



Town of Wilton, NH
Request for a Rehearing
 (Revised January 2010)
 Application, Page 1 of 3

Case Information

ZBA Case Number of the original application: IF 5/14/10-1

Date of the decision: 6/8/2010

If the original application included more than one specific application, which ones does this request apply to?

Requestor

Information about the person who is requesting the rehearing.

Name John Shepardson, Building Inspector

Mailing address P.O. Box 83

Mailing address _____
 Town, State, ZIP Wilton, NH 03086

You are (check one):

- the original applicant
- the owner of the property
- the Board of Selectmen
- an abutter or other party who was required to be notified of the original application
- a party directly affected by the decision

If you checked the last box, explain how you are directly affected by the decision:
Your decision creates a precedent that I am not allowed to follow.

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

Signature John Shepardson

Date _____

(continued on the next page)

RECEIVED

JUN 30 2010

TOWN OF WILTON NH

clerk use only	
Date and time received: <u>12:40 AM 6/30/10</u>	
Received by: <u>James F...</u>	Amount paid: <u>NA</u>
<input type="checkbox"/> Abutter labels included	



Town of Wilton, NH

Request for a Rehearing

(Revised January 2010)

Application, Page 2 of 3

Representative

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

Name _____

Mailing address _____

Mailing address _____

Town, State, ZIP _____

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

Signature of requestor _____ Date _____

Contact Information

How can we get in touch with the applicant or the applicant's representative, if there are questions or problems about 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 603.654.3960

Evening phone 603.654.6922

Work E-mail jshep1942@gmail.com

Personal e-mail jshep@tds.net

(continued on the next page)



Town of Wilton, NH Request for a Rehearing (Revised January 2010) Application, Page 3 of 3

Details of Request

You are requesting that the Zoning Board reconsider (check one):

- its approval of the application
- its denial of the application
- the conditions, restrictions, or modifications it imposed when it approved the application

Reasons for a Rehearing

A motion for rehearing made under RSA 677:2 shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the zoning board of adjustment, a board of appeals, or the local legislative body shall be taken unless the appellant shall have made application for rehearing as provided in RSA 677:2; and, when such application shall have been made, no ground not set forth in the application shall be urged, relied on, or given any consideration by a court unless the court for good cause shown shall allow the appellant to specify additional grounds. (RSA 677:3)

Why do you believe that the Zoning Board should hold a new hearing?

Reasons for a rehearing usually fall into two categories:

- You have additional evidence or information that you believe might change the decision.
- The Zoning Board made mistakes in how it applied the law (state law, case law, or the Zoning Ordinance) to the facts of the case.

Parties to a zoning case are expected to have prepared their case before the hearing. Therefore, if you are requesting a rehearing to present new evidence or information, you should explain why you couldn't have presented that evidence or information at the original hearing.

The Zoning Board will usually not grant a rehearing to consider evidence that could have been presented at the original hearing.

Set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable (use this page; attach additional pages as necessary):

Reasons for rehearing are on attached pages.

Reasons for rehearing of ZBA Case Number 5/11/10-1:

Primary category of reasons: The zoning Board made mistakes in how it applied the law to the facts of the case.

The appeal submitted to the ZBA by Dr. Horsley asked for reversal of the Building Inspector denying permission to rehab a kitchen at the apartment at 21 Dale Street.

The ZBA did not deliberate or render a ruling specifically on this application.

The applicant asserted that the Building Inspector took a position that the apartment had lost its status of nonconforming use because it had not been rented to a third party for many years. The Building Inspector did include a reference to the fact that a single family had occupied the home for fifteen (15) years in a letter to Dr. Horsley dated December 10, 2009. The same letter also stated that the apartment was illegal because no variance had ever been granted by the ZBA to allow the apartment. This fact over-rides the previous one. If the apartment was never legal, there was no status to lose.

The former owner, Mrs. Streeter, was notified that she must apply for and get a variance in order to make the new apartment legal. The variance was never applied for. Lack of this variance means that the apartment was never legal. The Zoning Board made its decision to allow the apartment based on the premise that it was once legal. By starting with a false premise, the ZBA reached an inappropriate decision. The Building Inspector was prevented from arguing against this process because the ZBA had closed public input before starting to deliberate the discontinuance issue. The Building Inspector is asking the Board to reverse its approval for the apartment.

Attorney Little, Wilton's town attorney, has advised the Building Inspector that there are only two ways a dwelling on a sub-standard lot can be a two unit structure. One, that it was a two family before the town adopted a zoning ordinance. Two, that a variance had been approved by the Zoning Board. Neither of these conditions is present in this case, so the structure is a single family.

Awarding two family status sets a precedent that a property owner can have a two family by simply asking for it. The decision to allow two family use of this dwelling also puts the Building Inspector in the position where he must either disregard the ZBA decision or grant an Occupancy Permit that he knows is in violation of both the spirit and the letter of Wilton's Zoning Ordinance. Rather than violating the ordinance, he will choose to disregard the board's decision and put them in the position of finding some other entity to enforce it.

List of documents related to appeal of Zoning Board of Adjustment Case #5/11/10-1, with notes by the Town of Wilton Building Inspector explaining each document's relationship to the case:

