



**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 L, 28-1 & 28-2 Lot Size 0.94 & 1.0 Acres

Street Address 235 Gibbons Highway

Zoning District (check one):

- Residential    General Residence and Agricultural  
 Commercial    Industrial    Office Park

Relevant Overlay Districts (check any that apply):   Partially

- Research and Office Park    Floodplain Conservation    Watershed  
 Wetlands Conservation    Aquifer Protection    Elderly Housing  
 Partially

**Owner**

If the application involves multiple lots with different owners, attach additional copies of this page.

Name Roger G. Chappell

Mailing address 199 Union Street

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

Town, State, ZIP Milford, NH 03055

**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  Date 2/26/19

(continued on the next page)

**RECEIVED**

FEB 26 2019

TOWN OF WILTON, NH

|  |                                       |
|--|---------------------------------------|
| <b>clerk use only</b>                    |                                       |
| Date and time received: <u>2/26/2019</u> |                                       |
| Received by: _____                       | Amount paid: <u>\$154-</u>            |
| Case #: _____                            | _____ butter list and labels included |





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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 2/14/19

**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 2/14/19

(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 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; ...).

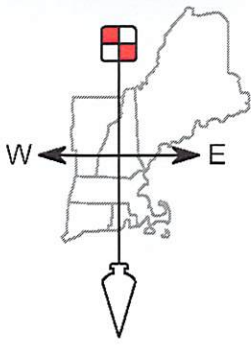
**Be specific.** Identify the section or sections of the Zoning Ordinance that apply. If lot sizes or configurations or building placements are relevant, provide a scale drawing or plan showing all relevant information, such as lot lines, setbacks, present and proposed structures on your lot and neighboring lots, etc.

Description of proposed use and need for ZBA approval (use this page; attach additional pages as necessary):

The subject lots were approved for duplex homes back in November 2016 (Case #9/12/06-2).

This approval expired in November of 2008. The current owner purchased the property and was told that the variance ran with the property. Unfortunately he found out that his approvals expired after applying for a building permit. As a result we are refileing for the variance to permit the construction of duplexes on each of the subject lots. This variance request is from Section 5.2.1 of the Wilton Zoning Ordinance which requires 0.5 acres per dwelling unit exclusive of wetlands and area within the 100 Year Flood Plain when serviced by municipal sewer and water.





# 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 5.2.1)

Tax Map Parcels L-28-1 & L-28-2

235 Gibbons Highway, Wilton, NH

February 25, 2019

Prepared For:

Roger G. Chappell

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 existing residence on Tax Map Parcel 28-1 to be converted into a duplex and would allow the construction of a duplex unit on Tax Map Parcel 28-2. This variance was granted back in 2006 but expired in 2008. Granting this variance would allow for the productive use of the existing properties. This proposal would be consistent with the surroundings and would have no negative impacts on the neighborhood. The subject properties just miss the zoning requirements of 1 acre of land exclusive of wetlands and therefore this development would not impact any abutters or the general public in a negative way. 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:  
As previously stated the subject lots were previously approved as duplex lots back in 2006. The lots nearly meet the requirements for duplex lots as both lots are around one acre in size but the presence of wetlands at the rear of the lots close to the Souhegan River puts the lots under the required acreage. Both lots have ample building areas and would meet all of the building setbacks. For all of these reasons we believe granting this variance would be in the spirit of the ordinance as the development of the lots into duplex homes 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 the existing properties. This variance was granted in the past and our client was informed that the variance would run with the land. Unfortunately we have found that this is in fact not the case and that the variance had expired and needs to be reapproved. Since there has

been no change to this section of the zoning ordinance since its prior approval in 2006 we believe regranting this variance would do substantial justice and would not be outweighed by any harm or gain to the public if this application was denied. 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 properties while providing responsible growth in the community.

4. Granting the Variance would not diminish the value of surrounding properties because:  
The proposed use is consistent and compatible with the surrounding uses and will therefore not diminish the surrounding property values. New construction typically has positive impacts to adjacent land values. Given this we believe this proposal should actually have positive impacts on the surrounding property values.
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 (Lot 28-1) and the new house location will be in harmony with the surroundings. The lots just miss the minimum requirements. Since these lots will be serviced by municipal services, just miss the lot size requirements and are in harmony with the surrounding neighborhood we don't believe any fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of provision to the property. This property is unique due to its location, geometry and size.

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.
- This variance was previously approved back in 2006 for both lots and there has been no substantive change to this section of the ordinance since.
- The proposed development will not result in negative impacts to the surroundings.
- The proposal will be in harmony with the neighborhood
- There are adequate services in place to support this proposal

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. These properties exist in an old area of Town and the proposal before this Board is in harmony with its surroundings. The subject properties are burdened by the river, flood plain and wetland areas at the rear of the property. These features prevent the property from being large enough to meet the minimum lot size requirements for duplex structures. These are all special conditions that distinguish these properties from other properties.

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



Chad E. Branon, P.E.  
Project Manager