



**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
 (Revised January 2011)

**RECEIVED**

**General Information, Page 1 of 3**

MAY 17 2012

**Property Information**

TOWN OF WILTON NH

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 B 97 Lot Size 4.3 acres (per tax map)

Street Address 317 Forest Road

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 Cheryl Paro

Mailing address 317 Forest Road

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 *Cheryl Paro* Date 5-17-12  
 Cheryl Paro

(continued on the next page)

<b>clerk use only</b>	
Date and time received: <u>6:45 am 5/17/12</u>	
Received by: <u>D. Miller</u>	Amount paid: <u>166</u>
Case #: _____	<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 Tammy Wood

Mailing address 208 Center Road

Mailing address \_\_\_\_\_

Town, State, ZIP Lyndeborough, NH 03082

**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 *Tammy Wood* Date 5-17-12

**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 Robert Todd, LLS, Todd Land Use Consultants, LLC

Mailing address P.O. Box 190

Mailing address \_\_\_\_\_

Town, State, ZIP New Boston, NH 03070

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 *Tammy Wood* Date 5/17/12

(continued on the next page)



# Town of Wilton, NH

## Application to the Zoning Board of Adjustment

(Revised January 2011)

### 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 487-2996  Evening phone same

Work E-mail bob.todd@toddlanduse.com  Personal e-mail same

### 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):

see attached sheet

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**Town of Wilton, NH**  
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**Application for a Variance, Page 1 of 2**

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: 4.2.1, c.1; 12.3, c.2.; 17.1, d.

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

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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. Granting the variance would not be contrary to the public interest: \_\_\_\_\_

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2. Granting the variance would be consistent with the spirit of the Ordinance: \_\_\_\_\_

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3. Granting the variance would do substantial justice: \_\_\_\_\_

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4. The proposed use will not diminish surrounding property values: \_\_\_\_\_

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**Application for a Variance, Page 2 of 2**

5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship. Complete just one of sections 5(a), 5(b), or 5(c):

5(a) i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property:

See attached sheet

ii. The proposed use is a reasonable one:

iii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

5(b) i. The property cannot be reasonably used in strict conformance with the ordinance:

ii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

5(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:

ii. The variance is in harmony with the general purpose and intent of the zoning ordinance:

## Application text

The proposed use is a single-family manufactured home with dimensions of 28' by 60' and a 24' by 30' site built addition of conventional wood construction. This use requires variances to 3 provisions of the zoning by-law including the following.

- 1) 4.2.1,c,1: to allow a septic system to be located on highly permeable soils within 93 feet of delineated wetland in lieu of the required 125 feet;
- 2) 12.3, c. 2.: to allow the proposed residential development to occur on the existing non-conforming lot with approximately 0.50 acres of land free of wetlands and no land free of flood zone in lieu of the required 2 acres free of flood zone and wetlands;
- 3) 17.1,d.: to allow demolition of the two non-conforming buildings and construction of a new single family residence of enlarged and extended proportions (28' by 60' with attached 24' by 30' addition) in lieu of constructing new buildings in the same location and with same dimensions as those of the building being replaced;

## Response to five criteria for granting a variance;

1. Granting the variances would not be contrary to the public interest: The result of granting these variances will be: an improvement of the attractiveness of the property; an increase in the tax base; the installation of a safer, modern effluent disposal system thereby maintaining water quality; and to provide adequate housing for the family that occupies it without measurable negative impact on the environmental resources. Further, it will result in less flood storage displacement than that caused by the original structure because new construction is bound by law to provide structural measures preventing a decrease in flood storage within the flood zone. In this case the home will

have engineered permanent flood openings in its elevated crawlspaces.

2. Granting the variance would be consistent with the intent of the zoning ordinance: Conformity with the intent of the ordinance is provided by placing the proposed structures in compliance with wetland setbacks. Replacement of a forty year-old septic system with a modern system which is more compliant than the existing system also reflects consistency with the zoning ordinance. The zoning ordinance permits continued residential use where it has existed prior to the adoption date of the Industrial District regulation prohibiting residential use. Further, the variance provides a reasonable approach to the use of this land which can not be otherwise used in accordance with the Industrial District regulations.
3. Granting the variance would do substantial justice: The proposed use will impart no apparent negative impact upon other public uses in the area. Negative impacts upon the public's natural resources by the proposed use are minimized by this approach, to the extent that to deny the variances would be an injustice to the owner and applicant.
4. The proposed use will not diminish surrounding property values: The proposed use will result in a more attractive neighborhood by eliminating structures that are deteriorated and by improving grounds that are cluttered with debris and untended. The intended character of the use will be at least on par with surrounding properties which will tend not to depreciate the values of those properties.
5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.

5 (b)

- i. The property can not be reasonably used in strict conformance with the ordinance: The existing use has been residential property since about 1962, well before any of the zoning provisions that affect this property were made law, therefore the existing uses are non-conforming and are allowed to continue.

Strict conformance with the Aquifer Protection District provisions and the special flood hazard area mandates is impossible. No owner or applicant

can remove these environmental resources by any residential or industrial use design. Without these variances these existing zoning circumstances would soon result in the property becoming unsustainable and unsuitable for healthy living.

A conversion of this residential use to those allowed in the Industrial District seems to be unreasonable and uneconomic due to the scale of usable land on the subject lot.

- ii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area: The residential structure that established the non-conforming use is a mobile home that is too small (10' by 57') to be acceptable or adequate for healthy living space. Further, the existing structure is deteriorating and it is considered unreasonable to repair or remodel the mobile home and it is impractical to build a dwelling on site within the same dimensions and in the same location.

The property is 4.3 acres in size, however only 12% (.5 ac.) is not wetland, or not exhibiting a matrix of flood channels and small patches of upland areas too small for use.