1. Application for Permit to Build, Alter or Enlarge Buildings. This application was issued 2-21-85 to Elizabeth J. Streeter for permission to, "convert ell into small apartment." The apartment is described as, "First floor will be a living room and kitchenette: second floor will be a bedroom and bath." Wilton's Zoning Ordinance was adopted in 1981 and if it contained the 0.5 acre per unit requirement that is in the current ordinance, this permit was not valid because it was for work that was in violation of the zoning ordinance. Further, the issuance of a building permit does not represent anything more than authorization to do the permitted work. It does not ever show that the work was even started or that it was inspected or that it was approved. The issuance of a building permit does not change a one family residence into a two family residence. The minutes of the Zoning Board's discussion on 6/8/10 at line 85 of draft minutes revision 1 show that Ms. Eckstrom made an incorrect conclusion that approval of a building permit somehow made the apartment legal.
2. Next should be a Certificate of Occupancy authorizing the new apartment to be occupied. No such document has been found after exhaustive search.
3. Property Assessment Record. This document is in the Tax Collector's file for the property at 21 Dale Street. Some early records show the address for the property was 7 Dale Street. Both street numbers refer to the same property. There are entries for a series of dates on this card. The first entry is for owner Catherine McGlenn dated 8/6/82. Next is Elizabeth Streeter with no date shown. Next is Milford Co-operative Bank dated 10 Dec 91, which is probably the date that the property was foreclosed from Ms. Streeter. Next comes Dr. Horsley on 2 Mar 92 when she purchased the property. Notes on the card say there was, "no evidence of construction on 4/1/86." This would be in reference to the Building Permit listed above. Building permits expire one year after the issue date. They can be renewed, but this one was not. "7-87 still no start on construction." "4/12/88 renovation underway." There was no permit in force when any of the work was done to convert the shed into an apartment. The tax card shows that as of 8/89 the property was assessed as a two unit structure with 3 bedrooms. It is very important to understand that tax cards represent what the assessor sees when evaluating a property. His description does not confer legal status on the apartment. Members of the Zoning Board have argued that the town is "responsible" for the incorrect information. This claim is not correct.
4. Taxable Property Inventory, dated 6/30/89, submitted by Eliabeth J. Streeter. This paper shows that Mrs. Streeter described the property as a, "2 family rental." It appears that she thought it was a two family residence even though she did not have a Certificate of Occupancy.
5. Letter from Frank Millward, Building Inspector, to Mrs. Streeter, dated 21 September 1989. Mr. Millward tells Mrs. Streeter that he and Mr. Richard Rockwood, Town Appraiser, had reviewed her building permit No. 799 and her tax inventory of 30 June 1989, and found that she needed a variance. No variance was ever applied for or granted.
6. Letter from Frank Millward to the Board of Selectmen, dated 27 October 1989. This letter notifies the Selectmen that the work done under permit #799 created a nonconforming apartment which should have had a variance. The letter also notifies the Selectmen that the dwelling does not adequate egress from the bedroom of the apartment.
7. Letter from the Selectmen to Mrs. Streeter, dated 6 November 1989. This letter informs Mrs. Streeter that she is allowed 90 days to comply with safety regulations. If the violation is not corrected in that period, the apartment will have to be vacated. This is the eviction notice that a Zoning Board member brought up in debate. It was asserted that no eviction notice had ever been issued and that fact showed that town allowed the apartment. First, there is no evidence the apartment was occupied at this time. Second, if Mrs. Streeter had a tenant in the apartment, and she chose not to correct the egress violation, she would tell the tenant to vacate the apartment. In both of these situations no further notice would be needed.

8. Copy of Property Tax Card, printed on 12/20/2006. This card shows the use description as: "1 Fam MDL-01." This card also shows an assessed valuation of 170,647. During deliberation a board member asserted that banks often reference tax cards. This was to support the claim that tax cards should be considered as a legal description of the property. Banks refer to tax cards to find the assessed value of the property, and probably not how many families live in a dwelling.

9. Deed, dated 2007 May -8, for the transfer of ownership from Sylvia W. Horsley to Sylvia Horsley, as Trustee under The Sylvia Horsley Revocable Trust. This deed is filed with a copy of the assessor's tax card updated to reflect the Trust as the new owner. Both sides of this card have the use description for the dwelling shown as, "1 Fam MDL-01."

10. Inventory of Property Transfer, part of above transfer to the Trust, signed by Sylvia Horsley. In the Property Characteristics section, the Residential box is checked. All other boxes are not checked, including the Duplex/Multi-unit box.

11. Copy of Property Tax Card, printed on 09/25/2009. This version of the card again shows a use description as a single family dwelling and for some reason not known by the Building Inspector, a greatly reduced valuation of 138,416.

12. Building Permit Application, dated 9/23/09, issued by Inspector Keith Carmen at the beginning of the current renovation project. This application has a prominent notation that the "Property Card List this as ONE family," and the permitted work is, "Repair and construct work in the purpose of making building to code." Dr. Horsley did not file any objection to the one family description at this time

13. Letter from John Shepardson, Wilton Building Inspector, to Sylvia W. Horsley, dated December 10, 2009. This letter states that the lot size is 0.19 acres. The Wilton Zoning Ordinance requires 0.5 acres per unit in the Residential Zone. The lot in question is a nonconforming lot for a dwelling, whether one or two family. Use for a one family dwelling is grandfathered because the house was constructed before Wilton had a zoning ordinance. Use as a two family dwelling is not grandfathered because the attempt to convert the house to two families began after zoning was enacted in 1981.

14. Letter from John Shepardson to Sylvia W. Horsley, dated March 18, 2010. This letter repeats to Dr. Horsley that the apartment is not approved. Dr. Horsley's recourse is to apply for the variance that has never been obtained for the entire time of the "apartment's" existence.

15. Letter from the Zoning Board of Adjustment, dated April 17, 2010, notifying abutters of the appeal by Dr. Horsley of the decision by the Building Inspector that the dwelling was a single family residence. This letter lists the discontinuance of legal nonconforming use as the only reason for the Building Inspector's decision, when there are, in fact, many elements in the record showing this dwelling to be a single family residence.

Application for Permit to Build, Alter or Enlarge Buildings

J-013
4/1/85 PERMIT
30% complete 799

A Plot Plan showing location of proposed structure must accompany Building Permit. Please indicate streets, surface water, and other buildings. Plot plan from recent appraisal enclosed: is this satisfactory?

WILTON, N. H., Date ~~March 5, 1984~~ 2-21-85
March-5,

Owner Elizabeth J. Streeter
Address 7 Dale St. - P.O. Box 505 State of New Hampshire Tel. 654-2992

New Building Addition Alteration X

Location of Building 7 Dale Street J-013 Street

Purpose of Building private residence

Kind of Building 2 story wood frame house ("New Englander")
house 21' 4" X 35' 2"

Size of Building 11-14' 2" X 13' 4" Frontage Ft. 129 / Size of Lot village (62' X 129')

Height of Building 26 feet Town Sewer X Septic Tank NHWS & PCC App. No.

Distance from Street Line (approx.) 24 feet Distance from Nearest Boundary Line unknown

Outer Wall Covering wood siding, painted (clapboards) Type of Foundation granite slab/field stone

Style of Roof Roof Covering asphalt shingles

Architect Robert Cleland Mason Robert Cleland

Carpenter Robert Cleland Electrician Prescott Streeter *No start*

Description of Proposed Work - convert all into small apartment - new wiring, plumbing and insulation. First floor will be a living room and kitchenette; second floor will

be a bedroom and bath; two velux windows on second floor. ~~Full dormer to be added to existing structure.~~ ~~(No addition or major alteration to existing structure).~~ There is currently adequate parking for three vehicles.

