



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

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TOWN OF WILTON NH

Case Information

ZBA Case Number of the original application: 10/14/14-2

Date of the decision: 10/16/14

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 Pamela + Peter Clemens

Mailing address 32 Mt Pleasant St

Mailing address [initials]

Town, State, ZIP N Billerica, MA 01862

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 Pamela Clemens Date 11/3/14

(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 DAUGHTER D. SOWERBY, ESQ

Mailing address 282 RT 101, UNIT #2, AMHERST, NH 03031

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 [Signature] Date 11/3/14

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 see attached

☐ Evening phone _____

☐ Work E-mail _____

☐ Personal e-mail _____

(continued on the next page)



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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): PLEASE ATTACH

STATE OF NEW HAMPSHIRE

TOWN OF WILTON

WILTON ZONING BOARD OF ADJUSTMENT

MOTION FOR REHEARING OF DECISION OF ZONING BOARD OF ADJUSTMENT

ON APPLICATION FOR SPECIAL EXCEPTION

602 ISACC FRYE HIGHWAY

CASE # 10/14/14-2

We, Pamela and Peter Clemens of 32 Mount Pleasant Street, North Billerica, MA, applicants, through our attorney, Dwight D. Sowerby of Sowerby Law Office PLLC, Amherst, NH, respectfully move the Wilton Zoning Board of Adjustment (“ZBA”) for a Rehearing of the decision of the ZBA noticed on October 16, 2014 denying our application for a Special Exception under Section 6.6.1 of the Wilton Zoning Ordinance for a Home Occupation permitting the use of the main dwelling and barn for certain Victorian tea functions for the following reasons:

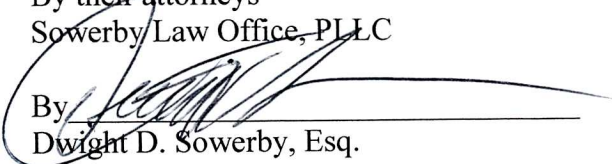
1. This Request is being filed in accordance with RSA 677:2 which requires such a Motion to be filed within 30 days of the decision.
2. The original Application as filed simply stated that the property would be used “...to entertain and host private functions such as receptions, children’s tea parties, personal celebrations...” See original application.
3. The applicant somewhat misconstrued what was acceptable as a Home occupation.
4. The applicant, when queried about the scope of the proposed use, became somewhat confused and stated the absolute maximum of each component of the proposed use, each of which would be exclusive of some of the others.
5. During the meeting, generalizations were stated as to the size and complexity of the events which were not part of the application and which are not planned.
6. The applicants did not have sufficient time to fully explain the proposed use. See the Minutes of the meeting Lines 197-200. “*Mr. Spear stated... he would like to see the applicants come back with a more complete application since they have now heard some of the abutter comments. He stated that he would like to give them the opportunity to amend their application.*”

The applicant humbly requests that the Board grant this Motion for Rehearing and permit the applicant to make a detailed presentation that meets the requirements of Section 6.6.1 of the Town of Wilton Zoning Ordinance for a Special Exception for a Home Occupation that “...is *“clearly subordinate and secondary to the primary use of the property as a residence.”*

Respectfully submitted,

Date: October 31, 2014

Pamela and Peter Clemens
By their attorneys
Sowerby Law Office, PLLC

By 
Dwight D. Sowerby, Esq.
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