



Town of Wilton, NH
Application to the Zoning Board of Adjustment
 (Revised January 2011)

General Information, Page 1 of 3

Property Information

Describe the lot involved in the application (the lot that you want to build a building on, subdivide, conduct a business or other activity on, etc.). If more than one lot is involved, then describe them all in this space if it is convenient, or attach additional copies of this page.

Tax Map and Lot Number F 98.1 Lot Size 33.244 AC

Street Address 195 Isaac Frye Hwy

Zoning District (check one):

- Residential General Residence and Agricultural
- Commercial Industrial Office Park

Relevant Overlay Districts (check any that apply):

- Research and Office Park Floodplain Conservation Watershed
- Wetlands Conservation Aquifer Protection Elderly Housing

Owner

If the application involves multiple lots with different owners, attach additional copies of this page.

Name EDUCATIONAL COMMUNITY FARM

Mailing address 195 Isaac Frye Hwy

Mailing address _____

Town, State, ZIP Wilton, NH 03086

This application must be signed by the owners of all lots involved in the application.

I approve the submission of this application. If an applicant or representative is named on the next page, the person named there has my permission to represent me before the Wilton Zoning Board.

Signature [Signature] Date 4-20-2022

(continued on the next page)

clerk use only	
Date and time received:	<u>4/26/2022 @ 3:00pm</u>
Received by:	<u>Michele Dewean</u> Amount paid: _____
Case #:	_____ <input checked="" type="checkbox"/> Abutter list and labels included



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Applicant

The applicant is the person who actually wants to build the building, conduct the business, etc. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.

Same as owner

Name Four Corner Farm Coop.

Mailing address 195 Isaac Frye Hwy

Mailing address _____

Town, State, ZIP Wilton, NH 03086

Signature of Applicant or Owner

I certify that to the best of my knowledge and belief, all information provided in this application is accurate.

Signature Lincoln Gaiger Date 4/19/22

Representative

Fill out this section if the application is being submitted by a realtor, surveyor, engineer, attorney, etc., on behalf of the actual owner or applicant.

Name _____

Mailing address _____

Mailing address _____

Town, State, ZIP _____

I authorize the above-named representative to submit this application and to speak before the Zoning Board on my behalf.

Signature of applicant or owner

Signature _____ Date _____

(continued on the next page)



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Contact Information

How can we get in touch with the applicant or the applicant's representative, if there are questions about or problems with the application? Provide at least one of the following. If you provide more than one, please check your preferred form of contact.

This information is for: the applicant the representative.

Daytime phone 603-554-6536 Evening phone same
 Work E-mail bullfriend@gmail.com Personal e-mail same

Proposed Use

Explain what you want to do with the property. (Do you want to build a building, subdivide a lot, have a business, ...).

Explain why you need the Zoning Board to let you do it. (The building will be too close to the lot line; the Planning Board wouldn't approve your subdivision; your lot is in a zoning district where businesses aren't allowed; ...).

Be specific. Identify the section or sections of the Zoning Ordinance that apply. If lot sizes or configurations or building placements are relevant, provide a scale drawing or plan showing all relevant information, such as lot lines, setbacks, present and proposed structures on your lot and neighboring lots, etc.

Description of proposed use and need for ZBA approval (use this page; attach additional pages as necessary):

Build a 3rd dwelling on one lot. Asking the Zoning Board for a variance, the zoning ordinance dose not allow for more then one Dwelling Per lot.

Reasoning for the application. Over the years The Temple Wilton Community farm Has evolved and grown. Presently the original farmer's, Lincoln Geiger and Anthony Graham are retired. The necessity for new farmers requires us to offer housing on the premises. The original farmers had their own housing from before the farm started. So with this application we are asking the zoning board to give a variance to allow a third dwelling. The second dwelling which was designated temporary farmer housing for our seasonal workers is proposed to become a permanent dwelling for the vegetable grower's Family. The proposed third dwelling would be for our temporary and seasonal agricultural workers and it would be located on top of the Cheesehouse which is part of the barn complex. This would allow us a new dwelling without making an expansion of footprint within the homestead area of the farm. The conservation easement governing the Homestead area and Farm property allows for multiple dwellings but only within the Homestead area. The easement does not allow for subdivision or dwellings on any of the agricultural land.



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Application for a Variance, Page 1 of 2

When, because of the specific characteristics of your property, the Zoning Ordinance unreasonably restricts your use of your property without a corresponding public benefit, the Zoning Board may grant a Variance, which modifies or sets aside particular requirements of the Ordinance.

The specific section of the Zoning Ordinance to be varied: 5.1.d and 5.1.c

The requirement in that section that you want to change, and how you want it changed:

want to add a 3rd Dwelling unit.

To grant a variance, the Zoning Board must decide that it will satisfy each of the following five conditions. Please explain why you believe that each of the following statements is true. (Use additional sheets of paper if necessary.)