Estimated Cost \$7000 to \$8000. *(Also, renovate kitchen in main house; new plumbing, update wiring; relocate appliances; install new cabinets & replace floor joists in your space.)*

Fee \$3.50 PL 3-11-85

SEPTIC TANK - Design and specifications must be approved by N. H. Water Supply and Pollution Commission before permit is issued.

The undersigned agrees that the proposed work shall be done in accordance with the foregoing statement and with the plans and specifications submitted and that the work connected therewith shall conform to the building code and regulations of the Town of Wilton, and that Elizabeth Streeter will notify the Building Inspector when frame, chimney, firestops, and electric wiring are ready for inspection.

Permit good for one year from date of issue. Name Elizabeth J. Streeter By

Selectmen's Meeting Approved Not Approved Hearing Required
Hearing Approved Not Approved

PERMIT

THIS CERTIFIES THAT Elizabeth Streeter Owner,
may add renovation as indicated

in accordance with the foregoing application and approved plans.
Building Inspector

PROPERTY ASSESSMENT RECORD

LOCATION Dale St. SERIAL SERIAL 1366 ZONING CLASS L/B
CURRENT USE YES NO MAP/LOT J-013 CARD NO. 1072 RTG. NO. 9

RECORD OF OWNERSHIP

Table with columns: NAME, MAILING ADDRESS, BOOK-PAGE, DATE, STAMPS. Entries include McGlenn, Catherine, Estate; Milford Co-operative Bank; Horsley, Sylvia W.

ASSESSMENT RECORD

Table with columns: LAND, BLDG., C. USE, TOTAL. Values include 7500, 17200, 24700, 36200.

SALES DATA

Table with columns: DATE, TYPE, SALE PRICE, SOURCE, VALIDITY. Includes entry for 8/82 at 24000.

BUILDING PERMIT RECORD

Table with columns: PURPOSE, NUMBER, DATE, AMOUNT. Includes entry for 4/89 Reno Complete.

LAND VALUE COMPUTATIONS AND SUMMARY

Table with columns: CATEGORY CODES, ACRES/SQ. FT., RATE, BASE RATE ADJUSTMENT, SUB TOTAL, INFLUENCE FACTOR, LAND VALUE. Includes summary totals for land and buildings.

LAND INFLUENCE FACTORS

Table with columns: 1 Unimproved, 2 Excessive Front, 3 Topography, 4 Shape or Size, 5 Economic Misimp., 6 Restrictions/Easements, 7 Corner/Alley (+), 8 View (+), 9 Access, 0 Frequent Flooding/Erosion. Includes MEMORANDA section with handwritten notes.

OCCUPANCY INTERIOR FINISH COMMERCIAL COMPUTATIONS

1 VAC. LOT	2 DWELLING	3 OTHER	B	1	2	3
1.0	1.5	2.0	2.5	3.0		
STORY HEIGHT			DRYWALL/PLASTER			
BASEMENT			WOOD PANELING			
NONE CRAWL PART FULL			FIBERBOARD			
HEATING			UNFINISHED			
1 NONE			LIVING ACCOMMODATIONS			
2 BASE			NO. OF UNITS	TOTAL ROOMS	BED ROOMS	FAMILY ROOMS
3 AIR CON			2	8	3	0
NONE			NO. OF OTHER FEATURES			
WARM AIR F OR G			PART MASONRY WALLS			
HOT WATER/STEAM			FIREPLACE			
ELECTRIC			BASEMENT REC. ROOM			
FLOOD/WALL FURNACE			FIN. BASEMENT LIVING AREA			
UNIT HEATERS			BASEMENT GARAGE			
PLUMBING			MODERNIZED KITCHEN			

STANDARD	1	2	3	4	5
BATHROOM					
HALF BATH					
SINK/LAVATORY					
WATER CLOSET/URINAL					
NO PLUMBING					
ATTIC					
1 NONE					
2 UNFIN					
3 PT. FIN					
4 FULL FIN					
5 FULL FIN/WH					

REMODELING DATA	YEAR	HEATING	GENERAL
KITCHEN			
PLUMBING			
ERECTED			
AGE			
CDU RATING			
DWELLING COMPUTATIONS			
1.5 STORY			
F M C			

HEATING	896 S.F.	48384
PLUMBING		1910
ATTIC		400
ADDS. & FCHS. 90 + 9000		
TOTAL		57784
GRADE		92
TOTAL		53161
O.F. POINTS		
TOTAL		53161
C&D FACT. %		
REPL. COST		53161
DEPR.	45/10%	60/90
TRUE VALUE		28700

EXTERIOR WALL CODES	1 BRICK	2 GLASS	3 STUCCO	4 STONE	5 CONCRETE	6 ENAM. STL.
EXTERIOR WALLS						
EFF. PERIMETER						
PERIM. AREA RATIO %						
NO. OF UNITS						
Avg. UNIT SIZE						
BASEMENT SIZE						
SCHEDULE						
HT.						
BASEMENT						
FIRST						
SECOND						
BASE PRICE						
B. P. A.						
SUBTOTAL						
LIGHTING						
HTG./AIR CON.						
SPRINKLER						
PARTITIONS						
INTERIOR FINISH						

SF/CF PRICE	AREA CUBE	ADDITIONS	TOTAL BASE	GRADE FACTOR	REPLACEMENT COST	OBSCURANCE FACTORS
SUBTOTAL						
SPECIAL FEATURES*						
RAISED RANCH						
GARRISON						
SALT BOX						
COTTAGE						
COLONIAL						
CONVENTIONAL						
CAPE						

INSPECTION WITNESSED BY:	0 W T L E
SPECIAL FEATURES FOR COMMERCIAL BUILDINGS	ITEM DESCRIPTION
QUANTITY	PRICE
PLUMBING FIXTURES	
STORE FRONT	

SUMMARY OF OTHER BUILDINGS							
TYPE	NO.	CONSTRUCTION	SIZE	RATE	GRADE	ERECTED	CDU
GARAGE							
BARN							
SHED							
POOL							
COMM BLDG.							
TOTAL SPECIAL FEATURES*							

