



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

**General Information, Page 1 of 3**

**Property Information**

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 H-134-1 Lot Size 10.297

Street Address 9 Brown 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 Steven J. & Mary E. McDonough

Mailing address 9 Brown 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 *SL. McDonough* Date 9/25/18

(continued on the next page)

<b>clerk use only</b>	
Date and time received: _____	
Received by: _____	Amount paid: _____
Case #: _____	<input type="checkbox"/> Abutter list and labels included



**Town of Wilton, NH**  
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**General Information, Page 2 of 3**

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

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

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

Town, State, ZIP \_\_\_\_\_

**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 *[Handwritten Signature]* Date 9/25/18

**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 Fieldstone Land Consultant, PLLC

Mailing address 206 Elm Street

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

Town, State, ZIP Milford, NH 03055

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 *[Handwritten Signature]* Date 9/25/18

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**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 603-672-5456  Evening phone \_\_\_\_\_

Work E-mail cebranon@fieldstonelandconsultants.com  Personal e-mail \_\_\_\_\_

**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):

The existing residence on the subject property is located in the front setback and we are  
proposing to construct and addition off the existing structure which will require relief from  
from the front setbacks.



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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: 6.2.4 & 17.1(e)

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

Section 6.2.4 requires that all structures be setback 35 feet from all property boundaries. We are seeking relief from this as the existing building on the subject site is situated in the front building setback. Section 17.1(e) states that existing non-conforming structures may not be enlarged.

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: \_\_\_\_\_

\_\_\_\_\_  
\*See Attached Narrative\*  
\_\_\_\_\_

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

\_\_\_\_\_  
\*See Attached Narrative\*  
\_\_\_\_\_

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

\_\_\_\_\_  
\*See Attached Narrative\*  
\_\_\_\_\_

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

\_\_\_\_\_  
\*See Attached Narrative\*  
\_\_\_\_\_

(continued on the next page)



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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 Narrative\*

ii. The proposed use is a reasonable one:

\*See Attached Narrative\*

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

\*See Attached Narrative\*

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

\*See Attached Narrative\*

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

\*See Attached Narrative\*

**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:

Not Applicable

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

Not Applicable



# Town of Wilton, NH

## Application to the Zoning Board of Adjustment (Revised January 2010)

### Instructions, Page 1 of 2

This application must be complete and filed in the Wilton Town Office, along with an abutter list, and with all fees paid, 14 days before the meeting at which the application is to be considered. If it is filed a week before that deadline, then we will try to contact you for additional information if it is incomplete. Otherwise, an incomplete application may result in your application being delayed until the following month.

If you have any questions about how to complete this application, please contact the Zoning Board chairperson or clerk, whose names and phone numbers you can get at the Wilton Town Office.

We will be happy to help you understand the Zoning Board application process and legal requirements, but we cannot advise you on your personal situation. If you are uncertain about how the zoning laws apply to your case, we recommend that you obtain professional advice.

## General Instructions

Use this form for all applications to the Wilton Zoning Board, except:

- If the Selectmen, Planning Board, Building Inspector, or any other town board or official has made a decision to allow someone else to do something that you don't think they should be allowed to do, use the *Third-Party Appeal of Administrative Decision* form.
- To ask the Zoning Board to hold a new hearing to reconsider a decision that it made at a previous meeting, use the *Request for Rehearing* form.

## Contents of an Application

Your application must include the "General Information" section and at least one application for a special exception, variance, equitable waiver, or appeal of administrative decision. You may include more than one application section, as long as they are all for the same proposed use.

For example, you might appeal an administrative decision, and also apply for a variance that would permit the same use, in case the appeal is denied; or you might have a proposed use that would require several variances and special exceptions.

## Fee

The fee is \$100 for the application, plus \$6 for each abutter.

