



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by San-Ken Homes, Inc. for a special exception under section 11.4 of the Wilton Zoning Ordinance has been granted. It will allow construction of a driveway that will cross a wetland area in conjunction with a proposed subdivision of Lot A-44-1, Barrett Hill Road.

The decision is subject to the following conditions:

- The wetland crossing is to be in the location shown in the “Lot 3 / Lot 7” section on the plan labeled “Driveway Plan and Profiles / Lots 1, 2, 3, & 7 / Tax Map Lot 44-1 / Wilton, New Hampshire” Revision D, 11/04/22, which was submitted to the Zoning Board and is included in the case file.
- The construction details are to be as shown in the “Embedded Culvert Cross Section and Detail at Sta. 12+94 through Sta 12+84” section on the same plan, or with such modifications as may be required to obtain State Wetland Board approval.

This decision shall expire if the construction or use permitted by it has not begun by Friday, November 8, 2024. (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, December 8, 2022, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Fact

- These findings of fact are based on the ZBA application and attachments, on the testimony of the applicant’s representative, Christopher Guida, a New Hampshire Certified Wetland Scientist employed by Fieldstone Land Consultants, and on observations and testimony at a site visit conducted by the Zoning Board on October 29, 2022.
- The Zoning Board of Adjustment found Mr. Guida’s testimony and submissions to be credible, and chose not to require independent field studies to confirm the wetland delineation or independent review of Fieldstone’s flow and culvert sizing computations.
- The applicant proposes a subdivision of 45 acre Lot A-44-1 (“the Lot”) into 7 residential building lots.
- All of the road frontage of the Lot is on Barrett Hill Road.
- The southeast corner of the Lot comprises a contiguous dry (i.e., non-wetland) area of approximately 15 acres, which has no direct road frontage, and which is entirely separated from the remainder of the Lot by areas of wetland.
- The applicant proposes a driveway which would cross a wetland area to access the dry southeast corner of the Lot.
- The wetland area to be crossed is a small seasonal runoff stream.
- The applicant proposes a 36” culvert, 40 feet in length, which would be more than adequate to meet the Town’s requirements.
- The permanent wetland impact would be 769 sq. ft, with an additional 206 sq. ft. of temporary construction impact.

- There is no way to reach the southeast dry corner of the Lot from the road frontage of the Lot that would result in less wetland impact than the proposed crossing.

Reasons for the Decision

- The proposal is for an access way which is essential to the productive use of the 15 acre dry southeast corner of Lot B-44-1.
- The proposed wetland crossing will be located and constructed so as to minimize any detrimental impact upon the wetland.
- The proposal therefore satisfies the requirements for a special exception under section 11.4(a) of the Wilton Zoning Ordinance.
- For the purposes of Section 4.12 of the Ordinance, the “proposed use, structure, or activity” permitted by the special exception is the proposed wetland crossing, which will be consistent with all the requirements of that section and of sections 4.10–4.10.11.

Sincerely,

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

Neil Faiman, Chairperson
Wilton ZBA
November 8, 2022

Case #10/11/22-3, decided Tuesday, November 8, 2022