LISTED	DATE	REV.	DATE	TOTAL VALUE ALL BUILDINGS
SA	10-12-89	AA	8/89	28700

GRADE DENOTES QUALITY OF CONSTRUCTION: A-EXCELLENT; B-GOOD; C-AVERAGE; D-CHFAP; E-VEVY RUCAP

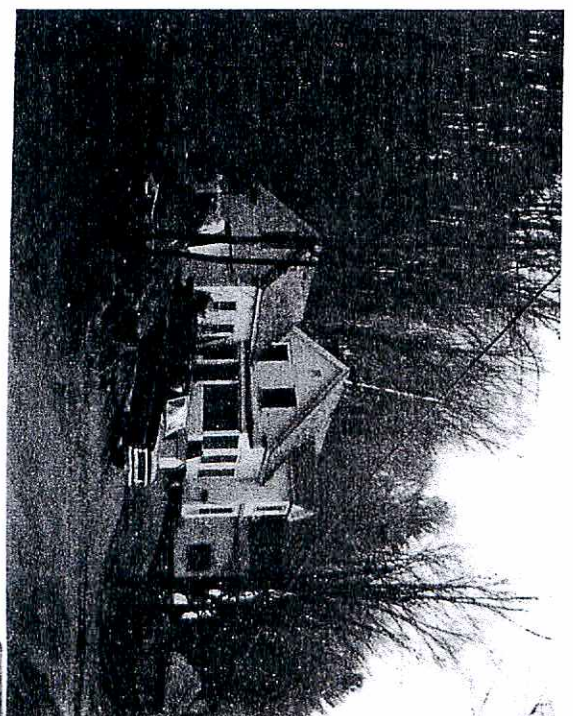
CURRENT USE: YES NO RECORD OF OWNERSHIP MAILING ADDRESS CARD NO. 342 RTG. NO. 9

NAME: Mailing Address: BOOK-PAGE: DATE: STAMPS:

SALES DATA				BUILDING PERMIT RECORD				
DATE	TYPE	SALE PRICE	SOURCE	VALIDITY	PURPOSE	NUMBER	DATE	AMOUNT
MO.	YR.		1 BUYER 2 SELLER 3 FEE 4 AGENT	1 YES 2 NO				
	1 2		1 2 3 4	1 2				
	1 2		1 2 3 4	1 2				
	1 2		1 2 3 4	1 2				

LAND VALUE COMPUTATIONS AND SUMMARY				LAND INFLUENCE FACTORS			
CATEGORY CODES	ACRES/SQ. FT.	RATE	BASE RATE ADJUSTMENT	SUB TOTAL	INFLUENCE FACTOR	LAND VALUE	
PRIMARY SITE							
SECONDARY SITE							
UNDEVELOPED							
RESIDUAL							
FRTG. ROAD							
FRTG. WATER							
REAR							
TILLABLE							
PASTURE							
3. WOODLAND							
1. WASTE							
2. FARMLAND/ TREE GROWTH							
TOTAL AC/SQ. FT.							

TOTAL VALUE LAND (GROSS)				TOTAL VALUE BUILDINGS				TOTAL VALUE LAND AND BUILDINGS			



ELIABETH J. STREETER
5 Gregg Street
Wilton NH 03086

(7 Dale Street property) former Catherine Maglinn
Wilton

Rec'd
6/30/89

J-013

You are required to make an inventory of your taxable property as of April 1, 1989 according to the following interrogatories. (RSA 74)

REAL ESTATE

1. If there were NO CHANGES in your property since April 1, 1988, check here and go on to question 6.
2. REAL ESTATE: lands, buildings, manufactured housing, factories, wharves, aqueducts, electrical plants, pipelines. Taxable real estate of any other types owned by you on April 1, 1989 (RSA 72:6, RSA 31:118). give a description of real estate which will enable assessing officials to locate and identify each parcel owned.
 - 2a. Map and Lot No. if known:; Street/Road and No. 7 Dale St.
 - 2b. If Land Only - No. of Acres If House Lot - Size town lot
 - 2c. House Type: Ranch () Colonial () Garrison () Cape () Other () Victorian
 - 2d. Type Structure: Wood () Brick () Other ()
 - 2e. Foundation: Partial () Full () None ()
 - 2f. Type Foundation: Poured Concrete () Concrete Block () Other () Stone
 - 2g. Garage () Utility Shed () Barn () Other () - describe:
3. If Industrial or Commercial - describe: 2 family rental
4. What additions, alterations or improvements have been made to your land or to the exterior or interior of any building since April 1, 1988? (give all details) Dormer added on ell. redecorated (paint, paper, etc.) outside of ell = new clapboards + paint. I have a bldg. permit for this.
5. Have any new buildings been constructed or partially constructed since April 1, 1988?
6. Do you own a manufactured home or any other buildings on land owned by another person? No.
- 6a. If so, state the name of such person
7. If you have sold or conveyed any real estate in this town since April 1, 1988, give name and address of purchaser if known: Date of Sale: Dec. 30, 1988 - 4 Dale St. - Aunt + Craig Hutchinson
8. If you have bought or acquired any real estate in this town since April 1, 1988, give name of seller: Florence Rideout + sister: 5 Gregg Street Date of Purchase: Dec. 30, 1988
- 8a. Description: 8 am. wood frame Victorian on town lot
9. How many dogs were owned or kept by you in this town on April 1, 1989? (Rev. 106.01, [a][2]).
Male _____; Neutered Male 1 _____; Female _____; Spayed Female _____

1492

OTHER INFORMATION

I/we Elizabeth Shreeker under the penalties of perjury (RSA 74:9) do solemnly declare that to the best of my/our knowledge and belief, the foregoing inventory contains a full, true and correct statement of all taxable property for which I/we was/were liable to be taxed by the selectmen of the town (assessors of the city) of Wilton NH 03086, under the laws of the State, on April 1, 1989. And that I/we have not assigned, conveyed or disposed of any property or estate, in any manner, for the purpose of evading taxation. So help me/us God.



