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JUN 20 2019

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 2.4 Ac.

Street Address Burton Highway & 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 Greenman Trust

Mailing address at 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] Date 6/18/19

(continued on the next page)

clerk use only

Date and time received: _____

Received by: _____ Amount paid: _____

Case #: _____ ☐ 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 k _____ Date _____

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 William Keefer _____

Mailing address PO Box 599 _____

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 [Signature] _____ Date 6/18/19 _____

(continued on the next page)



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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 603 654 6101 ☒ Evening phone 603 345 6101

☒ Work E-mail KeepandKeep@tds.net ☐ 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



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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: 17.2
214.3.1 + 14.3.3
36.2.4 + 6.2.5

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

See Attached

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

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 (A-52):

Description of Proposed Use and Need for Variance:

This is an amended application for variances which now includes a request for an additional variance or variances to construct a septic system within the 35' side setback. The new plan calls for a septic system to be built more than 125' from wetlands which satisfies the requirements of Section 4.2.1. Moving the proposed location of the septic system so it is now next to the house was in response to concerns raised at the July 12th hearing on the initial application that the original proposed location of the septic system was too close to the edge of the wetlands.

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 for the building and the septic system imposed by the Watershed District.

Finally, the applicant seeks a variance to Sections 6.2.4 and 6.2.5 of the General Residence and Agricultural District to permit placement of the proposed septic system within the 35' side setback. This request for a variance to Sections 6.2.4 and 6.2.5 also qualifies for a special exception.

Attachment to the Amended 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 enacted after the Greenman's 1980 subdivision 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 30 years. The Greenman property drains into Millbrook which once drained into the former Old Reservoir. The Old Reservoir was drained and the dam intentionally breached in response to structural issues identified by the Dam Bureau in 2008 and 2009. The Town made a decision not to repair the Old Reservoir dam and to instead breach it because it was not a water source. Millbrook does not flow into the New Reservoir (though the reservoirs were once connected by a pipe.)

d. Another section of pipe connecting the New Reservoir to the water system was physically removed by Water Commissioner 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.

e. 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.

f. Placing the septic system within the 35' side setback allows for the reasonable use of the property. The purpose of the prohibition on septic systems within the 35' setback is expressed in Section 6.2.5 which states that it is "[t]o avoid high concentration of effluent in a localized area..." but here the nearest septic system is 150' away.

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 variances sought are 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 Watershed District's 150' setback requirement from wetlands even though the State only requires 50'.

e. Using the 35' side setback moves the septic system further away from wetlands and complies with Wilton's extra wetland setback found in Section 4.2.1.

3. Granting the variance would do substantial justice:

- a. The Greenman family has owned this property for 40 years. Janet and Tom Greenman renovated their 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. The current taxes are about \$2,082 per year. It would be unjust for the Town to tax the property as a building lot for 39 years and then to say the lot is not buildable. 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. The taking issue is especially pronounced because that public purpose was discontinued 30 years ago.

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 homes.
- c. The septic system will be relatively inconspicuous since it will look like a lawn.

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

a. Without variances 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 2009

Although this was a busy year for the Wilton Water Works, there were only two new connections made to the system.

The town's 616,000 gallon steel storage tank on Abbot Hill Road was out of service in May and June for 8 weeks while the interior painted surface was restored by Limerick Steeple Jacks from Limerick, Me. They also performed some maintenance on the tank's concrete foundation. The water tank project was partially paid for with Capital Reserve accounts set aside for this purpose.

In October the pump in the Abbott Well burned up along with much of the underground wiring. Both the pump and the underground wiring were replaced.

Pennichuck Water Service Co. had been operating the system for the past 3 years. By a majority vote of the Commission, their contract was not renewed. Our expenses this year reflect the added costs that resulted from this change. Repair inventory had to be purchased and a new alarm system that ties into MACC Base was installed. Carl Somero was hired effective August 1st as the Superintendent of the Water Works. He is responsible for the daily operation of the system including monitoring the pump station, taking monthly water samples and overseeing repairs to the system. An office was set up at the pump station in the office trailer for his use; the phone number is 654-2473. Carl is a tremendous asset to the Town, and we thank you, Carl.

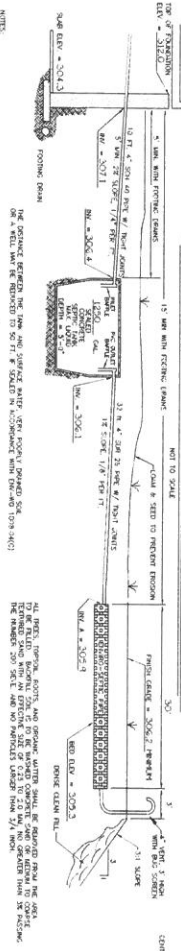
We received a deficiency letter on the Millbrook Dam from NHDES Dam Bureau in April of 2009 following an August 2008 inspection. A second inspection in October of 2009 resulted in a second letter of deficiency and the order to open the drain door and keep the impound area as dry as possible until a consultant could be hired to evaluate the condition of the dam. A warrant article, supported by the Water Commissioners and Selectmen, will be presented at the Town Meeting to approve the hiring of an engineer to formally assess the condition of the dam and recommend whether the town should repair or remove the dam. Both boards are divided on what action ultimately should be taken. We hope for a large turnout of citizens to discuss the long term effects of this decision. Other items in the letter of deficiency are being addressed at this time.

