

**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
**(Revised October 2021)**  
**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 MAP D-37 Lot Size .6 ACRES

Street Address 102 HOLT ROAD

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 ANA MARIA HERNANDEZ LISTED AS ANA MARIA EDWARDS

Mailing address 102 HOLT ROAD

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 \_\_\_\_\_

Date 6/10/22

(continued on the next page)

**clerk use only**

Date and time received: \_\_\_\_\_

Received by: \_\_\_\_\_ Amount paid: \_\_\_\_\_

Case #: \_\_\_\_\_  Abutter list and labels included

**Town of Wilton, NH**  
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**(Revised October 2021)**  
**General Information, Page 2 of 3**

**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 \_\_\_\_\_

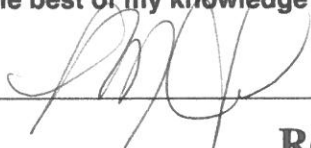
Mailing address \_\_\_\_\_

Mailing address \_\_\_\_\_

Town, State, ZIP \_\_\_\_\_

**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  Date 6/10/22

**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 N/A

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 (only if a representative is named)**

Signature \_\_\_\_\_ Date \_\_\_\_\_

(continued on the next page)

**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
**(Revised October 2021)**  
**General Information, Page 3 of 3**

**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 (0178) 390-0832  Evening phone \_\_\_\_\_

Work E-mail \_\_\_\_\_  Personal e-mail anamariaumb@yahoo.com

**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 (attach additional pages as necessary):

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## Proposed Use and Why

I, Ana Maria Hernandez, would like to open a **licensed family child care business** from my home.

My goal would be to serve working families in the area who conform to non traditional working hours. As a parent myself, I could not find childcare that opened early enough to be able to send my child. With Hitchner manufacturing right over the town border who work all hours of the day, and many tradesmen and retail workers, I figured I couldn't be the only person in the area with a similar problem and feel I could fill that need.

Although the property is zoned as Residential/Agricultural and would allow for a home occupation, it does so with approval of a special exemption as outlined in **5.3**, or more specifically, **5.3.1.**, **5.3.6** (Residential) And **6.6.1.** (Residential/Agricultural). The provisions of **5.3.1.** govern home occupations in the RA zone in this instance as it is not in conflict with any requirements outlined under **6.6.1.**. In reference to ordinance 5.3.1.1, (1) the home occupation will use more than 20% of the gross heated floor area and (2) In being licensed for 6 children in my proposed care, one which is mine, bringing the total to 5, I cannot stay within the limitations of 5 visits per week to the home occupation counting drop off and pick up and would need a special exemption.

I therefore am proposing to the board that you allow me to explore this business avenue as I believe it would serve the community well. I will outline in the special exemptions section of this application why I believe my business satisfies the ordinances in question.

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**Application for a Special Exception**

A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board. Every special exception is allowed by some section or subsection of the Ordinance. Most special exceptions have a list of requirements; the Zoning Board can only approve the special exception if it finds that all the requirements are satisfied.

**Note that in addition to the specific requirements that may be listed for a particular special exception, all special exceptions are subject to the general requirements in Section 4.12 of the Zoning Ordinance.**

What section of the Zoning Ordinance defines the Special Exception that you are applying for? 5, 3, 1

Explain why your proposed use satisfies the requirements of the Zoning Ordinance (attach additional pages as necessary):

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\* SEE ATTACHED PAGES

## **Each section of the town ordinance which affects this application will be itemized and addressed**

### **5.3.1 Home Occupations.**

This proposed home occupation is within a low density neighborhood of single family homes with tree and vegetation as screening to all abutters but the homes across the street. Being elevated and in consideration of the business being primarily in the home and playtime being predominantly in the backyard, out of sight of the neighbors, I believe this business would be of no nuisance to the existing neighborhood as it stands.