SIGNATURE Elizabeth Shreeker **DATE** 6-30-89
SIGNATURE SHALL BE HANDWRITTEN IN INK

CENSUS REQUIREMENT

HOUSE BILL 349, CHAPTER 141, LAWS OF 1973

List all persons by name and age occupying the premises as of April 1st of this year. — If no occupants, indicate "0".

LAST NAME	FIRST NAME	MIDDLE INITIAL	AGE	BIRTH DAY		
				MONTH	DAY	YEAR
Wheeler	Sharon	T	36	10	4	52
Wheeler	Jennifer	H	16	7	27	72
Wheeler	Jeralyn	A	16	7	27	72
Wheeler	Kelly	M	15			
Haynes	Philip	L	20	5	26	69
Hodgeman	Donald		20ish			

(IF MORE SPACE IS NEEDED, ATTACH SEPARATE SHEET)

<p>"You may be entitled to the following tax relief: Elderly or Disabled Tax Lien, or an Abatement. for additional information. Contact your selectmen or assessor."</p>	<p>Owners of land classified as current use are required to indicate whether any changes in the use of the land have been made (RSA 74:4, V). Check the appropriate box. No Change <input type="checkbox"/> Use of Land has Changed <input type="checkbox"/> Describe change: _____</p>
--	--

NOTICE TO INHABITANTS OF THIS STATE: Those individuals whose total Interest & Dividend income for 1988, after deducting interest & dividend income derived from New Hampshire & Vermont banks or credit unions, is less than \$1,200 in a taxable period for an individual filer or \$2,400 for joint filers are not required to file an Interest & Dividends tax return (RSA 77:18, IV).

"Did you last year receive income from one or more trustees, none of whom is an inhabitant of this state, or has derived his appointment from a court of this state, which said trustee received as interest or dividend and which if received directly by you from its source would be subject to taxation?" (RSA 77:30-a).

Yes _____ No

Reporting Forms (RP 10) may be obtained from Returns Processing Division, P.O. Box 637, Concord, N.H. 03302-0637. Telephone: (603) 271-2186.

INVENTORY RECEIPT NO



Town of Wilton, New Hampshire

OFFICE OF THE BUILDING INSPECTOR

21 September 1989

Mrs Elizabeth J Streeter
7 Dale Street
Wilton, New Hampshire 03086

Dear Mrs Streeter:

On reviewing, with Mr Richard Rockwood, Town Appraiser, your building permit No. 799 issued 21 February 1985, and your tax inventory of 30 June 1989, I find you are in need of a variance.

Would you please call me at the Wilton Town Office, 654-9451, so we can arrange a meeting to resolve this matter.

Yours truly,

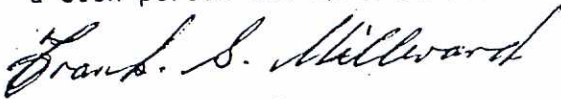
Frank S Millward
Building Inspector

TO: Board of Selectmen
FROM: Frank S Millward
SUBJECT: Elizabeth J Streeter, Lot J-013
DATE: 27 October 1989

Mr E J Streeter applied for and was issued Permit No. 799, dated 21 February 1985, to convert an ell structure attached to the main house into a one bedroom apartment for rental income.

This then converted the property into a duplex family dwelling situated on a lot sized .09 of an acre. For Lot No. J-013, under Article V, Page A.5 of the Zoning Regulations, 1/2 acre would be required; therefore, a variance should have been obtained.

I inspected the apartment and found a poor situation in the second floor which is combination bedroom and bathroom. It does not have any fire escape route; or any way in which a rescue crew could bring a sick person out on a stretcher.



Frank S Millward
Building Inspector

CC: Mrs Streeter
Rene Houle, Fire Chief



OFFICE OF THE SELECTMEN
WILTON
NEW HAMPSHIRE 03086

6 November 1989

Mrs Elizabeth Streeter
Dale Street
Wilton, New Hampshire 03086

Dear Mrs Streeter:

It has come to the attention of the Board of Selectmen that your income apartment does not meet the requirements for safety.

No fire escape is available for the second floor and there is no way in which a rescue crew could bring out a sick person on a stretcher.

Therefore, the Board of Selectmen is granting you 90 days in which to comply with safety regulations. If the situation is not rectified within that time, the apartment will have to be vacated.

We suggest you call the Fire Chief, Rene Houle, and the Building Inspector, Frank Millward, to determine just exactly what is required.

Sincerely,

THE WILTON BOARD OF SELECTMEN

A handwritten signature in black ink, appearing to read "Greg Bohosiewicz".

Greg Bohosiewicz, Chairman

A handwritten signature in black ink, appearing to read "Richard D. Greeley".

Richard D Greeley

A handwritten signature in black ink, appearing to read "David E. Stein".

David E Stein

Property Location: 21 DALE STREET

MAP ID: J//013//

Bldg Name:

State Use: 1010

Vision ID: 1306

Account #001366

Bldg #: 1 of 1

Sec #: 1 of 1 Card 1 of 1

Print Date: 12/20/2006 11:03

CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT			
HORSLEY, SYLVIA W		2 Above Street	2 Public Water	1 Paved	3 Rural	Description	Code	Appraised Value	Assessed Value
% WOMEN'S MEDICAL ASSOC 166 KINSLEY ST, SUITE 204 NASHUA, NH 03060 Additional Owners:		4 Rolling	3 Public Sewer			RESIDNTL	1010	122,900	122,900
		5 Steep				RES LAND	1010	89,800	89,800
		SUPPLEMENTAL DATA				Total: 212,700 212,700			
Other ID:		ACCT. NO. #1 004492			VISION				
ACCT. NO. #2 000000		GIS ID:							

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	w/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)								
HORSLEY, SYLVIA W				U	V		IN	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
								2006	1010	122,900	2005	1010	70,500	2001	BLDG	28,700
								2006	1010	89,800	2005	1010	47,900	2001	LAND	7,500
								Total:		212,700	Total:		118,400	Total:		36,200

EXEMPTIONS			OTHER ASSESSMENTS					
Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.
Total:								

This signature acknowledges a visit by a Data Collector or Assessor

ASSESSING NEIGHBORHOOD				
NBHD/ SUB	NBHD NAME	STREET INDEX NAME	TRACING	BATCH
A10/A				

APPRAISED VALUE SUMMARY	
Appraised Bldg. Value (Card)	122,900
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	0
Appraised Land Value (Bldg)	89,800
Special Land Value	0
Total Appraised Parcel Value	212,700
Valuation Method:	C
Adjustment:	0
Net Total Appraised Parcel Value	212,700

