



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 Map D - Lot 40

Lot Size 2.96 acres

Street Address 120 Holt Road, Wilton, NH 03086

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 Sandra S Gallo

Mailing address P.O. Box 119

Mailing address _____

Town, State, ZIP Wilton, NH 03086-0119

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

(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 _____ 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 _____

Mailing address _____

Mailing address _____

Town, State, ZIP _____

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 _____

(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 [REDACTED] ☐ Evening phone [REDACTED]

☐ Work E-mail [REDACTED] ☐ Personal e-mail [REDACTED]

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):

I am appealing the decision of the building inspectors. Please see page 13.



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Appeal of an Administrative Decision

If any Town official or board has denied you permission to do something, refused to issue you a permit or other approval, or has taken enforcement action against you, and the decision or action is based on what you believe to be an incorrect interpretation or application of the terms of the Wilton Zoning Ordinance, you may appeal that decision to the Zoning Board.

The Zoning Board does not have any authority to review a discretionary decision to commence formal or informal enforcement proceedings, or a decision based on any law or regulation other than the Wilton Zoning Ordinance.

If you wish to appeal an administrative decision to grant a permit or other approval for the use of property not belonging to you, please use the **Third-Party Appeal of Administrative Decision** Form.

For more information, please refer to RSA 674:33, I(a) and RSA 676:5.

An appeal of an administrative decision must be filed within 30 days of when the decision was made.

You must attach a copy of the decision notice with this appeal. If the decision was made by a board, you should also attach a copy of the minutes of the meeting at which the decision was made. **The Zoning Board cannot review an informal or verbal decision.**

What is the decision that you are appealing? The decision by the building inspectors that my newly completed finished basement by San-Ken Homes, the plans of which were originally approved, (building permit 101419), is now considered an Accessory Dwelling Unit as opposed to one for Accessory Use, and will incur an impact fee of \$3,798, and will be subject to NHDES approval before issuing a Certificate of Occupancy.

What Town official or board made the decision? Wilton Inspector Norma Ditri and Lyndeborough Inspector Leo Trudeau

What sections of the Zoning Ordinance was the decision based on? 3.1.1-a and 3.1.7, 5.5 and 25.5.4

Why do you believe that the decision was incorrect? As the sole owner of this property, I am a single woman living here with my 2 dogs. I work from home for a company based out of Arizona. I asked San-Ken to finish off a portion of my basement so I could have more space, including an office for work. It was NOT built as an accessory dwelling unit for anyone else. Plans were submitted by San-Ken Homes and approved and permitted (Permit #101419) by Norma Ditri, Wilton Building Inspector. If there had been a problem with the plans, Norma would have told Kenny Lehtonen with San-Ken at that time. (See Ordinance 25.5.2) Since it was permitted as planned, San-Ken finished the basement as described with 764 sq ft, that includes "a living room, an office, a full bath and a kitchen area." The kitchen area was built to accommodate as described to Norma "Hall LVP -has a refrigerator, microwave and sink with cabinets for storage." It does not have a stove. Currently, there is a shelf for a small microwave .6-.7 cubic sq. ft, and an area for an apartment or dorm size fridge of no more than 9 cubic sq ft. Neither item has been purchased or installed at this time. It does not have a stove. See attached photo. Per the IRC definition a dwelling unit is a "single unit providing complete independent living facilities for one or more persons, including provisions for living, sleeping, eating and cooking and sanitation." A dwelling unit per the Town of Wilton definition is "one or more living or sleeping rooms arranged for the use of one or more individuals living as a single-family housekeeping unit, with cooking, living, sanitary and sleeping facilities." The final inspection for certificate of occupancy was conducted by Leo Trudeau, Lyndeborough's building inspector. Leo disagreed with what

Norma Ditri had originally approved, and called the office a bedroom and the kitchen area a kitchen so the space could be deemed as an Accessory Dwelling Unit, now making the house a 4-bedroom home instead of 3 bedroom and an office. Kenny Lehtonen with San-Ken Homes met with Leo to review his decision. Kenny said he would be happy to take out the shelf and electrical outlet for the microwave. Leo did not accept that change. By calling the office a bedroom, Leo is looking at the space as what it could be and not as it was intended to be used. If there is anything that could be easily done at a minimal cost to make this acceptable to the building inspector, Kenny and I are willing to make any reasonable adjustments. As the single owner, I am now faced with an impact fee of \$3,798 and the possibility of the cost to add to my current septic system if not approved as is by NHDES. All of this could have been avoided if Norma Ditri had alerted Kenny before approving the plans and granting a permit. If this was an error on her part, the owner should not be subject to the fee and the possibility of additional costs regarding the septic system. I am asking the Zoning Board of Adjustment to please reconsider this decision and advise me of anything that can be done to avoid this unexpected additional cost and grant me my Certificate of Occupancy.

Sandra S Gallo
120 Holt Road, Map D Lot 40
Wilton, NH 03086

List of Abutters:

- 1) Tax Map D- Lot 20
T. Arthur Babineau 1997 Irrevocable Trust, Patricia Babineau, Trustee
and Marie Sirois
19 Appletree Green
Nashua, NH 03062
- 2) Tax Map D – Lot 22
T. Arthur Babineau 1997 Irrevocable Trust, Patricia Babineau, Trustee
and Marie Sirois
19 Appletree Green
Nashua, NH 03062
- 3) Tax Map D-Lot 39
Ida M Ferrari
118 Holt Road
Wilton, NH 03086
- 4) Tax Map D – Lot 41
Buchanan Construction Corp Inc.
P.O. Box 785
Wilton, NH 03086
- 5) Tax Map D – Lot 19-5
Patricia Townsend
69 Putnam Hill Road
Wilton, NH 03086
- 6) Tax Map D – Lot 19-6
Manha Revocable Trust, Susan Manha, Trustee
77 Putnam Hill Road
Wilton, NH 03086
- 7) Tax Map D – Lot 24/23
Archie Thompson
115 Holt Road
Wilton, NH 03086

