



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by the Richard A. Rantamaki Trust u/d/t dated 7/25/2020 (owner) and Timothy W. Sullivan and John Harrison, LLP (applicant) for variances to sections 5.1(c), 5.2.5, 7A.5.2(a), and 7A.5.2(e) of the Wilton Zoning Ordinance has been denied. If granted, the variances would have allowed an 11 unit residential condominium development on Lot J-79, 63 Forest Road (Intervale Hardware), where the ordinance only allows three dwelling units on a lot, the buildings would have two stories over a garage, and the buildings and parking areas would encroach into the setbacks.

Section 5.1(c)

The variance to section 5.1(c) of the Ordinance was denied for the following reasons.

Context

The subject property is a 0.8 acre lot located in the Downtown Commercial District, which allows “any use permitted in the Residential District [...], under the same provisions as apply to the use in that district ...” (Section 7A.3.1(a).) One of those provisions is Section 5.1(c): “A maximum of three (3) dwelling units per lot is allowed for any new construction on Town water and sewer ...”

The subject property is directly across Forest Road from three residential lots in the Downtown Commercial District, two residential lots in the Residential District, and a Downtown Commercial District lot containing a presently unused historic industrial building. It abuts a vacant Downtown Commercial District lot and a residential lot in the Residential District on the same side of Forest Road. Behind it, across Pleasant Street, are three residential lots in the lower-density General Residence and Agricultural District.

Spirit of the Ordinance and Public Interest

Eleven units on a single lot of any size, much less one of less than an acre, would be a dramatic departure not only from what is permitted in the Residential District and Downtown Commercial District, but from any existing development in those districts.

Visually, the development would present itself from Forest Road as a continuous “wall” 240' long and 39' high (with a single 20' gap in the middle), and from Pleasant Street as a wall approximately 20' high.

Thus, the proposed development would alter the essential character of the neighborhood, and would therefor be inconsistent with the spirit of the ordinance and contrary to the public interest.

Unnecessary Hardship

Section 5.1(c) is clearly intended to preserve the existing pattern of development in the Residential District, and its inclusion by reference in the Downtown Commercial District, which

is directly adjacent to the downtown portion of the Residential District, appears to reflect the same purpose. There is thus a fair and substantial relationship between the general public purpose of Section 5.1(c) and its specific application to the proposed development of the subject property, and therefore no unnecessary hardship.

Other Variances

Because the applicant felt that the proposed development could not be viable with less than 11 units, the remaining variance requests were moot, and the ZBA, without objection from the applicant, declined to address them.

Appeal

The selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before Friday, September 10, 2021, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Faiman", with a stylized, flowing script.

Neil Faiman, Chairperson
Wilton ZBA
August 16, 2021

Case #7/13/21-1