

3



Town of Wilton, NH

Application to the Zoning Board of Adjustment

General Information, Page 1 of 3

Property Information

Describe the lot involved in the application (the lot that you want to build a building on, subdivide, conduct a business or other activity on, etc.). If more than one lot is involved, then describe them all in this space if it is convenient, or attach additional copies of this page.

Tax Map and Lot Number F-3 Lot Size 12.7+/- acres

Street Address 536 Isaac Frye Highway

Zoning District (check one):

- Residential
- General Residence and Agricultural
- Commercial
- Industrial
- Office Park

Relevant Overlay Districts (check any that apply):

- Research and Office Park
- Floodplain Conservation
- Watershed
- Wetlands Conservation
- Aquifer Protection
- Elderly Housing

Owner

If the application involves multiple lots with different owners, attach additional copies of this page.

Name Harold E. Kennedy

Mailing address 539 Isaac Frye Highway

Mailing address _____

Town, State, ZIP Wilton, NH 03086

This application must be signed by the owners of all lots involved in the application.

I approve the submission of this application. If an applicant or representative is named on the next page, the person named there has my permission to represent me before the Wilton Zoning Board.

Signature Harold Kennedy Date MAJ 2/06

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RECEIVED
APR 25 2006
TOWN OF WILTON, NH

clerk use only	
Date and time received: <u>1:40PM</u>	
Received by: <u>D. Miller</u>	Amount paid: <u>\$ 9.00</u>
Case #: <u>5/9/06-2</u>	<input checked="" type="checkbox"/> Abutter list and labels included



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Applicant

The applicant is the person who actually wants to build the building, conduct the business, etc. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.

Same as owner

Name K.M. Zahn & Sons

Mailing address P.O. Box 75

Mailing address _____

Town, State, ZIP Milford, NH 03055

Signature of Applicant or Owner

I certify that to the best of my knowledge and belief, all information provided in this application is accurate.

Signature *Karl Zahn* Date 5/9/06

Representative

Fill out this section if the application is being submitted by a realtor, surveyor, engineer, attorney, etc., on behalf of the actual owner or applicant.

Name Gerald R. Prunier, Esq.

Mailing address 20 Trafalgar Square, Suite 626

Mailing address _____

Town, State, ZIP Nashua, NH 03063

I authorize the above-named representative to submit this application and to speak before the Zoning Board on my behalf.

Signature of applicant or owner
Signature *Karl Zahn* Date 5/9/06

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General Information, Page 3 of 3

Contact Information

How can we get in touch with the applicant or the applicant's representative, if there are questions about or problems with the application? Provide at least one of the following. If you provide more than one, please check your preferred form of contact.

This information is for: the applicant the representative.

Daytime phone (603) 883-8900 Evening phone _____

Work E-mail gprunier@prunierlaw.com Personal e-mail _____

Proposed Use

Explain what you want to do with the property. (Do you want to build a building, subdivide a lot, have a business, ...).

Explain why you need the Zoning Board to let you do it. (The building will be too close to the lot line; the Planning Board wouldn't approve your subdivision; your lot is in a zoning district where businesses aren't allowed; ...).

Be specific. Identify the section or sections of the Zoning Ordinance that apply. If lot sizes or configurations or building placements are relevant, provide a scale drawing or plan showing all relevant information, such as lot lines, setbacks, present and proposed structures on your lot and neighboring lots, etc.

Description of proposed use and need for ZBA approval (use this page; attach additional pages as necessary):

The Applicant desires to remove the gravel from the site as shown on the excavation plan submitted with this application. The real estate is approximately 800 feet +/- more or less from Route 101 and is not in the district where removal of gravel is permitted. There is also a need for relief from the setback requirements because of the size of the lot.



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Application to the Zoning Board of Adjustment
Application for a Variance, Page 1 of 3

When, because of the specific characteristics of your property, the Zoning Ordinance unreasonably restricts your use of your property without a corresponding public benefit, the Zoning Board may grant a Variance, which modifies or sets aside particular requirements of the Ordinance.

The specific section of the Zoning Ordinance to be varied: 9B.6.1, 9B.6.2

The requirement in that section that you want to change, and how you want it changed:

The applicant desires to remove gravel which is not allowed in the district, cannot exit on NH Route 31 and cannot meet the setback/buffer requirement.

To grant a variance, the Zoning Board must decide that it will satisfy each of the following five conditions. Please explain why you believe that each of the following statements is true. (Use additional sheets of paper if necessary.)

1. The proposed use will not diminish surrounding property values: Because care will be taken in the removal of the gravel and eventually will be a level lot; the surrounding neighbors are a cemetery, girls camp and forest.

2. Granting the variance would not be contrary to the public interest: Removal of gravel is allowed by the Wilton Zoning Ordinance; however, not in this district. It is nonetheless close to the district where gravel removal is allowed. Gravel is a needed commodity for a community and the removal of gravel at this site will not affect anyone.
3. "Hardship" is the unique situation of your property which justifies the variance. **Complete just one of the following three hardship sections:**
 - a. If the variance involves a relaxation of dimensional requirements, made necessary by the physical characteristics of the lot, to enable a use which would otherwise be permitted on the property, then complete section 3(a), "Hardship for an Area Variance." (If you are submitting an application for an area variance, you should also read Sections 17.2 and 17.3 of the Zoning Ordinance.)
 - b. If the variance involves a use which is not permitted on the lot, then complete section 3(b), "Hardship for a Use Variance."
 - c. If the variance is necessary to make reasonable accommodations to allow a person with a recognized physical disability to reside in or regularly use the premises, then complete section 3(c), "Hardship resulting from a physical disability."

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Application to the Zoning Board of Adjustment
Application for a Variance, Page 2 of 3

3(a). Hardship for an Area Variance.

i. The variance is necessary to enable the proposed use of the property given the special conditions of the property:

ii. The benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than an area variance:

3(b). Hardship for a Use Variance.

i. The zoning restriction as applied interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment:

the effected property is near a district where gravel may be removed; the fact of the hill on the property would have to be altered for any residential use and the size of the lot relative to the buffer requirements, considering the abutting uses makes it a hardship on the lot.

ii. No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property:

in view of the location of the property as well as the surrounding abutters, the specific restrictions prohibit a reasonable use of the property in view of what is allowed in the gravel excavation districts.

iii. The variance would not injure the public or private rights of others:

because the surrounding abutters are a cemetery, girls camp, and forest there will be no violation of the public or private rights of others.

3(c). Hardship resulting from a physical disability.

i. The variance is necessary to make reasonable accommodations to allow a person with a recognized physical disability to reside in or regularly use the premises:

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4. Granting the variance would do substantial justice: being able to use the gravel on the property will be a benefit because the mineral (gravel) will be used for a beneficial purpose and allow the property to still be used for residential uses.

5. Granting the variance would be consistent with the spirit of the Ordinance: Even though the property is not within the allowed district it is so close to the district and is better located for the gravel removal because it is so close to Route 101.
