



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 B/26-3 Lot Size 16.99 Existing and 8.97 Proposed

Street Address Lyndeborough Center 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 Al Lindquist

Mailing address 1028 Hanover Street

Mailing address _____

Town, State, ZIP Manchester, New Hampshire 03104

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 10-29-19

(continued on the next page)

RECEIVED
OCT 29 2019

BY: _____

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 Same as owner

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  Date 10-29-19

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 Joseph M. Wichert of Joseph M. Wichert, LLS, Inc.

Mailing address 802 Amherst Street

Mailing address _____

Town, State, ZIP Manchester, New Hampshire 03104

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  Date 10-29-19

(continued on the next page)



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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 603 647 4282 x-101 ☐ Evening phone _____

☒ Work E-mail joewichert@jmwlls.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):

Applicant wishes to complete a lot line adjustment with lot B-26-1. This will require a 770 SF wetlands crossing (only 537 SF permanent). The crossing was designed to have the least amount of impact and still provide access to the remaining uplands of the subject property. Per section 11.4.b of the Wilton zoning ordinance, the crossing of a wetlands area requires a special exception from the ZBA before we can submit to the Planning Board. The dredge and fill application was already submitted to the Town and the Conservation Commission is scheduled for a sitewalk on Thursday 10/31/2019.



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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? 11.4.b

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

See seperate sheet

The applicant owns lot B-26-3 (and lot 237-19 in Lyndeborough). The subject lot was created in 2005. The legal frontage for this lot is opposite Pead Hill Road but there is a wetlands along the all of the frontage with the exception of the very south end of the property. In 2005, the applicant had intended to further subdivide the parcel by creating a new road from another section of frontage further north on Lyndeborough Center Road.

After some consideration and speaking with the owner of lot B-26-1, the applicant now wishes to complete a lot line adjustment with lot B-26-1 which would annex the rear acreage in Wilton and Lyndeborough the that parcel. This would all comply with the current Wilton zoning ordinance except for the need to cross a wetlands with the proposed driveway to access the rear of the reconfigured lot.

The crossing would involve filling 770 SF of wetlands of which 537 SF would be a permanent impact. There would be an 18" culvert under the driveway to allow the water to continue moving in the same direction as it does now. The state application has already been completed and filed with the Town and the Conservation Commission is scheduled for a site walk on Thursday 10/31.

In order to begin the municipal permitting process staff has advised we need to obtain the Special Exception approval from the ZBA before we apply to the Planning Board.

Section 4.4 of the Wilton Zoning Ordinance specifies that the special exception needs to comply with the following findings:

- a.) The proposed use is not permitted by the ordinance in the absence of a special exception: Approval of this proposed driveway crossing is not allowed without a Special Exception
- b.) The proposed use is consistent with and will not substantially affect the character of the neighborhood in which it is proposed: The proposed use of the lot is residential which is allowed by right in the general residence and agricultural district
- c.) The proposed use will comply with section 4.6. Performance Standards: The proposed use will comply with the performance standards specified in section 4.6 of the zoning ordinance. The only applicable section would be 4.6.7 and the proposed house, improvements and effluent disposal area will meet the minimum setbacks
- d.) The proposed use will not create any unreasonable diminution of surrounding area property values: As the proposed use in an allowed use in the district, there will be no diminution of value of the surrounding properties
- e.) The effect of the proposed use on traffic in the neighborhood and in the Town will generally be acceptable: The property is an existing residential lot of record so approval of this request will have no impact on traffic in the neighborhood
- f.) Sewer, water and other public facilities are adequate for the proposed use: The existing lot of record will be serviced by on site well and septic. No public facilities exist in the area at this time
- g.) Adequate offstreet parking is available for the proposed use: Any new house will comply with the off street parking requirements
- h.) The proposed use will not be detrimental to the attractiveness of the Town: The proposed use is residential as allowed by the current zoning ordinance so it will not be detrimental to the Town

- i.) The proposed use is consistent with the spirit of the Zoning Ordinance: The proposed use is residential and therefore allowed by the zoning ordinance so therefore it is consistent with the ordinance
- j.) The proposed use meets all other criteria enumerated in the section of the ordinance which permits the particular Special Exception: Any proposed improvements will comply with all of the applicable regulations and ordinances. See below for a more specific explanation of how the application meets the specified criteria as stipulated in Section 11 of the zoning ordinance.

Section 11.1 of the Wilton Zoning Ordinance specifies that the intent of the ordinance is to:

- a.) Prevent the development of structures and land uses on naturally occurring wetlands which would contribute to pollution of surface and groundwater by sewage: This request would allow the applicant to cross a wetlands with a proposed driveway to reach a spot on the property where a house could be built in a complying location. Approval of this request would not contribute to any pollution from sewage as the proposed leach field would be complying.
- b.) Prevent the destruction of natural wetlands which provide flood protection: The proposed crossing was designed to have the least amount of wetlands impact and there will be an 18" culvert under the driveway to allow the existing water to keep flowing. Installation of the proposed driveway would have no impact on flood protection.
- c.) Prevent unnecessary of excessive expenses to the Town to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands: Approval of this Special Exception request would not cause the Town to incur any expense to provide or maintain services or utilities. The wetlands drains onto the subject property and away from the road. The proposed culvert will prevent water from backing up to damage the road. There should be no change to the existing drainage pattern from what exists today.
- d.) Encourage those uses that can be appropriately and safely located in wetland areas: Other than the proposed driveway and wetlands crossing to access the upland portion of the property, nothing is being proposed in the wetlands.