1. Granting the variance would not be contrary to the public interest: The addition of a 3rd Dwelling would not change the character of the farm. No increased parking or traffic would result. The Historic conservation easement would be respected.
2. Granting the variance would be consistent with the spirit of the Ordinance: The Agricultural nature and ~~infrastructure~~ ^{infrastructure} needs for maintaining Agricultural sustainability would be part of the intent in the spirit of the ordinance.
3. Granting the variance would do substantial justice: The granting of the variance would allow the farm to contain its work force on premises, at present that is not the case. Residential use in Residential area.
4. The proposed use will not diminish surrounding property values: No. The addition of one dwelling in the farm homestead area is not changing the existing nature of the area.

Note to Amend (continued on the next page)

Moving the seasonal farm workers housing use from its existing site to the proposed site, will change the use of the existing dwelling to permanent use. It will be year round. This needs permitting as well.



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5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship.
Complete just one of sections 5(a), 5(b), or 5(c):

5(a) i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property:

ii. The proposed use is a reasonable one:

iii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

5(b) i. The property cannot be reasonably used in strict conformance with the ordinance:

The agricultural use creates the need for multiple dwellings.

ii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

The conservation easement prohibits further development of the property and restricts residential dwellings outside the Farmstead P&EA

5(c) **Hardship resulting from a physical disability.**

i. The variance is necessary to make reasonable accommodations to allow a person with a recognized physical disability to reside in or regularly use the premises:

ii. The variance is in harmony with the general purpose and intent of the zoning ordinance:



Town of Wilton, NH

Zoning Board of Adjustment

Decision notices posted at this web site have not been checked for consistency with the printed decision notices that are available in the Wilton Town Offices. If you need the definitive text of a decision, please obtain the printed notice from the town offices.

Case 2/9/10-1

Tuesday, February 9, 2010 — Notice

The Educational Community Farm (applicant) and Steven Moheban / Senator Development (owner) have applied for a variance to section 5.1(d) of the Wilton Zoning Ordinance, to permit the conversion of a portion of a barn on Lot F-98-1, 195 Isaac Frye Highway ("Four Corners Farm") to a bunkhouse for seasonal workers and a dairy herdsman.

The Town of Wilton Zoning Board of Adjustment will consider this application in a public hearing in the Wilton Town Hall Courtroom on Tuesday, February 9, 2010 at 7:30 p.m.

The application for this case, and any other documents submitted with it, are available for inspection in the Wilton Town Offices.

Tuesday, February 9, 2010 — Decision

The application by the Educational Community Farm (applicant) and Steven Moheban / Senator Development (owner) for a variance to section 5.1(d) of the Wilton Zoning Ordinance has been granted. The variance will permit the conversion of approximately 1000 square feet in an existing building on Lot F-98-1, 195 Isaac Frye Highway ("Four Corners Farm") for seasonal farm workers' housing, as shown on the plan submitted to the Zoning Board. The housing is to be occupied by no more than five residents, who must be employees of the Farm or their immediate family members. Use of the existing farm workers' apartment in the main building on the property must be permanently discontinued

This decision shall expire if the construction or use permitted by it has not begun by Thursday, February 9, 2012. (Wilton Zoning Ordinance section 17.4)

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 Thursday, March 11, 2010, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Minutes of the hearing.

DETAIL A

PROPOSED BUILDING ENVELOPE AREA
108,933 SF
2.50 ACRES

2 1/2' ROD
R.C.W

MAP F / LOT 97
CHARLES McGETTIGAN
REVOCABLE TRUST
PO BOX 263
McGETTIGAN ROAD
WILTON, NH 03086
BK 5579 / PG 898

MAP H / LOT 56
CHARLES McGETTIGAN
REVOCABLE TRUST
143 McGETTIGAN ROAD
WILTON, NH 03086

Lot
F. 98.1
33.244 AC

ISAAC FRYE HIGHWAY

PROPOSED DRIVEWAY (TYP)

N88°24'08"W
114.64

PROPOSED FARMSTEAD AREA
121,750 SF
2.79 ACRES

BADGER FARM ROAD

Farmer housing

LOT 54-8
... DEVELOPMENT LLC
... TURNPIKE STREET, SUITE 202
NORTH ANDOVER, MA 01845
BK 6807 / PG 718

EXISTING BUILDING (TYP)

3 parking spots

New Bldg.

Industry

Cafe + art upstairs

S73°44'17"W
29.22
S14°22'24"E
22.62
52
80
69'
15'56"W
20.00'
4°22'24"W
N16°52'33"W
17.51
48.00'
N05°47'49"E
N21°06'36"E
71.93
N18°16'44"W
N18°08'47"W
120.36
BM-USGS
EL=827.29

S72°37'08"W
9.38
115.22
N18°21'04"W
20.01'
N41°20'42"W
10.69

153.91
80
N81°00'47"W
40.02'
PSNH #54
N66°27'02"W
29.20

C
BC
IF
PL
AP

Eleanor McGettigan ✓
214 McGettigan Rd
Wilton, NH 03086

High Mowing School ✓
222 Isaac Frye Highway
Wilton, NH 03086

Educational Community Farm Inc ✓
195 Isaac Frye Highway
Wilton, NH 03086

SCK Revocable Trust ✓
Robert Moheban
PO Box 588
Nashua, NH 03061

Levesque Jr Irrev Trust ✓
Paul and Elizabeth Levesque ✓
171 Isaac Frye Hwy
Wilton, NH 03086

