



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

General Information, Page 1 of 3

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FEB 24 2020

Property Information

TOWN OF WILTON, NH

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 D-99 Lot Size 24.1+/-

Street Address 304 Gibbons Highway (NH Route 101)

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 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 2/21/2020

(continued on the next page)

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FEB 21 2020

TOWN OF WILTON, NH

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 Glendale Homes, Inc. c/o Gerry Tanguay

Mailing address 67 Pepperell Road

Mailing address _____

Town, State, ZIP Brookline, NH 03033

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 2/21/2020

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 _____

Date 2/21/2020

(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 603-672-5456 Evening phone 603-499-5799
 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):

This project proposes to develop the subject property into a cluster development with associated site improvements. The subject parcel consists of 24.06 acres of land with 326.5 linear feet of frontage along Gibbons Highway. Section 6.4.2 of the Land Use Laws and Regulations states that Cluster Developments may be permitted on lots that have a minimum of 500 feet of frontage on a Class V or better public right-of-way.



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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: 6.4.2

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

This project proposes to develop the subject property into a cluster development. Section 6.4.2 of the Land Use Laws and Regulations states that Cluster Developments may be permitted on lots that have a minimum of 500 feet of frontage. We are seeking relief from this as the subject parcel only has 326.45 feet of frontage.

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

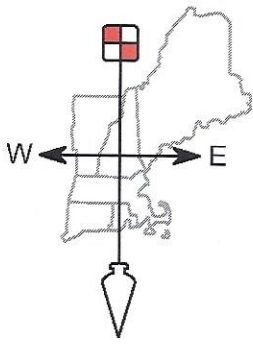
5(c) Hardship resulting from a physical disability.

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



FIELDSTONE

LAND CONSULTANTS, PLLC

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

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

VARIANCE CRITERIA

VARIANCE FROM SECTION 6.4.2

Tax Map Parcel D-99

304 Gibbons Highway, Wilton, NH

February 21, 2020

Prepared For:

Glendale Homes, Inc.

The subject site is proposed to be developed into a Cluster Housing Development. Section 6.4.2 of the Land Use Laws and Regulations states that cluster developments may be permitted on lots with a minimum of 500 feet of frontage on a Class V or better public right-of-way. The subject property meets all of the other requirements for a Cluster Development but only has 326.45 feet of frontage along Gibbons Highway so we are therefore seeking relief from this requirement.

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 and would provide a diversity of housing in town. The proposed conceptual plan shows a layout that would fit in well with the surroundings as it would provide open space area along the river and significant buffering to the abutting land owners. 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:
We do believe that the granting of this variance would observe the spirit and intent of the ordinance. The project would meet all local and state requirements for this type of housing and would be the same as other projects completed in neighboring communities by the applicant. The layout of the project would meet all dimensional requirements and the project would provide for great open space along the river and buffering to the surrounding areas. We believe granting this variance would be in the spirit of the ordinance since it would provide a diversity of housing and would not impact the character of the neighborhood. This project would have no negative impacts on the surrounding areas and certainly no impacts to the health or safety of the general public.

3. Granting the variance would do substantial justice because:

The development will be sensitive to the surrounding areas and will provide a much needed housing stock for the area. The subject site is unique with an irregular geometry that consists of 24.06 acres of land, with 325.45 feet of frontage along Gibbons Highway and significant frontage along the Souhegan River. 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 as described above, while providing responsible growth in the community with no measurable impacts to the neighborhood. In our opinion a denial of this request would cause hardship to our client with no gain to the general public.

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

Cluster Developments are a permitted use in the area and the surrounding properties are generally residential so this proposal would be consistent with the neighborhood. The layout of the development would provide adequate buffering and preservation of sensitive areas. Even though the subject property technically does not have the required frontage we believe this development proposal will fit in best with its surroundings and will have any negative impacts on surrounding property values. In contrast we have found in our experience that new developments, especially developments that offer good buffering and land preservation, will typically increase the value of the neighborhood and surrounding property values. For these reasons we do not believe that this project 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 subject property certainly has special conditions that distinguish it from other properties in the area. The property is irregular in shape and parallels the Souhegan River. The property is large in size with 24+ acres of land and is bordered primarily by the Souhegan River on the west side with over 1,500 feet of frontage along the river. The property has an odd jog near Gibbons Highway as the Town owns the adjacent unbuildable property to the southwest which incorporates the old Interval Road Bridge. With this said the nearest buildable lot to the southwest is on the south side of Intervale Road which is approximately 250 feet from the property. We believe the general public purpose of the ordinance is to ensure that this type of development has adequate separation and buffering to its surroundings. This proposal will meet this objective even with the reduced frontage due to the surrounding unbuildable land around the Souhegan River and the proposed layout which provides for

Glendale Homes, Inc.
Tax Map Parcel D-99 – Wilton NH
Variance Criteria

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good buffering and land preservation. We believe a strict enforcement of this ordinance would limit reasonable development of a large property and would be inconsistent with the general public purpose of the ordinance and would thereby create an unnecessary hardship for the owner.

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 project meets all of the objectives of the Cluster Regulations with the exception of the frontage. When you look at the abutting land to the southwest which is owned by the Town and cannot be developed due to the Souhegan River there will be adequate buffering provided to the closest developable land which we believe is the real purpose and intent of this regulation.
- The project will not result in negative impacts to the surroundings.
- This development is great for this property and the surroundings. There will be open space provided along the river and buffering to the abutting properties.
- 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

We do believe that the hardship in this case is a direct consequence of the special conditions of the property and that this property is clearly distinguished from other properties due to its size, geometry, frontage along the river and the surrounding undevelopable land due to the river as described above.

This information was prepared by:
Fieldstone Land Consultants, PLLC



Chad E. Branon, P.E.
Project Manager