NOTES									
YELLOW									

BUILDING PERMIT RECORD										VISIT/CHANGE HISTORY					
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments		Date	Type	IS	ID	Cd.	Purpose/Result
										9/8/2006			TH	56	Field Review
										2/14/2003			WH	01	Meas First Attempt
										2/14/2003			WH	02	Second Attempt

LAND LINE VALUATION SECTION																			
B #	Use Code	Use Description	Zone	Frontage	Depth	Units	Unit Price	I. Factor	S A	Acre Disc	C. Factor	ST. Idx	S.I. Adj.	Notes- Adj	Rec Y/N	CU Cond	Special Pricing	Adj. Unit Price	Land Value
1	1010	1 Fam MDL-01	RD	129		0.19 AC	100,000.00	4.72	5	1.0000	1.00	A10	1.00		N	0.000		472,370.00	89,800

Total Card Land Units: 0.19 AC Parcel Total Land Area: 0.19 AC Total Land Value: 89,800

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd.	Ch. Description	Element	Cd.	Ch. Description
Style	63	Antique			
Model	01	Residential			
Grade	04	Average +10			
Stories	1.5	1 1/2 Stories			
Occupancy	1				
Exterior Wall 1	11	Clapboard			
Exterior Wall 2					
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F GlS/Cmp			
Interior Wall 1	03	Plastered			
Interior Wall 2					
Interior Flr 1	09	Pine/Soft Wood			
Interior Flr 2					
Heat Fuel	02	Oil			
Heat Type	05	Hot Water			
AC Type	01	None			
Total Bedrooms	03	3 Bedrooms			
Total Bthrms	1				
Total Half Baths	0				
Total Xtra Fixtrs					
Total Rooms	8	8 Rooms			
Bath Style	02	Average			
Kitchen Style	02	Standard			
			MIXED USE		
			Code	Description	Percentage
			1010	1 Fam MDL-01	100
			COST/MARKET VALUATION		
			Adj. Base Rate:		107.39
			Section. RCN:		170,647
			Net Other Adj:		0.00
			Replace Cost		170,647
			AYB		1880
			EYB		1978
			Dep Code		G
			Remodel Rating		
			Year Remodeled		
			Dep %		28
			Functional ObsInc		0
			External ObsInc		0
			Cost Trend Factor		1
			Condition		
			% Complete		
			Overall % Cond		72
			Apprais Val		122,900
			Dep % Ovr		0
			Dep Ovr Comment		
			Misc Imp Ovr		0
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		0
			Cost to Cure Ovr Comment		

OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)														
Code	Description	Sub	Sub Descript	L/B	Units	Unit Price	Yr	Gde	Dp	Rt	Cnd	%Cnd	Apr	Value

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	943	943	943	107.39	101,272
FHS	Half Story Finished	609	609	305	53.78	32,755
FUS	Upper Story Finished	24	24	24	107.39	2,577
TQS	Three Quarter Story	260	260	195	80.54	20,942
UBM	Basement Unfinished	0	609	122	21.51	13,102
Ttl. Gross Liv/Lease Area:		1,836	2,445	1,589		170,647

Handwritten annotations on the floor plan include:

- 570 sqft in apt** (written vertically)
- Eff aveer 195 TQS** (written vertically)
- 609** (written vertically)
- 609** (written vertically)
- 24** (written vertically)
- 24** (written vertically)
- 260** (written vertically)
- 943** (written vertically)
- 465** (written vertically)
- 470** (written vertically)
- 195** (written vertically)
- 1073** (written vertically)

The floor plan shows various rooms with codes and areas: TQS BAS 20, BAS 14, FHS BAS UBM, TQS 20, FUS BAS 24, and BAS 6. Numerical values like 195, 195, 15, 5, 4, 13, 14, 70, 5, 21, 29, 24, 6, 4 are also present.



7030952

2007 MAY -8 AM 10:41

P- ✓
02 transfer
MNX
CA

1439
2-
1639
700
B

D 56
Russell
& Anderson

STATE OF NEW HAMPSHIRE	
DEPARTMENT OF REVENUE ADMINISTRATION	REAL ESTATE TRANSFER TAX
THOUSAND \$	HUNDRED AND 40 DOLLARS
05/08/2007	820197 \$ *****40.00
VOID IF ALTERED	

QUITCLAIM DEED

Sylvia W. Horsley a/k/a Sylvia Horsley, a single woman, of 60 Spindlewick Drive, Nashua, County of Hillsborough, State of New Hampshire 03060, for consideration paid, grants to Sylvia Horsley, as Trustee under The Sylvia Horsley Revocable Trust, a New Hampshire trust created under agreement dated June 3, 1998, with a mailing address of 60 Spindlewick Drive, Nashua, County of Hillsborough, State of New Hampshire 03060, with QUITCLAIM COVENANTS:

ALC 12805
UHLS

A certain tract of land, with the buildings thereon, situated in Wilton in the County of Hillsborough and State of New Hampshire, bounded and described as follows, to wit:

Beginning at the southeasterly corner of the premises at a stake and stones on the northerly side of Dale Street, it being also the southwesterly corner of land formerly of Jennie A. Gilpatric, now or formerly of LaPonsee; thence

1. Northerly by land of said LaPonsee to a stake and stones at land now or formerly of Herbert T. Barker; thence
2. Westerly by land now or formerly of said Barker on a line parallel with the back of the dwelling house on the premises herein conveyed and 20 feet therefrom to land now or formerly of said Barker; thence
3. Southerly by land of said Barker on a line parallel with the westerly end of said dwelling house to said Dale Street; thence
4. Easterly by said Dale Street to the bound of beginning.

Meaning and intending to describe and convey the same premises conveyed to Sylvia W. Horsley by deed of Milford Co-Operative Bank, dated March 2, 1992, and recorded in the Hillsborough County Registry of Deeds at Book 5319, Page 0837.

Consideration paid is less than \$100.00.

BK 7845 PG 0230

Horsley Rev Trust, Sylvia (ALC 12805)

This deed was prepared by information supplied by the Grantor and no independent title examination has been conducted.

DATED this 3 day of May, 2007.