## Abutter List

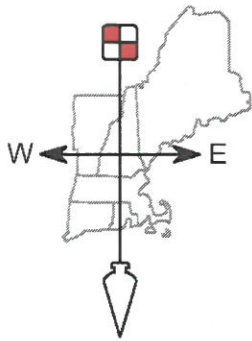
The abutter list must include the name and mailing address of

- the applicant,
- the property owner or owners,
- every person who owns property which touches any lot involved in the application (even at a corner) or is directly or diagonally across a road, stream, river, or railway right-of-way from a lot involved in the application, and
- the holders of any conservation, preservation, or agricultural preservation restrictions on any of the lots involved in the application.

Include the lot numbers of the all the abutting lots owned by each abutter.

You must also provide the abutter list (without the lot numbers) on two sets of adhesive mailing labels, no larger than 1½ × 3¼ inches.

(continued on the next page)



# FIELDSTONE

Surveying ♦ Engineering  
Land Planning ♦ Septic Designs

LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456  
www.FieldstoneLandConsultants.com

## VARIANCE CRITERIA

(VARIANCE FROM SECTIONS 6.2.4 7 17.1(E))

Tax Map Parcel h-131-1  
9 Brown Road, Wilton, NH

January 28, 2019

Prepared For:

Steven J. & Mary E. McDonough

As the Board may recall we were before you back on October 10, 2018 reviewing this very project, case #10/9/18-1. At this meeting we presented a proposal to reduce the front yard setback to 2 feet at the front left corner of the proposed garage. The Board voted unanimously to grant this variance which allowed the project architect to proceed with his design. At the completion of the addition design it was realized that the actual distance to the front property line was going to be 1 feet due to the dimensional requirements internally along with conventional construction. As a result we are before you again seeking to modify the relief to 1 foot. All of the points of law are the same for this dimensional change and we do not believe this is a substantial change to the project but we want to make sure that everything is technically correct.

The numbered items below correlate to the questions asked in the Town Application for a Variance.

1. Granting the variance would not be contrary to the public interest because:  
Granting this variance would allow for the productive use of the existing property. The existing house on the subject site was built in 1772 and is located 3.9 feet from the Brown Road right-of-way. Brown Road is a class 6 unmaintained roadway in front of the subject property. This proposed variance will permit an addition off the west side of the existing house. The addition will consist of improving the living space and the construction of an attached garage. Due to the orientation of the house and the adjacent roadway this addition will be partially located within the front setback. There is no development located beyond this project off Brown Road. The proposed addition will not impact any abutters or the general public. Since this proposal will provide the above while resulting in no negative impacts to the public we believe granting this variance would not be contrary to the public interest.
2. If the Variance were granting, the spirit of the ordinance would be observed because:  
Front setbacks in general are typically required to provide adequate buffering and separation between properties and the adjacent right-of-way and roadways. This property is very unique as the existing residence was built in 1772, is currently situated in the front

setback and the roadway in this case is an unmaintained class 6 road. We believe granting this variance would be in the spirit of the ordinance since the proposed addition will simply expand the existing structure and will result in no negative impacts on the abutters and no impacts to the health or safety of the general public.

3. Granting the variance would do substantial justice because:

Granting this variance would allow for reasonable expansion and improvements to an existing residence. When you consider the interior layout of the home on the subject property the only logical area to provide for an attached garage is as proposed. The McDonough's have raised their family on this property and look forward to residing in town but want to improve their home to include upgraded living space and an enclosed garage. These improvements are necessary for the owners to stay in this location through their retirement. This project will have no negative impacts on the health, safety or welfare of the general public nor will it create any burden on local services. Granting this variance would do substantial justice because it would allow for the productive use of the property and allow the owners to improve their home, as described above, while providing responsible growth in the community.

