



Town of Wilton

Building Department

42 Main Street • P.O. Box 213 • Wilton, NH 03086

Phone: (603) 654-3960 • Fax: (603) 654-6663

COPY

NOTICE OF VIOLATION

April 8, 2020

SENT VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED AND FIRST-CLASS MAIL

Frank and Charlene Krol
834 Mason Road
Wilton, NH 03086

KROL FAMILY REVOCABLE TRUST

RE: 834 Mason Road, Wilton NH Map H Lot 80

Dear Mr. & Mrs. Krol,

Pursuant to New Hampshire RSA 676:17 and the Town of Wilton's Zoning Ordinance, Sections 4 (Performance Standards) and 6 (Permitted Uses) or, pursuant to Wilton Land Use Laws Section G Driveway Regulations, you are hereby notified that you are in violation of the above referenced ordinance regarding the Property.

A) ORDINANCES, REGULATIONS, PROVISIONS, SPECIFICATIONS OR CONDITIONS WHICH ARE BEING VIOLATED

It has been determined that you are in violation of:

1. Land Use Laws Section G, Driveway regulations for having three driveways.
 - a. G 4.0 b: No driveway permit has been submitted to Town of Wilton Director of Public Works or the Planning Board.
 - b. G 4.0 c: No inspection of driveway(s) was conducted by Wilton DPW.
 - c. G 4.0 g: Exceed the maximum number of driveway entrances. Maximum number is one unless otherwise permitted by the Planning Board.
 - d. G 5.0 Driveway Entrance Requirements
2. Wilton Zoning Ordinance Section 4.6 Performance Standards
 - a. 4.6.2 Noise has become a nuisance to adjacent properties.
 - b. 4.6.4 Smoke reportedly degrades the quality of the air in the immediate vicinity.
 - c. 4.6.5 Discharges: A variety of heavy equipment emits hazardous waste in the immediate vicinity.
3. Wilton Zoning Ordinance Section 6.1 Permitted Uses in the General Residential Agricultural District.
 - a. 6.6 The following uses will only be allowed as special exceptions by the Zoning Board of Adjustment (ZBA) and site plan review and approved by the Planning Board.
 - b. 6.6.1 Home Occupations: This property has no approval by ZBA or Planning Board for a Home Occupation.

COPY

B) CORRECTIVE ACTION REQUIRED

You are hereby ordered to:

1. Immediately cease use of two of the three driveways by putting up permanent barriers to entry on two.
2. Remove all heavy construction equipment, trucks, trailers, and such that are associated with a Construction Business and;
3. Clean up or otherwise remedy the violation[s] described above – Take all necessary steps to prevent noise, smoke, & discharges from heavy equipment which impact the neighborhood.

If you have any questions regarding your obligation to perform the above corrective actions, please contact me at (603) 654 - 3960 or nditri@wiltonnh.gov

C) TIME FRAME TO COMPLETE CORRECTIVE ACTION

You must complete the above-referenced corrective action no later than Tuesday April 14, 2020.

Failure to comply with the above orders within that time frame will result in the Town of Wilton pursuing all legal and equitable remedies available against you pursuant to RSA 676:15 and RSA 676:17, to include injunctive relief in Superior Court. In the event that you fail to take the above corrective actions, this Notice of Violation constitutes notice that the Town will pursue fines in the form of civil penalties for **each day** that the property remains in violation after Tuesday April 14, 2020 pursuant to RSA 676:17, I. Furthermore, the Town will seek reimbursement of its costs and reasonable attorney's fees incurred by the Town resulting from the enforcement of this matter through the courts pursuant to RSA 676:17, II. RSA 676:17, I and II, state as follows:

I. Any person who violates any of the provisions of ... any local ordinance, code, ... or any provision or specification of any ... any local ... land use board acting under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil penalty not to exceed \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is earlier. (Emphasis added).

II. In any legal action brought by a municipality to enforce, by way of injunctive relief as provided by RSA 676:15 or otherwise, any local ordinance, code or regulation adopted under this title, or to enforce any planning board, zoning board of adjustment or building code board of appeals decision made pursuant to this title, or to seek the payment of any fine levied under paragraph I, the municipality shall recover its costs and reasonable attorney's fees actually expended in pursuing the legal action if it is found to be a prevailing party in the action. For the purposes of this paragraph, recoverable costs shall include all out-of-pocket expenses actually incurred, including but not limited to, inspection fees, expert fees and investigatory expenses. (Emphasis added).

COPY

D) CONTINUING VIOLATIONS

Should the above referenced violation(s) continue to exist on the Property after April 14, 2020, **each day thereafter will constitute a separate zoning violation, for which this Notice of Violation makes you aware. Pursuant to RSA 676:17 I, you will be subject to a civil penalty of \$550 for each additional day that the subject violation remains on the property.**

This Violation Notice constitutes notice to you of each subsequent violation and the potential for significant civil penalties therefor.

If you have any questions regarding this **NOTICE OF VIOLATION** you should promptly contact me at (603) 654 - 3960.

TOWN OF WILTON



Norma Ditri

Building Inspector/Code Enforcement Officer

cc: Select Board

Assessor

Town Administrator