[Signature]
Witness

[Signature]
Sylvia W. Horsley

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

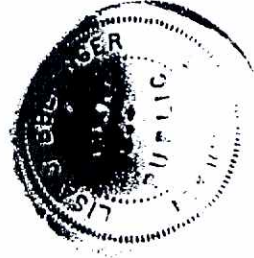
The foregoing instrument was acknowledged before me on May 3 2007, 2007, by Sylvia W. Horsley.

[Signature]
Notary Public

My Commission expires:

(Seal)

LISA J. BELLINGER
Notary Public - New Hampshire
My Commission Expires December 17, 2008



BK 7845PG0231

DEPARTMENT OF REVENUE ADMINISTRATION INVENTORY OF PROPERTY TRANSFER



SELLER'S NAME & New Mailing Address
NAME(S) SYLVIA W. HORSLEY
ADDRESS 60 SPINDLEWICK DRIVE
CITY/ST/ZIP NASHUA NH 03060

SELLER'S ENTITY TOWN OF WILTON, NH
Individual [X] Joint [] Partnership []
Corporation [] LLC [] Trust []

BUYER'S NAME & New Mailing Address
NAME(S) SYLVIA HORSLEY, TRUSTEE
ADDRESS 60 SPINDLEWICK DRIVE
CITY/ST/ZIP NASHUA NH 03060

SALE PRICE \$ 0
TRANSFER DATE 05 / 03 / 2007
RECORDING DATE 05 / 08 / 2007
REGISTRY BOOK # 7845 PAGE # 0230

LOCATION & IDENTIFICATION OF PROPERTY PURCHASED: Number of parcels purchased 1
Town WILTON County HILLSBOROUGH Street # 21 Street Name Date St
Town Tax Map & Lot # S/013 Parcel Size: # of Acres or Sq. Ft.
If Condo: Condo Name Bldg Name or # Unit #

PROPERTY CHARACTERISTICS: Please mark the USE, TYPE and FEATURES that best describe the property.
USE: Residential [X] Commercial [] Mixed Residential/Commercial [] Industrial [] Other []
TYPE: Land Only [] Land & Building [X] Building only [] Condo [] Duplex/Multi-unit []
Land & Manufactured Housing [] Manufactured Housing Only [] Timber Rights [] Mineral Rights []
Other (Specify) []
FEATURES: Waterfront [] Waterfront Access [] If a Multi-Unit Bldg, How many Units? #

1. Were there special circumstances in the transfer which suggest that the full price or consideration of the property was either more or less than its fair market value? (See examples in instructions) YES [X] NO [] If yes, please explain below:

GRANTOR IS TRANSFERRING THE PROPERTY TO HER REVOCABLE TRUST FOR ESTATE PLANNING PURPOSES.

2. Did this sale transfer 100% interest in the property? YES [X] NO [] If no, what % interest was transferred? %
3. Did the sale price listed above include a consideration for non-taxable personal property? YES [] NO [X] If yes, please indicate the approximate value:
Furnishings \$ Inventory \$ Timber \$ Other \$
4. Was the sale price reduced because of the Land Use Change Tax? YES [] NO [X] By What Amount \$
5. Do you consider the selling price to be fair market value of the property? YES [] NO [X] If answer is no, briefly explain.

SEE #1 ABOVE

i. Have you made or will you make improvements to the property after the purchase but before the next April 1st?
YES [] NO [X] If yes, please indicate the approximate cost of these improvements. \$
Occupancy and status of structure: No structure [] Newly Constructed (within 1 year) [] Previously Occupied [X] Other []
Will the property serve as your primary residence? YES [] NO [X]
(OPTIONAL) If property was mortgaged, please list: mortgage interest rate % and points paid



certify under the penalties of RSA 74:18, II, that the information on this form is true and accurate to the best of my knowledge.
Buyer's Signature Sylvia Horsley* Date 5/2/07 Buyer's Signature Date
Trustee of The Sylvia Horsley Revocable Trust

Property Location: 21 DALE STREET
 Assessor's Parcel ID: 1306

MAP ID: J/ / 013/ /

Bldg Name:

State Use: 1010
 Print Date: 09/25/2009 15:29

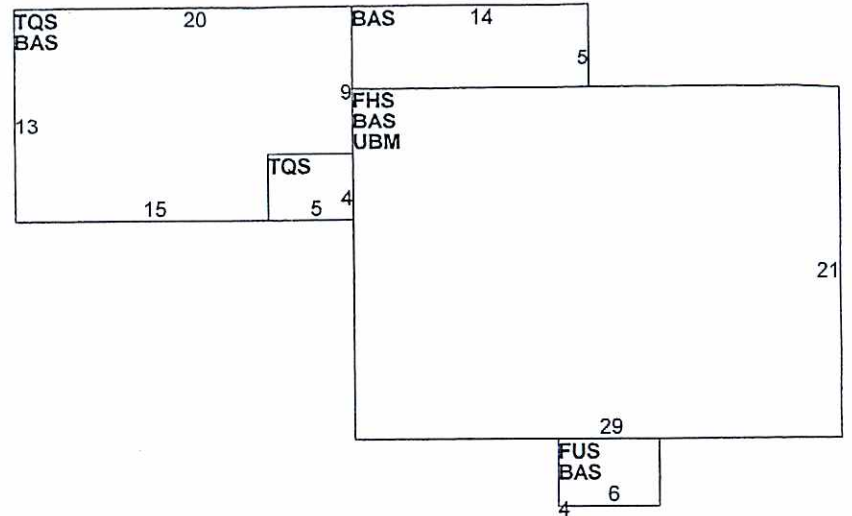
Account # 001366

Bldg #: 1 of 1 Sec #: 1 of 1 Card 1 of 1

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
06			Conventional Residential				
01			Average +10				
04			1 1/2 Stories				
1.5							
1			Clapboard				
11			Gable/Hip				
03			Asph/F Gls/Cmp				
03			Plastered				
03			Pine/Soft Wood				
09			Oil				
02			Hot Water				
05			None				
01			3 Bedrooms				
03			1 Bthrms				
1			0 Half Baths				
0			0 Xtra Fixtrs				
8			8 Rooms				
02			Average				
02			Standard				