We appreciate all the assistance the town citizens, Highway Department, Police Department, Fire Department, and Town Hall staff have provided to the Wilton Water Works this year.

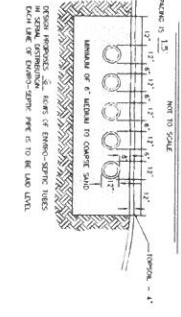
Respectfully Submitted,
Wilton Water Commissioners
James A. Tuttle
Charles O. McGettigan, Jr.
C. Stanley Schultz, Jr.

2009 Town Report

TYPICAL SECTION OF PROPOSED SANITARY SYSTEM



TYPICAL CROSS SECTION



TEST PIT DATA

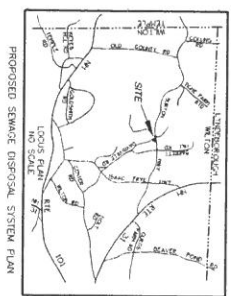
TEST PIT NO.	DATE	TIME	DEPTH	SOIL TYPE	WATER LEVEL	REMARKS
1	4/10/19	11:00	10'	CLAY	5'	TEST PIT 1
2	4/10/19	11:00	10'	CLAY	5'	TEST PIT 2

LOT A-52
 2.37 ACRES

DAVENSLEY ROAD

- 1. SET AND ORIENT TO SPILL TOWARD THE STREET WITH A WATERFIGHT ATTITUDE.
- 2. SET FROM TBM - ASSUMED DATA.
- 3. SET TO THE HIGHEST POINT OF THE STREET.
- 4. SETTING TIME 202 EYES NOT COVERED IN THE STREET.
- 5. SETTING TIME 202 EYES NOT COVERED IN THE STREET.
- 6. SETTING TIME 202 EYES NOT COVERED IN THE STREET.
- 7. SETTING TIME 202 EYES NOT COVERED IN THE STREET.

LOT A-52
 2.37 ACRES



WILTON, NEW HAMPSHIRE

SCALE: 1"=20'
 OWNER: JAMES W. GRIFFIN, JR. TRUST C/O BOOTHMAN CONST. CORP.
 P.O. BOX 875, WILTON, NH 03095

DESIGNER'S STAMP

FIELD BOOK: S-141 PROJECT: 1091200

DATE: 4/10/19

TIME: 11:00

DEPTH: 10'

SOIL TYPE: CLAY

WATER LEVEL: 5'

REMARKS: TEST PIT 1

NOTES:
 1. SET AND ORIENT TO SPILL TOWARD THE STREET WITH A WATERFIGHT ATTITUDE.
 2. SET FROM TBM - ASSUMED DATA.
 3. SET TO THE HIGHEST POINT OF THE STREET.
 4. SETTING TIME 202 EYES NOT COVERED IN THE STREET.
 5. SETTING TIME 202 EYES NOT COVERED IN THE STREET.
 6. SETTING TIME 202 EYES NOT COVERED IN THE STREET.
 7. SETTING TIME 202 EYES NOT COVERED IN THE STREET.



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(Revised January 2010)
Application for a Special Exception

A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board. Most special exceptions have a list of requirements; the Zoning Board can only approve the special exception if it finds that all the requirements are satisfied.

Note that in addition to the specific requirements that may be listed for a particular special exception, all special exceptions are subject to the general requirements in Section 4.4 of the Zoning Ordinance.

What section of the Zoning Ordinance defines the Special Exception that you are applying for? 6.2.4
6.2.5

Explain why your proposed use satisfies the requirements of the Zoning Ordinance: _____

See Attached

Attachment to Greenman Application (A-52):

Special Exception:

This request for a special exception accompanies an amended application for variances which now includes a request for an additional variance or variances to construct a septic system within the 35' side setback. The new plan calls for a septic system to be built more than 125' from wetlands which satisfies the requirements of Section 4.2.1. Moving the proposed location of the septic system so it is now next to the house was in response to concerns raised at the July 12th hearing on the initial application that the original proposed location of the septic system was too close to the edge of the wetlands.

This request for a variance to Sections 6.2.4 and 6.2.5 also qualifies for a special exception. The 35' setback is believed to have been in place when the 1980 subdivision was approved but the subsequent enactment of the Watershed District to protect the (now defunct) Old Reservoir rendered the lot unusable without a variance or a special exception for the reasons stated in the request for a variance.

The Board is invited to review the request for a variance first since it must also grant another variance to allow the use of the lot for a house. But if that other variance is granted and there is an issue with a variance for the 35' setback then a special exception may need to be considered.