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November 5, 2021

Town of Wilton  
Zoning Board of Adjustment  
42 Main Street, Box 83  
Wilton, NH 03086

Re: Isaac Frye Holdings, LLC - Property Tax Map F, Lot: 002-32

Dear Board Members:

As you are aware, this office represents the interests of Isaac Frye Holdings, LLC regarding the above-referenced Application for a Variance. The Application seeks a variance from Article 4.1 and Article 12.4 of the Zoning Ordinance, to allow the excavation of earth materials in conjunction the construction of a driveway and residential dwelling on the above- referenced property. The original proposal involved the construction of a two-story, single-family home with attached garage and attached driveway on the property.

You are also aware that upon obtaining a driveway permit for the property, my client began excavation operations and excavating for the driveway and home and removed 5,183 yards of material prior to notification from the Town to cease excavation activity. Our original proposal involved the excavation of an additional 21,583 yards of material, for a total of 26,766 yards, in order to construct an appropriately graded driveway and to create a reasonable building area and yard for this single-family home.

At your October meeting, a letter was presented on behalf of the neighbors and abutters addressed to Silas Little from Keach Nordstrom Associates suggesting that it would be possible to build a home on the property without the level of excavation contemplated by my client's pending proposal. In an effort to address the concerns of these abutters and neighbors, my clients have looked hard at the Keach Nordstrom proposals to see if they can develop the property in a way that minimizes the amount of excavation needed.

One option proposed by Keach Nordstrom was the construction of a home on the plateau area at the height of the lot, with the driveway extending to the east/southeast in order to gradually climb the grade and contour of the north facing slope of the property. My client has reviewed

that approach and does not feel that it is cost-effective, or safe. The construction costs for such a driveway would be excessive and the resulting driveway would be difficult to maintain due to its length and would likely require guardrails and other safety features in order to prevent possible accidents on the driveway. Cutting a driveway into a steep side slope will result in steep embankments and make access to the property difficult for delivery trucks and emergency vehicles. Plowing and maintenance costs would be excessive. My clients do not view such a driveway as an appropriate feature for this lot as suggested by Keach Nordstrom.

The other proposal advanced by Keach Nordstrom would be the construction of the home at the northwest corner of the lot just beyond the lots' flagpole feature. Keach Nordstrom proposed that an existing easement over Lot F - 3-1 could be used to create a driveway in this area without excessive excavation. As we explained the October hearing, my clients are reluctant to make use of the Lot F - 3-1 easement, given the undesirability of easement access and the close proximity of the neighbor's home to the easement area. Under the circumstances, such an easement is not likely to function well between these two neighbors.

However, in an effort to address the abutters' concerns my clients have looked at this proposal in further detail to see if they can construct a home in this area with minimal excavation. After additional work by our engineer, Jon Rokeh, we have determined that we can place a manufactured housing unit on the site in this area. Such a proposal would not involve any additional excavation beyond the 5,183 yards which had been previously removed. The existing grade of the driveway and the flat area at the northwest corner will be sufficient to place this particular housing unit. Some additional material may need to be dug-up in order to properly stabilize the site, but no additional commercial excavation would be required to proceed with this proposal.

While this proposal reduces the overall amount of material to be excavated by over 80%, it still exceeds the 500 cubic yards of exemption under the Town regulations. It is our assumption that the Town takes the position that we still need a variance to proceed with the amended plan even though there will be no further excavation activities. As such, I am writing to advise the Board of our current proposal and to amend our request for a variance under Sections 4.1 and 12.4 to allow for the excavation of 5,183 yards as already removed for construction of the driveway and the placement of the proposed manufactured housing unit. We believe that this proposal addresses the concerns of the neighbors and abutters while still providing my clients with a viable use of the property. While the scope of the excavation is decreasing by over 80%, the arguments in support the variance request remain the same, and as such, we believe we should simply be able to submit the attached amended plan and amend our request rather than

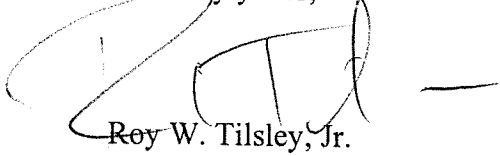
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submitting a new variance application with the Board. We look forward to addressing any additional questions or concerns that you may have at next Tuesday's meeting.

