



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Priscilla Parker (owner) and JCM Custom Building (applicant) for variances to sections 4.2(b), 4.8, and 6.2.4 of the Wilton Zoning Ordinance has been granted. It will allow the construction of a single-family dwelling and septic system on Lot C-94, Marden Road and Wilton Center Road, where the dwelling and septic system will be closer to a lot line, and the septic system will be closer to a delineated wetland, than allowed by the Zoning Ordinance.

The decision is subject to the condition that the placement and dimensions of the house and septic system are to be as shown on the plan labeled “PROPOSED SEWAGE DISPOSAL SYSTEM PLAN / TAX MAP C LOT 94 / WILTON, NEW HAMPSHIRE / (WILTON CENTER ROAD) / PREPARED FOR: JCM CUSTOM BUILDING / ... / LAND OF: PRISCILLA PARKER / ... / October 11, 2022”, which was submitted to the Zoning Board with the application and is included in the case file.

This decision shall expire if the construction or use permitted by it has not begun by Friday, March 21, 2025. (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, April 20, 2023, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Fact

- Lot C-94 has a total area of 2.1 acres.
- The lot is bisected by a perennial stream, and the area west of the stream is all wetlands, so there is only a small area of dry land.
- The lot was created by a subdivision in 1976, at which time it met the requirements for the construction of a single-family dwelling, so Section 19.2 of the Zoning Ordinance exempts it from the current area and frontage requirements.
- The configuration of the lot is such that it is not possible to place a house or a septic system on it which satisfy the lot line and wetland setback requirements of Sections 4.2(b), 4.8, and 6.2.4 of the Zoning Ordinance.
- The applicant has received NH DES approval for the proposed septic plan.

Reasons for the Decision

- Property Values
 - The Proposed residential use is consistent with the character and use of the neighboring lots.
- Spirit of the Ordinance, Public Interest:
 - The proposed residential is consistent with the character of the neighborhood.

- The septic design and placement will adequately protect the stream and wetlands.
- Hardship
 - The property's exceptional configuration make it impracticable for any permitted use.
 - No reasonable use of the property could satisfy the setback requirements of the Ordinance.
 - The state-approved septic plan is designed to make strict adherence to the Ordinance's septic system setback requirements unnecessary.
- Substantial Justice
 - The impact of granting the variances on the Town's zoning scheme is minimal, and denying the variances would effectively deny the owner of any reasonable use of the lot.

Sincerely,

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

Neil Faiman, Chairperson
Wilton ZBA
March 24, 2023

Case #2/14/2023-1, decided Tuesday, March 21, 2023