



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

**RECEIVED**  
**AUG 07 2014**  
**TOWN OF WILTON NH**

**Case Information**

ZBA Case Number of the original application: 3/11/14-1

Date of the decision: 7/8/14

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 Selectmen, Town of Wilton

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: \_\_\_\_\_

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

Signature William F. Cordia Date 07 Aug. 14

(continued on the next page)

**clerk use only**

Date and time received: \_\_\_\_\_

Received by: \_\_\_\_\_ Amount paid: \_\_\_\_\_

☐ Abutter labels included





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**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 \_\_\_\_\_

☐ Evening phone \_\_\_\_\_

☐ Work E-mail \_\_\_\_\_

☐ Personal e-mail \_\_\_\_\_

**(continued on the next page)**



**Town of Wilton, NH**  
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**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):

The NTV appeal was a request to determine that "the camp" is exempt from permits. The ZBA decision does not address the request.

See attachment



**Attachment:**

7/31/2014

**ZBA Case No. 3/11/14-1, NTV, LLC appeal of Building Inspector decision**

The building inspector submits the following information.

Quote from NTV's appeal attachment:

"The issue is whether the Building Inspector was mistaken when he decided that the reconstruction of the camp, which is intended to be used as a small fishing and recreation camp, required a building permit, or is this camp truly a fishing camp that was contemplated by Article II to be exempt."

**WILTON LAND USE LAWS AND REGULATIONS  
SECTION E – CODE FOR BUILDING AND SANITATION**

**ARTICLE II. BUILDINGS**

Par 2. (some text omitted) A permit shall not be required for the construction of small camps for logging, hunting, maple sugar, fishing and like purposes which may not by their nature and use, conform to the requirements of this Ordinance.

This is the sentence upon which NTV has based its claim that it could ignore the orders and recommendations of the Wilton Building Inspector, and violate the Wilton Zoning Ordinance and the RSA's of the State of New Hampshire. This sentence, and several others, are part of Wilton's early codes to regulate buildings in Wilton. This code has been completely invalidated and over-ridden by the 2011 Zoning Ordinance. Refer to the Preamble Section 1.0, of the Zoning Ordinance. Near the end of the second paragraph, ""The Articles of this Ordinance take precedence over the articles of the "Wilton Code of Building and Sanitation" and supercede all "Zoning Ordinances" previously adopted by the Town Of Wilton, New Hampshire.""

A further invalidation of the fishing camp exemption are regulations in RSA 155-A, the New Hampshire Building Code, which disallow any lower level government such as a town from making any less stringent codes. RSA 155-A adopts the International Building Code 2009 and its associated codes as the State Building Code with some New Hampshire specific amendments. The IBC 2009 does not exempt fishing camps from permit requirements. The Town of Wilton may not exempt them either.

See also the saving clause in the Zoning Ordinance Section 10.0 Floodplain Conservation District.

Ref: RSA 155-A:2 State Building Code.

VII. The contractor of a building, building component, or structure shall be responsible for meeting the minimum requirements of the state building code and the state fire code. No municipality shall be held liable for any failure on the part of a contractor to comply with the provisions of the state building code.

VIII. Nothing in this chapter shall be construed as amending, repealing or superseding any local law, ordinance, code, or regulation, EXCEPT LOCAL CODE REQUIREMENTS THAT ARE LESS STRINGENT THAN THE STATE BUILDING CODE OR STATE FIRE CODE, and all buildings, building components, and structures shall comply with all applicable state or local building and fire code requirements, land use restrictions including but not limited to subdivision regulations, use and location restrictions, density and dimensional limitations, or historic district laws or ordinances. (emphasis added)

RSA 155-A:4 Permit required.

I. Before starting new construction or renovation of buildings and structures as described in RSA 155-A:2, I, the person responsible for such construction shall obtain a permit.