4. Granting the Variance would not diminish the value of surrounding properties because:

The subject is currently occupied by an existing residence and this proposal would enlarge the existing structure and increase the value of the subject property. Given the fact that this expansion would cause no negative impacts to any abutting properties we do not believe that this proposal would have any negative impacts on surrounding property values. In contrast new development often will increase the value of the neighborhood and surrounding property values. For these reasons we do not believe that the expansion of the existing residence on this property would have any negative impacts on the value of surrounding properties.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

1. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

Granting this variance would allow for the productive use of the existing property. The existing house on the subject site was built in 1772 and is located within the building setback. Brown Road is a class 6 unmaintained roadway in front of the subject property. This proposed variance will permit an addition off the west side of the existing house. The addition will consist of improving the living space and the construction of an attached garage. Due to the orientation of the house and the adjacent roadway this addition will be partially located within the front setback. There is no development located beyond this



project off Brown Road. We believe the general public purpose of the ordinance is to provide for adequate buffering and separation between properties and the adjacent right-of-way and roadways. This property is unique as the existing residence was built in 1772, is currently situated in the front setback and the roadway in this case is an unmaintained class 6 road and there are no abutters that will be impacted.

2. The proposed use is a reasonable one because:

We believe that the proposed use is a reasonable one for all of the reasons previously stated. The following is an outline of why we believe the proposed use is reasonable:

- Granting this variance would allow for the productive use of the exist property.
- The existing structure is in the front setback and therefore any addition to the structure will require relief from this ordinance.
- The addition will not result in negative impacts to the surroundings.
- The public is accustom to the 1772 residence and its relation to the site.

For all of the reasons we believe that the proposed use is reasonable.

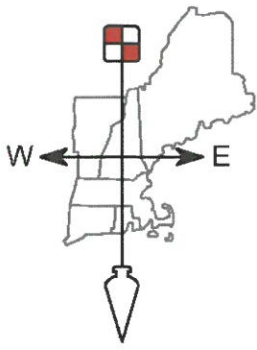
3. The hardship is a consequence of the special conditions of the property that distinguish it from other properties

The hardship for this project is a consequence of the special conditions of the property. The existing residence that was built in 1772 certainly predates any zoning regulations and this home is situated in the front setback. Any reasonable expansion of this home requires zoning relief. The location of this home creates hardship and is a special condition that distinguishes this property from other properties.

This information was prepared by:  
**Fieldstone Land Consultants, PLLC**



Chad E. Branon, P.E.  
Project Manager



# FIELDSTONE

Surveying ♦ Engineering  
Land Planning ♦ Septic Designs

LAND CONSULTANTS, PLLC

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[www.FieldstoneLandConsultants.com](http://www.FieldstoneLandConsultants.com)

January 28, 2019

FLC #1181.00 / MDP

List of Abutters  
Tax Map H Lot Number 134-1  
Wilton, New Hampshire

Map H Lots 133, 134-1, 8, 9, 10  
Steven & Mary McDonough (Applicant)  
9 Brown Road  
Wilton, NH 03086

Map H Lot 134-2  
Julia Banks & Peter La Roche  
21 Ledgewood Road  
Wilton, NH 03086

Map H Lot 134-3  
James & Janice Gordon  
35 Ledgewood Road  
Wilton, NH 03086

Map H Lot 2-6  
Bluhm Trust Indenture  
P. Bluhm & M. Bluhm, Trustees c/o M. Carey  
PO Box 194  
Glenford, NY 12433

Map H Lot 3  
Glines Family Trust  
David & Jane Glines, Trustees  
220 Captain Clark Highway  
Wilton, NH 03086

Map H Lot 4  
James & Donna Hilton II  
238 Captain Clark Highway  
Wilton, NH 03086

Map H Lot 5  
Eleanor R. Kiddie  
1408 Boston Turnpike  
Coventry, CT 06238

Map G Lot 11  
State of NH DOT  
7 Hazen Drive  
Concord, NH 03301

Engineer:  
Fieldstone Land Consultants, PLLC  
206 Elm Street  
Milford, NH 03055

