



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 A-52 Lot Size 2.40 Ac.

Street Address Buxton Highway and Davisville 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 Jeremy Greenman, Trustee of the Janet W Greenman Trust

Mailing address and The Greenman Revocable Trust

Mailing address 11 White Oak Ridge Road

Town, State, ZIP Glen Gardner, NJ 08826

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 [Signature] Trustee Date 5/23/19

(continued on the next page)

clerk use only	
Date and time received: _____	
Received by: _____	Amount paid: _____
Case #: _____	<input 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 _____

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 *Samuel G. Prater Jr* — Trustee Date 5/25/19

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 Samuel G. Prater Jr

Mailing address P.O. Box 1234

Mailing address _____

Town, State, ZIP Wilton NH 03086

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 *Samuel G. Prater Jr* — Trustee Date 5/25/19

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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

Evening phone

Work E-mail

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):

See attached

Attachment to Greenman Variance Application (A-52):

Description of Proposed Use and Need for Variance:

The applicant proposes to build a house with a State approved septic system on a 2.37 acre lot located between Davisville Road and Burton Highway. Lot A-52 was approved by the Planning Board on July 12, 1980. See Plan #13361. Since the lot was approved the Town enacted the Watershed District which prohibits any building or septic system within 150' of any wetland. Meridian's Thomas Carr has concluded that without a variance the restrictions result in the property being non-buildable.

The applicant requests a variance to section 17.2 to waive the requirement that lot A-52 be subject to the wetland setback requirements of section 14.3.3.

Alternately or additionally, the applicant seeks a variance to sections 14.3.1 and 14.3.3 to waive the lot size and setback requirements imposed by the Watershed District.



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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: 14.3.1 / 14.3.3 / 17.2

The requirement in that section that you want to change, and how you want it changed:
See description of proposed use and
need for variance.

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 statement.

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

3. Granting the variance would do substantial justice: "

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

(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:

~ ~

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:

~ ~

Attachment to Greenman Variance Application:

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

a. The house would be built on a 2.37 acre lot approved by the Planning Board on July 12, 1980. See Plan #13361.

b. The Watershed District was originally intended to protect Wilton's two reservoirs which then served to supply drinking water to the Wilton Water District. Section 14.2 defines the boundary and says "*Watershed District shall mean the land and water areas which by seepage or flow introduce water into the old and new reservoirs of the Town...*"

c. The reservoirs have not been used as a water supply in roughly 30 years. The old reservoir dam has been intentionally breached. A section of pipe connecting the new reservoir to the water system was physically removed by Charlie McGettigan 30 years ago at the insistence of the State of New Hampshire to prevent either reservoir from being used even as an emergency water supply. (Even in the best of days the water quality from the reservoirs was marginal. See Charlie McGettigan's [understated] report in the 1981 Town Report which references "continuous violation of turbidity levels." Construction of the new well system was approved by the Governor and Counsel in early 1985 but completion of the entire system was apparently completed in 1989 having been held up by litigation for several years.

d. The original Watershed District is recalled to have required 15 acre zoning. This was amended to 6 acre zoning in 1992. No minutes could be found by staff for the original public hearing for the creation of Watershed District. Minutes for the public hearing on the 1992 amendment were also not located but the attached December 4, 1991 work session minutes were found.

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

a. The proposed use of A-52 as a house lot was approved by the Planning Board in 1980.

b. The variance sought is to address additional requirements for acreage and wetlands setbacks imposed by adoption of the Watershed District after the 1980 approval of the subdivision.

c. The 1980 subdivision approved by the Planning Board noted approval from the N.H. Water Supply & Pollution Control Commission.

d. A new septic design which meets all State requirements will be presented at the hearing. The variance is required because the State will not approve septic designs which don't meet local environmental regulations such as the 150' setback requirement from wetlands.

3. Granting the variance would do substantial justice:

a. The Greenman family has owned this property for 40 years. Janet and Tom Greenman renovated the home on Stagecoach Road (Lot A-49), and the magnificent Rufus Porter murals inside, until advancing age led them to move to Rivermead in Peterborough. Tom Greenman died in 2017 and Janet Greenman died on January 2, 2019. The property is being sold to a builder as part of the settlement of the terms of the Trust.

b. The use of Lot A-52 for a single family house is consistent with surrounding properties.

c. The property has been taxed for the last 39 years as a building lot. The current assessment is \$72,400 which is consistent with an assessment for a buildable lot. It would be unjust for the Town to tax the property as a building lot for 40 years and then to say, in effect, never mind. Such a posture would encourage landowners to immediately sell their property to the highest bidder because a Planning Board approval in one year could be nullified by a zoning change the following year.

d. Depriving the owner of all reasonable uses of the land to promote a public purpose, protecting the reservoirs, would be a taking.

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

- a. The use of Lot A-52 for a single family house is consistent with surrounding properties.
- b. The house to be built would be of consistent value with the value of surrounding properties.

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

- a. Without a variance the property has no practical use since there is no place on the lot where a house or septic system could be located.

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

- a. A-52 was a Planning Board approved and buildable lot until passage of the Watershed District.
- b. The public purpose for protecting Wilton's water source no longer is applicable.
- c. A-52 has 411 feet of frontage on Burton Highway and 247 feet of frontage on Davisville Road which further restricts the area where a house could be built beyond the Watershed District's wetlands setback.

WILTON WATER WORKS

Improving our water system by draining and cleaning the reservoir, changing the screens, cutting brush and repairing leaks in the Garwin Falls dam were some of the projects undertaken this year. Our efforts have been somewhat successful in that our water samples sent to the State have shown marked improvement of late after completing these projects.