1. The home occupation will be conducted mostly in the living room, dining room, and utilize the upstairs bathroom of the house. It uses all the same square footage and although conducted there, is secondary to the use as a dwelling.
2. Only myself and my boyfriend live here with our child. No non family members will be employed
3. See above
4. No changes to the building outside of fire and life safety changes have or will be conducted to the house.
5. No occupational materials will be stored outside
6. 4 more vehicles can be parked in the driveway outside of residential space and use, as well as 2 spots in front of the house against a stone wall that is set back from the road. In these spaces a vehicle is 2 feet into the roadway but allows plentiful room for residents of the area to move around them as needed.
7. The allotment for children on the proposed license is a maximum of 6, including my child, which brings the total number of parents that may come to the home occupation at 5 cars. These 5 cars will visit the home and use the roadway twice a day during varied times and will not create traffic, especially since Holt Road is a dead end street.
8. Building and fire inspections are tentative to this zoning approval.
9. If this business outgrows its current use and space, it will be moved to a commercial area in town.

## **4.10 Performance Standards**

### **4.10.1 Vibration and Ground Motion.**

There will be no vibration or ground disturbance as the ground is not being disturbed in any way.

### **4.10.2 Noise.**

Being currently zoned in RA, a Residential/Agricultural zone, the proposed everyday use would not exceed normal conversation (55 decibels). However, as the children will playing outside during an hour or two out of the day, the assumption is this noise falls under impulsive sound. "Impulsive sound" means a repeated sound of short duration characterized by an abrupt onset and rapid decay and occurring at the rate of less than one per second.'

"The requirements of this section shall not apply to the operation or conduct of (1) temporary on-site generators providing emergency power during electrical outages; (2) customary equipment used during daytime construction of permitted structures, such as air compressors or generators; (3) power tools for intermittent residential use and maintenance, such as mowers, chainsaws, snow removal equipment, etc.; (4) permitted events conducted during the prescribed time period; (5) emergency vehicles or equipment or alarm systems; (6) customary agricultural activities during normal working hours; (7) school or church bells or chimes; and (8) blasting activity conducted in accordance with permit requirements."

Although not listed directly as an exception, I believe the occasional yells of children enjoying themselves is much more pleasant to listen to than a lawnmower and would blend with the young children who already reside on Holt Road.

### **4.10.3 Odors.**

There will be no odors generated by this business.

### **4.10.4 Smoke and Airborne Particulates.**

This business will not cause airborne particulates outside typical wood stove of residential use

### **4.10.5 Discharge of Hazardous or Toxic Materials, Gases or Liquids.**

This business will not create or discharge hazardous materials

### **4.10.6 Lighting and Glare.**

There will be no additional lighting added to the property.

#### **4.10.7 Signage.**

This business will not have signage

#### **4.10.8-11**

N/A

#### **4.10.12 Exception for Pre-existing Structures, Installations or Use.**

There will be no changes, additions, movements or alterations in any way to the existing structure and therefore, satisfies this section.

#### **4.12 Special Exemptions**

1. As outlined in my general application, the home occupation under General Residential/Agricultural does not satisfy section 5.3.1 (1) and (2) and would need a special exemption.
2. Because no structural or exterior changes will be made to the lot or home in question, it does not substantially affect the neighborhood to which it belongs.
3. Complies with section **4.10-4.11** as described above
4. Will not cause any change to property values and, moreover, will be an asset to working families looking to move into the neighborhood.
5. As a business with a maximum of 5 cars driving on the road twice during the day at the varied hours, it will not cause traffic.
6. There will be 4 off street parkings spots in the driveway, as well as an additional 2 spots in front of the house set back from the road against a stone wall.
7. No changes will be made aesthetically and will not affect the attractiveness of the town.
8. Meets all affected sections in the town ordinance



**Abutter List**

**Lot #**

**Nicholas and Jenny Lord**  
90 Holt Road  
Wilton, NH 03086

**D-41**

**Ashlyn K. Kapetanakis**  
116 Holt Road  
Wilton, NH 03086

**D-38**

**Ida M. Ferrari Irrevocable Trust**  
118 Holt Road  
Wilton, NH 03086

**D-39**

**Faith E. Hunter**  
97 Holt Road  
Wilton, NH 03086

**D-29**

**Norma L. Crowley**  
105 Holt Road  
Wilton, NH 03086

**D-27**

**Michael D. Cox**  
109 Holt Road  
Wilton, NH 03086

**D-26**

**Adam Lee**  
103 Holt Road  
Wilton, NH 03086

**D-28**

**Ana Maria Hernandez**  
102 Holt Road  
Wilton, NH 03086

**D-37**