1. There (would - would not) be a diminution in value of surrounding properties as a result of the granting of this variance because.....

2. The granting of this variance (would - would not) be contrary to the public interest because.....

3. Since  
a. the following special conditions of the property make an area variance necessary in order to allow the development as designed; and

b. the same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because

4. By granting this variance substantial justice (would - would not) be done because.....

5. The use contemplated by petitioner as a result of obtaining this variance (would - would not) be contrary to the spirit of the ordinance because.....

### FINDINGS OF FACTS

BOARD OF ADJUSTMENT, CITY/TOWN \_\_\_\_\_

Hearing held at: \_\_\_\_\_  
(time) (date) (Location)

concerning a request by \_\_\_\_\_  
(applicant's name)  
for \_\_\_\_\_ concerning  
(type of appeal)  
article \_\_\_\_\_ section \_\_\_\_\_ of the zoning ordinance.

Applicant proposes to \_\_\_\_\_  
\_\_\_\_\_ on the property located at \_\_\_\_\_  
\_\_\_\_\_ in the \_\_\_\_\_ zone.

Summary of the facts of the case discussed at the above public hearing:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

**NOTICE OF DECISION**

**ZONING BOARD OF ADJUSTMENT**

**CITY/TOWN OF \_\_\_\_\_, NEW HAMPSHIRE**

Case No: \_\_\_\_\_

You are hereby notified that the appeal of

\_\_\_\_\_

for a \_\_\_\_\_  
regarding section \_\_\_\_\_ of the zoning ordinance has been  
**GRANTED**, subject to the conditions listed below, by the affirmative vote of at least three  
members of the zoning board of adjustment.

**CONDITIONS:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

\_\_\_\_\_  
Chairman,  
Board of Adjustment

\_\_\_\_\_  
Date

Note: The selectmen, any party to the action or any person directly affected has a right to appeal this decision. See New Hampshire Revised Statutes Annotated, Chapter 677, available at (insert location where statutes can be reviewed). This notice has been placed on file and made available for public inspection in the records of the ZBA on (insert day and date) and has been published in the (insert newspaper name) on (insert day and date). Copies of this notice have been distributed to: the applicant, Planning Board, Board of Selectmen, Town Clerk, Property Tax Assessor, (insert any others as required by the board's Rules of Procedure).

**NOTICE OF DECISION**

**ZONING BOARD OF ADJUSTMENT**

**CITY/TOWN OF \_\_\_\_\_, NEW HAMPSHIRE**

Case No: \_\_\_\_\_

You are hereby notified that the appeal of

\_\_\_\_\_

for a \_\_\_\_\_ regarding  
section \_\_\_\_\_ of the zoning ordinance has been **DENIED**, for  
the reasons/facts listed below, by vote of the board of adjustment.

**REASONS /FACTS SUPPORTING THE DENIAL:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

\_\_\_\_\_  
Chairman,  
Board of Adjustment

\_\_\_\_\_  
Date

Note: The selectmen, any party to the action or any person directly affected has a right to appeal this decision. See New Hampshire Revised Statutes Annotated, Chapter 677, available at (insert location where statutes can be reviewed). This notice has been placed on file and made available for public inspection in the records of the ZBA on (insert day and date) and has been published in the (insert newspaper name) on (insert day and date). Copies of this notice have been distributed to: the applicant, Planning Board, Board of Selectmen, Town Clerk, Property Tax Assessor, (insert any others as required by the board's Rules of Procedure).