



## Staff Report

### Intro information

Case Number: Case #6/09/20– 2  
Type: Administrative Decision Appeal  
Applicant: Krol Family Revocable Trust  
Noticing: Abutter Letters sent 06.01.20  
Public Notice Posted 06.02.20  
Newspaper Notice: 06.04.20

### Summary

The Krol Family Revocable Trust of 2018 has appealed a Notice of Violation from the Wilton Building Inspector that the property at Lot H–80, 834 Mason Road:

- has more than one driveway, in violation of Section G, “Driveway Regulations,” of the Town of Wilton Land Use Laws and Regulations;
- is being used in such a way as to violate the performance standards set forth in sections 4.6.2 (“Noise”), 4.6.4 (“Smoke”), and 4.6.5 (“Discharges”) of the Wilton Zoning Ordinance; and
- is the site of an unapproved home occupation per section 6.6.1 of the Wilton Zoning Ordinance.

### Lot Background

Map & Lot: H-080  
Lot size: 16.8 acres  
Frontage: 1300 ft  
Zone: Res/Ag

### Building Background

- Single family home with an Accessory Dwelling Unit built in 2008

### List of Exhibits

Background documents

- [H-080.Timeline](#) (This document may refer to additional documents)
- [H-080.Email NDitri to CKrol 05.14.20](#)
- [H-080.Notice of Violation to F&CKrol 04.08.20](#)
- [H-080.Letter from NDitri to F&CKrol with Complaint form and note11.05.19](#)
- [H-080.Letter from NDitri to F&CKrol Violation 11.05.19](#)
- [H-080.Letter from JShepardson Minutes & photos03.28.16](#)
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Multiple Driveways

- [H-080.Email DOhlund to NDtri 03.06.20](#)



## Wilton Land Use Department

- [H-080.Photos 04.02.20](#)
- [H-080.Photos 03.12.20](#)
- [H-080.Photos 03.05.20](#)
- [H-080.Photos12.16.19](#)

### Performance Standards

- [H-080.Complaint Form 10.24.19](#)
- [H-080.Complaint Form 04.18.19](#)

### Business information

- [H-080.Buissness Registrations](#)

### **Review of Criteria**

**3.1.12 Home Occupation.** A business operated in a building that is incidental and subordinate to the use of the building or lot for residential purposes in compliance with the criteria established for home occupations in section 5.3.1 or 6.6.1 of this Ordinance. (Adopted March 1998)

**4.6 Performance Standards.** All land use activities shall be conducted and operated to minimize negative environmental impacts to neighboring properties from emissions of smoke, noise and odors, vibrations, discharges, and storm water run off, and shall conform to all State and Federal regulations and the following performance standards.

4.6.1 Vibrations. Every use shall be so operated that ground vibration inherently and recurrently generated is not readily perceptible, without instruments, at any point on the property line of the property on which the use is located.

4.6.2 Noise. Objectionable noise due to intermittent beat, frequency, shrillness or excessive volume shall be muffled or eliminated so as not to become a nuisance to adjacent property.

4.6.3 Odor. Every use shall be so operated as to prevent the emission of objectionable or offensive odors in any such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located.

4.6.4 Smoke. No use shall be so operated that it degrades the quality of the air by emitting smoke or particulate matter.

4.6.5 Discharges. No use shall be so operated that it emits hazardous waste or materials.

4.6.6 Stormwater Runoff. Where development is within an aquifer area, all surface storm water shall be kept on-site and handled in such a manner as to allow the water to infiltrate into the ground before leaving the site.



## **Wilton Land Use Department**

4.6.7 Wetlands Conservation District Setback. Buildings must be set back fifty (50) feet from delineated wetlands. Wetlands boundaries shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology, by either a certified soil scientist or a certified wetlands scientist in accordance with the techniques and standards outlined in the Corps of Engineers "Wetlands Delineation Manual," 1987, and the New Hampshire Department of Environmental Services Wetlands Bureau "Wetlands Rules." (Adopted March 2004)

### **Section H. Driveway Regulations**

#### **4.0 GENERAL PROVISIONS**

- a. The Wilton Planning Board, in consultation with the Director of Public Works, may waive any of the following requirements when it is shown that strict compliance would cause undue hardship and a waiver is not contrary to the public interest. A waiver shall not compromise the public safety.
- b. Construction of any driveway shall not be conducted without a permit. Erosion controls must be in place prior to construction commencing.
- c. No use of such driveway (except of a temporary nature during construction) shall take place until the Director of Public Works has inspected the construction of the driveway and certified that said driveway conforms to the specifications set forth in this regulation.
- d. No Certificate of Occupancy shall be granted without the final construction inspection and permit of the driveway.
- e. All driveways shall be constructed only in the location shown on the approved driveway permit. A scale drawing with proposed drive location and dimensions shall be provided with the driveway permit form.
- f. All driveways shall be constructed in accordance with applicable town regulations or the State of New Hampshire Department of Transportation specifications and State of NH Statutes as applicable.
- g. Private Common Driveways shall be built according to the plans and specifications approved by the Wilton Planning Board (see standards below).
- h. The maximum number of driveway entrances allowed per lot shall be one (1) unless otherwise permitted by the Planning Board.