



Town Of Wilton
Building Department
42 Main Street • P.O. Box 83 • Wilton, NH 03086
Phone: (603) 654-3960 • Fax: (603) 654-6663

March 18, 2010

Sylvia W. Horsley
60 Spindewick Dr.
Nashua, NH 03060

COPY

Re: Property at 21 Dale St.

Dear Dr. Horsley,

Your permit application to rehab the kitchen of the apartment at 21 Dale St. is denied. Enclosed is a copy of the letter sent to you on December 10, 2009. This letter lists the reasons that led to my determination that the apartment is not an approved residence at this time. The original letter referred to the address as 7 Dale St. This error has been corrected. I cannot approve an application for a building permit for this apartment unless and until my denial has been reversed by the Wilton Zoning Board.

Sincerely,

John Shepardson
Building Inspector

Cc: Selectmen
Zoning Board

encl: 1



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Building Department**

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December 10, 2009

Sylvia W. Horsley
60 Spindlewick Dr.
Nashua, NH 03060

Re: Property at 21 Dale St.

Dear Ms. Horsley,

I am required to deny the conversion of your dwelling at 21 Dale St. back to its former classification as a two-family residence. This dwelling has been listed as a single-family in Wilton's tax records since September 15, 2003. Copies of tax records are enclosed which support this assertion. The single-family designation probably pre-dates 2003, but this record is the earliest readily available to me. An earlier tax card from 1989, also enclosed, lists the dwelling as a two-family. Reasons for the denial follow.

1. The size of your lot is 0.19 acre. Wilton's Zoning Ordinance, Section 5.1.3, requires 0.5 acre per dwelling unit, which makes a two dwelling unit a non-conforming use. Your building was classified as two units in 1989. However, the Zoning Ordinance, section 17.1 c. states that a non-conforming use may not be re-established after discontinuance for more than one (1) year. During the fifteen or more year occupancy by your sister's family this dwelling was used as a single-family unit.
2. Frank Millward, former building inspector, notified the former owner of your property that a variance was required to approve her already accomplished conversion to a two-family by letter dated 21 September 1989 (copy enclosed). The variance was required because the lot size is non-conforming. A search of the ZBA's records does not show that this variance was ever applied for. The second apartment would therefore be illegal.
3. Mr. Millward also found that there was no emergency egress from the second floor of the apartment. A letter from the Selectmen dated 6 November 1989 (copy enclosed) notified the property owner that the apartment must be vacated if this code requirement was not met within 90 days. The lack of egress still exists and would prevent the issuance of a Certificate of Occupancy.
4. Other potential disqualifications for the apartment include insufficient parking space and insufficient floor space. I have not done the measurements to confirm these issues, but based on my walk-through inspection I wanted you to be aware that they may exist.

Sincerely,

John Shepardson
Building Inspector

encl: 5