



Land Use Office
Town of Wilton
42 Main Street
Wilton, NH 03086

Staff Report

Date: December 8, 2020 – updated March 31, 2021

Lot Background

Map & Lot: B-097

Address: 317 Forest Road

Lot size: 2 acres

Frontage: 780 feet

Zone: Industrial and in the following overlay districts:

Floodplain Conservation District

Wetlands Conservation District

Watershed District

Aquifer Protection District (parts)

Due to setbacks in this district, less than 0.5 acres are buildable on this lot.

Relevant Zoning Ordinances

Section 4.2.1c.1 – Individual Systems - sanitary systems shall be setback from wetlands, water bodies, open water bodies and perennial streams as follows: 1. systems located entirely or partially in highly permeable soils (a permeability of six (6) inches per hour throughout as indicated in the USDA *Soil Survey of Hillsborough County, New Hampshire, Western Part*.) - 125 feet

Section 8.5 – Prohibited Uses in Industrial District. Neither residential uses nor Heavy Manufacturing, as that term is defined in Section 9A.2.1 of this ordinance, is permitted in the Industrial District.

Section 10.0 Floodplain Conservation District

Section 12.0 Aquifer Protection District

Section 14.0 Watershed District

Section 17.1c Non-Conforming Uses and Buildings - A non-conforming use may not be re-established after discontinuance for more than one (1) year.

Assessor Background

2020 – Assessor notes that on a visit this summer, this lot was vacant.

2013 – Property card notes that the mobile home had been removed. No other outbuildings were observed.

2003 – Property card showed trailer, and garage.

1962 – Trailer as replaced with a 10 x 57' trailer.

1960 – Trailer was added to the lot was 12 x 23. A chicken coop and shed were noted on the property.



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Building Background

Currently, there are no buildings on the lot. The last residential use of the lot was prior to 2013.

2013 - Todd Land Consultants designed a septic system with an approval for construction #CA201311241. No approval for installation, backfill, or operation. No record of installation.

2012 – Demolition Permit from 11/12/12 condition noted requesting a landfill receipt – no receipt noted.

Land Use

ZBA Cases

Case # 09/09/08 – 1. This was a variance request to add on to the manufactured home in the back. The dwelling was a non-conforming use. The variance was granted.

<https://wiltonzba.org/cases/2008090901/index.html>

Case # 05/08/12 – 2. This was a variance request for two things. First the construction of a septic system in highly permeable soils and close to wetlands, and second, removing the mobile home and replacing it with a two family home. The variances were denied.

<https://wiltonzba.org/cases/2012050802/index.html>

Case #06/12/12 – 2. This was a variance request for two things. First, the construction of a septic system in highly permeable soils 93 feet from a wetland, and second, the replacement of two existing non-conforming buildings by 28' x 60' single-family manufactured home with a 24' x 30' addition. This was withdrawn.

Case #08/14/12 – 1. This was a variance request for two things. First the construction of a septic system in highly permeable soils, and second, the replacement of two non-conforming buildings by an enlarged and extended single-family home with attached garage. These variances were granted. This was the language of the decision: This decision shall expire if the construction or use permitted by it has not begun by Thursday, August 14, 2014. (Wilton Zoning Ordinance section [17.4](#))

Case #04/13/21 -1. This is a variance request for two things. First to allow the construction of a septic system in highly permeable soils 93 feet from a wetland, where the ordinance would require a 125 foot setback, and second, the construction of a single-family home with attached



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garage on the area of the lot that has approximately 0.5 acres of non-wetlands and no land outside the flood zone.

Planning Board - No cases

Review

This lot is in the Industrial District and residential use is expressly prohibited. “Grandfathering” of a use only lasts a year and a day – so the residential use on this lot has expired. Please see Section 17.1c of the Zoning Ordinance.

In the absence of any documentation, there is no clear evidence of the installation of the septic system for which a variance was granted in 2012. That decision expired in 2014.

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