We are, however, in continuous violation of turbidity levels (discoloration of the water) required by the State. Failure to satisfy this requirement and others such as low pressure in some areas of the system has resulted in much time and effort being spent to make improvements and also to bring our system into compliance with New Hampshire Water Supply and Pollution Control Commission minimum requirements.

The Commissioners have met with our Engineers, State and Federal Agencies to develop some solutions to our water problems. Our combined efforts will eventually be presented to the voters for approval to implement system improvements which are in the best interest of the Town and approved by the State.

We wish to thank the Highway Department for taking care of our routine maintenance work during the year. Also the Selectmen and other town officials and citizens who aided us during the year.

Respectfully submitted,
WILTON WATER COMMISSIONERS
Charles O. McGettigan, Jr.
James Tuttle, Chairman
Eugene Edwards

1981 Water Department Financial Statement of Water Users

	DR.	
1980 Uncollected	\$ 4,703.00	
1981 Billing	28,034.65	
Total		\$32,737.65
	CR.	
1981 Collected & Remitted	\$25,590.72	
Uncollected as of 12/31/81	7,146.93	
Total		\$32,737.65

(Invested Funds Now Total \$77,275.05)

WATER SYSTEM IMPROVEMENT PROJECT

On February 22, 1985 the Governor and Council approved Wilton's HUD Grant of \$350,000 beginning the construction phase of Wilton's \$1,300,000 Water Improvement Project.

R.H. White Construction Co., Inc., Auburn, MA was contracted to install 18,000 linear feet of new water main and appurtenances. The contract stipulated a guaranteed maximum cost of \$620,000. The efforts of Wilton's Public Works Dept. and cost monitoring by the Water Commissioners resulted in a final completed cost of \$591,893.97. The new mains have all been pressure tested and decontaminated. The new mains were approved for public use by the State of New Hampshire.

Keymont Construction, Inc., Laconia, N.H. was low bidder (\$98,637) for construction of the water storage tank foundation and site work. Keymont completed the tank foundation and major site work in October. Landscaping and site clean-up will be completed in the spring of 1986.

Advance Tank and Construction Co., Inc., Plainfield, Illinois was low bidder (\$116,800) for construction of the 600,000 gallon water storage tank. The tank was erected in October. Sandblasting and painting will be completed in the summer of 1986.

The Water Commissioners were served papers by William M. Abbott questioning the eminent domain procedure of the Town in taking his land for the new well and pump station. Once this problem is resolved the commissioners will advertise for bids on the pump station, completing Wilton's new water system.

Financing of the local share of the project cost was completed through the New Hampshire Municipal Bond Bank.

Respectfully submitted,
James A. Tuttle
Eugene Edwards
Charles O. McGettigan, Jr.

1985 Town Report

Taxes Sold/Executed to Town			
During Fiscal Year:	195,358.33	-	-
Subsequent Taxes Paid:	-	-	-
Interest Collected After			
Sale/Lien Execution:	798.70	8,880.96	12,287.46
Redemption Cost:	-	357.25	824.62
Overpayments			40.00
Total Debits	196,157.03	122,958.43	54,036.04
		Credit	
Remittance to Treasurer			
During Fiscal Year:			
Redemptions	21,632.64	42,191.94	37,964.75
Interest and			
Cost After Sale	798.70	9,238.21	13,112.08
Abatements During Year	973.05	628.57	516.08
Deeded to Town During Year	-	-	2,443.13
Unredeemed Taxes End of Year	172,428.64	70,899.71	0.00
Redemption Costs	324.00		
Total Credits	196,157.03	122,958.43	54,036.04

1990 REPORT OF THE WILTON WATER WORKS

The connection of the Abbott Well to our water system this year completes our system and brings it into State compliance. We are now able to switch back and forth between wells, allowing each well a "rest" time to recharge.

To help protect our resource, the Commission also purchased 25 acres of land adjacent to our wells from Francis Lorden. This acreage will provide a managed buffer of land and a potential well site should it be needed in the future.

Maintenance work this year included valve replacements, service renewals and hydrant repairs. This work was performed by the Wilton Highway Department employees.

Our only major problem this year was a break in the 8" line under the Kennedy Upholstery Building in December. A section of that line which crosses the river from Highland Street to the Island will have to be replaced in 1991 after our engineers study the problem.

We would like to thank the town officials and citizens who supported us this year. Without this support some issues would have been difficult to deal with.

Respectfully submitted,
 Wilton Water Commissioners
 James A. Tuttle, Chairman
 Charles O. McGettigan, Jr.
 Eugene J. Edwards, Sr.

1990 Town
Report



Town of Wilton

Wilton Planning Board

December 4, 1991

Work Session Minutes

7:30 PM

Wilton Town Hall Courtroom

Present: Minot Ring, Dawn Tuomala, Dick Rockwood,
Mike Davidson, Neil Raiman, Alec MacMartin,
Richard Greeley, Julie Cummings, Mark Whitehill,
Betsy Castro, David Glines

Discussion of changes proposed in the watershed district/
Article by Petition presented from William Ladd/ Residents
of watershed district commented on reductions on frontage,
lot size and setbacks/ Concerns are: reduce frontage to 200
ft, reduce lot size to five acres, allow backlots and reduce
setbacks/ Discussion of sunset on variances and special
exceptions/ Discussion of home occupations- pros and cons

Adjourned at 10:30 PM

Signed by Chairman

— PLEASE NOTE —
1ST PUBLIC MEETING
FOR ZONING CHANGES
WILL BE DEC 23, 19