Joshua & Courtney Marquis ✓
184 Isaac Frye Hwy
Wilton, NH 03086

ReVision Energy Inc ✓
7A Commercial Drive
Brentwood, NH 03833

USDA NRCS ✓
ATTN: Ian Rogers
273 Locust St, Suite 2D
Concord, NH 03301

LCHIP
ATTN George Born
3 N Spring St, Suite 100
Concord, NH 03301

Town of Wilton ✓
ATTN Select board
PO Box 63
Wilton, NH 03086

Wilton Conservation Commission ✓
PO Box 83
Wilton, NH 03086

Wilton Heritage Commission
PO Box 83
Wilton, NH 03086



Lincoln Geiger <bullfrind@gmail.com>

Yurt proposal

Ben Engel <BEngel@lchip.org>

Fri, Apr 1, 2022 at 10:36 AM

To: "bullfrind@gmail.com" <bullfrind@gmail.com>

Dear Lincoln,

After we talked earlier this week, I've looked deeper into your question about building a yurt on the farm, and I want to let you know what I've found.

I understand the challenges with building in the designated residential building area, and why that site isn't your first choice. Unfortunately, after carefully reviewing the easement, I just don't see anything that would allow you to build a yurt on the "farm" area of the property, other than in the designated building area. I also don't see anything that would allow for a yurt to be built within the farmstead area of the property.

You have wide latitude to building new structures related to farming and forestry within the farmstead area, provided the new structures "reflect small, southern New Hampshire vernacular farmstead design". Unfortunately, a yurt would not meet that requirement, and if one were to be installed you would be violating the easement- something I know you don't want to do.

The good news is that, although the easement doesn't allow for a yurt, it does allow for other types of structures, including residential structures. Section 7 of the easement allows for new structures to be built within the farmstead area as long as they

1. are ancillary to and used exclusively for support of the on-premises agriculture or forestry activities conducted on the farm, and
2. do not degrade existing historic and archaeological values, or the Purposes of the easement, and
3. reflect small, southern New Hampshire vernacular farmstead design.

In my opinion, farmworker housing would meet requirement 1, and I expect you could design a structure that would meet requirements 2 and 3.

If the footprint of any new structure is to be more than 200 square feet, a formal request for approval must be sent from the landowner (The Educational Community Farm) to both the Town of Wilton Select Board and LCHIP. The process for requesting and receiving approval would likely be over 30 days. But, if the footprint of a new structure is 200 square feet or less, it would not need prior written approval. Keep in mind that, regardless of the size or whether prior written approval is required, any structure installed in the farmstead area would need to meet the three requirements above.

I understand that this isn't what you want to hear. Unfortunately, LCHIP and the Town are both legally bound to uphold the terms of the easement as written, and do not have the authority to override them. I hope you can find a solution that meets your need for worker housing within the scope of the easement.

Best,



Lincoln Geiger <bullfrind@gmail.com>

Yurt proposal

Ben Engel <BEngel@lchip.org>
To: "bullfrind@gmail.com" <bullfrind@gmail.com>

Tue, Mar 22, 2022 at 10:22 AM

Hi Lincoln,

Paula and I had a chance to review the terms of the CE and discuss your proposal and your needs. I think there are two main ways you can proceed from here to meet your needs for additional housing.

The first, and perhaps easiest, would be to locate additional housing within the farmstead area. You have wide latitude to create new buildings there, according to section 2.B.7., provided that they do not degrade the historical values of the farm and are in accordance with 2.B.3.b., which states "Such work reflects small, southern New Hampshire vernacular farmstead design." Of course, we discussed that a yurt does not meet that test. Perhaps there is some other structure that could be easily created, which would serve the same function as a yurt, but fit in better with the surrounding structures.

I don't see a provision in the CE that would allow for creation of a residential structure outside of the farmstead area, except for within the designated building envelope on top of the hill. The writers of the CE have allowed for various other structures to be created on the farm area, such as barns, sugar houses, etc., but it seems deliberate that residential structures would be limited to the designated building envelope. Unfortunately, it seems that building in this area would trigger the need to survey and monument the building envelope in order to exercise that right (as well as eventual amending of the easement to show this area). I do understand that siting in that location is a little bit trickier with respect to access, clearing, utilities, etc., as well. If you decided to erect a yurt in this location, we would need to see an effort to carry out the required surveying and monumentation, which could take the form of an estimate being obtained from a surveyor.

I'm not sure that I see other options for how to proceed, but I'm happy to talk via email or phone about this. Unfortunately, I don't see it being possible to classify a yurt as a temporary structure if the tentative plan is to have it in place for between 5 and 7 years. I'm happy to discuss further.

Thanks,

Ben

Ben Engel (*he/him*)

Land Conservation Program Specialist

New Hampshire Land and Community Heritage Investment Program

(O) 603-224-4113 Ext. 11