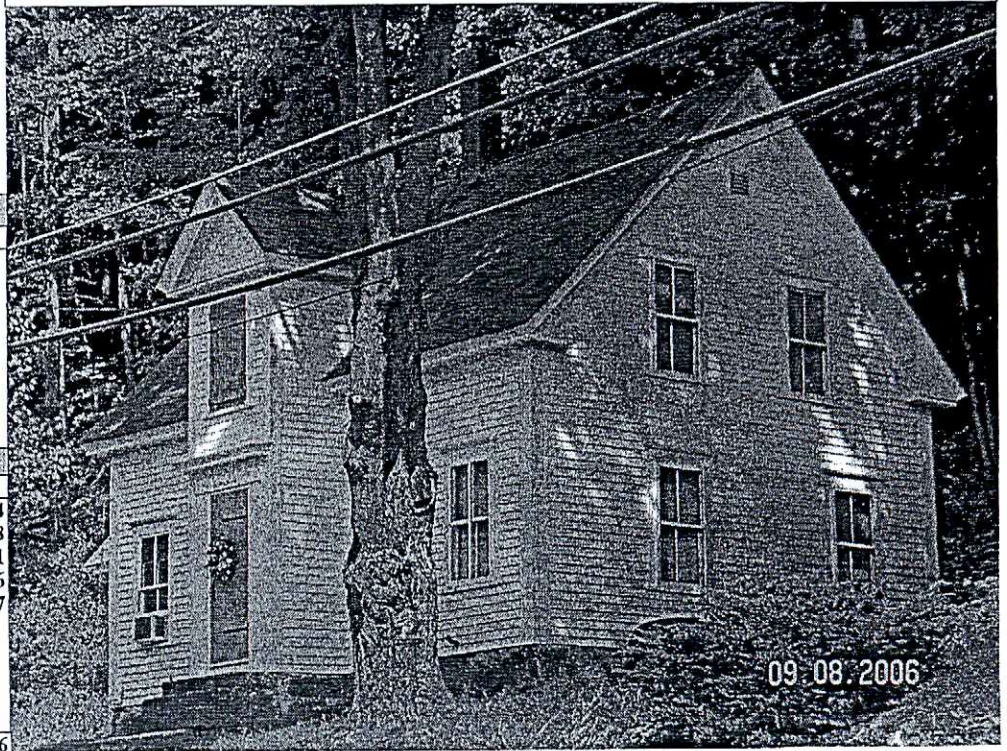
MIXED USE		
Code	Description	Percentage
1010	1 Fam MDL-01	100

GOST/MARKET VALUATION	
Adj. Base Rate:	87.11
Section. RCN:	138,416
Net Other Adj:	0.00
Replace Cost	138,416
AYB	1880
EYB	1978
Dep Code	G
Remodel Rating	
Year Remodeled	
Dep %	28
Functional Obslnc	0
External Obslnc	0
Cost Trend Factor	1
Condition	UC
% Complete	50
Overall % Cond	50
Apprais Val	69,260
Dep % Ovr	0
Dep Ovr Comment	
Misc Imp Ovr	0
Misc Imp Ovr Comment	
Cost to Cure Ovr	0
Cost to Cure Ovr Comment	



OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)													
Element	Description	Sub	Sub Descript	L/B	Units	Unit Price	Yr	Gde	Dp	Rt	Cnd	%Cnd	Apr Value

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
S	First Floor	943	943	943	87.11	82,144
S	Half Story Finished	305	609	305	43.63	26,568
S	Upper Story Finished	24	24	24	87.11	2,091
S	Three Quarter Story	195	260	195	65.33	16,986
M	Basement Unfinished	0	609	122	17.45	10,627
Tot. Gross Liv/Lease Area:		1,467	2,445	1,589		138,416





Application for Permit to Build, Alter or Enlarge Buildings

PERMIT

No. 3483

J0130909

A Plot Plan showing location or proposed structure must accompany Building Permit. Please indicate streets, surface water, and other buildings. Submit Building Plans.

WILTON, N.H., Date 9/23/09

Owner Sylvia Horsley
Address 166 Kinsley St State of NH Tel 603-8884432h
Type of Use: Dwelling Commercial _____ Industrial _____ Other 493-22606

New Building _____ Addition _____ Alteration
Zoning District Res Tax Map J Lot # 013

Location of Building 21 Dale Street _____

Town Water Town Sewer
Purpose of Building Place of Residence Property Card List this as ONE

Kind of Building wood frame family

Size of Building _____ Frontage Ft. _____ Size of Lot _____

Height of Building 2 story Septic Tank _____ NHWS & PCC App. No. _____

Distance from Street Line _____ Distance from Nearest Boundary Line _____

Outer Wall Covering wood Type of Foundation stone

Style of Roof A Roof Covering Asphalt

Non Residential Site Plan Approval & Date _____

Architect _____ Plumber Jay Pelletier Lic. # Needed

Carpenter _____ Electrician Ethan Swasey Lic. # on file

Mason _____

Description of Proposed Work interior renovations (roofing & siding excluded)
all work to be on interior of building. Building existing brand
fathed on boundary's

Square Footage of Bldg. (outside measurement) _____

Blue prints and plans required for new construction and additions.

Estimated Cost 18,000 ~~35~~ 35 Records State ONE Family

Fee _____ building

SEPTIC TANK - Design and specifications must be approved by N.H. Water Supply and Pollution Control Commission before permit is issued.

The undersigned agrees that the proposed work shall be done in accordance with the foregoing statement and with the plans and specifications submitted and that the work connected therewith shall conform to the building code and

regulations of the Town of Wilton, and that Sylvia Horsley will notify the Building Inspector when frame, chimney, firestops, and electric wiring are ready for inspection.

1993 Building Code Amendments
P. E-3 Article II, F Building Permit Fees
Renew permit annually \$35.00
Violations of inspection guidelines shall result in a re-inspection fee of \$300.00 per inspection.

Owner or Builder's Signature [Signature]

Permit good for one year from date of issue.
Selectmen's Meeting _____ Approved _____ Not Approved _____ Hearing Required _____
Hearing _____ Approved _____ Not Approved _____

PERMIT

THIS CERTIFIES THAT Sylvia Horsley Owner,
may Repair and construct work in the purpose
of Making building to code
in accordance with the foregoing application and approved plans.
[Signature] Building Inspector



**Town Of Wilton
Building Department**

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

COPY

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



**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

copy

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

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