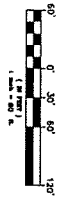
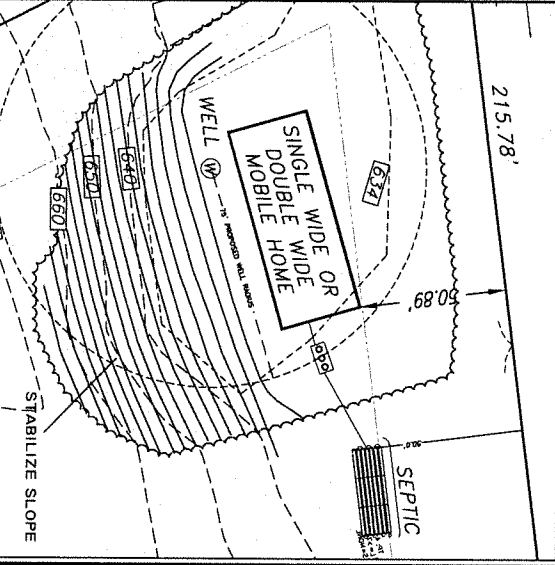
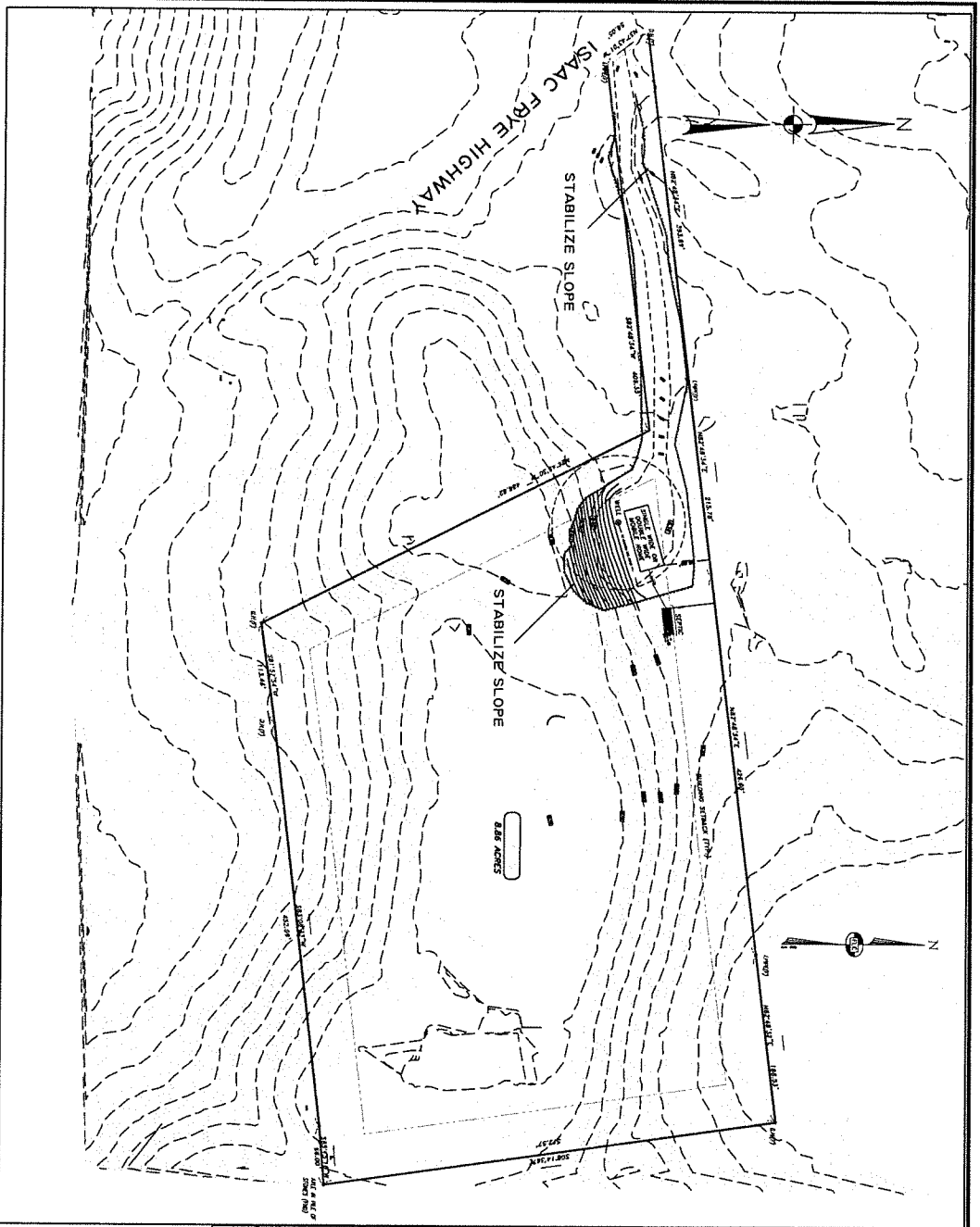
Sincerely yours,

A handwritten signature in black ink, appearing to read "Roy W. Tilsley, Jr.", with a horizontal line extending to the right.

Roy W. Tilsley, Jr.

RWT/pjm

Enclosure



OWNED BY:  
ISAAC FRYE HOLDINGS, LLC  
NEW IPSWICH, NH

**LOT PLAN TAX MAP F/3 LOT 2**  
TAX MAP F/3 LOT 2 - ISAAC FRYE HIGHWAY  
TOWN OF WILTON, COUNTY OF HILLSBOROUGH  
NEW HAMPSHIRE

DATE	REVISIONS	DESCRIPTION	DRN BY	CK BY

**ROKEH CONSULTING, LLC**  
89 KING ROAD, CHICHESTER, NH  
PH: 603-587-8688

SCALE: 1" = 60'  
DATE: SEPT 6, 2021  
DRN BY: JR  
JOB NO.  
SHEET  
1 OF 1