

Town of Wilton, NH
Application to the Zoning Board of Adjustment
(Revised August 2022)

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 C-94 Lot Size 2.1 AC

Street Address WILTON CENTER 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 PRISCILLA PARKER

Mailing address 5 HOWARD STREET, APT 5

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 Priscilla Parker Date 1/25/2023

(continued on the next page)

clerk use only

Date and time received: _____

Received by: _____ Amount paid: _____

Case #: _____ ☐ 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 JCM CUSTOM BUILDING

Mailing address 46 WHEELER STREET

Mailing address _____

Town, State, ZIP PEPPERELL, MA 01463

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



dotloop verified
01/05/23 3:08 PM EST
DXKC-QLKT4IF2-LWBG

Date _____

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 FIELDSTONE LAND CONSULTANTS, PLLC

Mailing address 206 ELM STREET

Mailing address _____

Town, State, ZIP MILFORD, NH 03055

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 1/27/23

(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 603-672-5456 ☐ Evening phone _____

☒ Work E-mail _____ ☐ Personal e-mail _____
caguida@fieldstonelandconsultants.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):

VARIANCE REQUESTED FOR RESIDENTIAL DWELLING ON EXISTING LOT OF RECORD
SEE ATTACHED DESCRIPTION AND DETAILS FOR VARIANCE REQUEST.

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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: 4.2(b), 4.8, and 6.2.1

The requirement in that section that you want to change, and how you want it changed:
(see attached 'Variance Criteria')

To grant a variance, the Zoning Board must find that it will satisfy each of the following five conditions. Please explain why you believe that each of the following statements is true (attach additional pages as necessary).

These five conditions come from the New Hampshire statutes and decisions of the state Supreme Court. Unless you are familiar with Zoning law, the language of these conditions probably does not mean what you think it means. If you have not applied for a variance before, we recommend that you consult with the Wilton Land Use Administrator or obtain professional advice.

1. Granting the variance would not be contrary to the public interest: _____
(see attached 'Variance Criteria')

2. Granting the variance would be consistent with the spirit of the Ordinance: _____
(see attached 'Variance Criteria')

3. Granting the variance would do substantial justice: _____
(see attached 'Variance Criteria')

4. The proposed use will not diminish surrounding property values: _____
(see attached 'Variance Criteria')

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Application for a Variance, Page 2 of 2

5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship.
Complete section 5(a), 5(b), OR 5(c):

5(a) i. Owing to special conditions of the property that distinguish it from other properties in the area:

ii. 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:

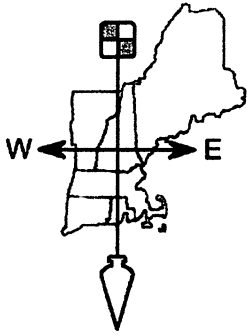
iii. and the proposed use is a reasonable one:

5(b) Owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it

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:



FIELDSTONE

LAND CONSULTANTS, PLLC

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

January ²⁵~~A~~, 2023

Town of Wilton Zoning Board
42 Main Street
PO Box 83
Wilton, NH 03086

RE: Tax Map C, Lot 94
Wilton Center Road
Zoning Board of Adjustment
Variance Request

To Whom It May Concern:

The undersigned, Priscilla Parker, being the owner of the above referenced lot hereby authorizes Fieldstone Land Consultants, PLLC to act as their agent in filing and seeking necessary approvals from the Town of Wilton and other applicable town, state and federal agencies.

Very truly yours,

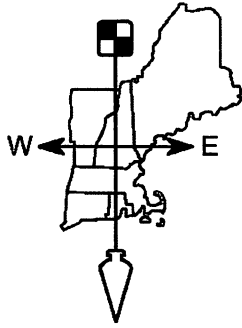
Signature:

Priscilla Parker

Print: Priscilla Parker

Date 1/25/2023

3366.00



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Variance Criteria

Variance from Sections

4.2(b) – General Provisions and Performance Standards,
Sanitary Waste Disposal

4.8 – General Provisions and Performance Standards,
Wetlands Conservation District Setback

6.2.1 - General Residence and Agricultural District,
Lot Requirements, Setbacks

Tax Map Parcel C-94
Wilton Center Road

January 20, 2023

Prepared for:

JCM Custom Building
46 Wheeler Street
Pepperell, MA 01463

Land of:

Priscilla Parker
5 Howard Street, Apt 5
Wilton, NH 03086

A variance is being requested for relief from the Wilton Zoning Ordinances, listed below, to allow for the construction of a modest 3 bedroom single family home and associated individual sewage disposal system (ISDS) on an existing non-conforming lot of record with highly permeable soils. The lot is transected by a perennial stream to the North and West with associated wetlands. The lot has been previously cleared adjacent to Wilton Center Road and has been historically used for equipment storage. A man-made drainage ditch has been maintained along the Eastern lot line off Marden Road to maintain proper drainage from the lot and adjacent roadway. The lot configuration and wetlands through the western portion creates an inherent hardship for development of this lot.

4.2(b) – General Provisions and Performance Standards,
Sanitary Waste Disposal

-b, sanitary systems shall be setback from wetlands, water bodies, open water bodies and perennial streams as follows:

JCM Custom Building/Priscilla Parker

Variance Criteria – Variance from Sections 4.2(b), 4.8, and 6.2.1

Tax Map Parcel C-94 – Wilton Center Road

Page 2 of 4

1. systems located entirely or partially in highly permeable soils (a permeability of six (6) inches per hour throughout as indicated in the USDA *Soil Survey of Hillsborough County, New Hampshire, Western Part*) — 125 feet

- Requesting 82 feet from wetlands for the construction of state approved ISDS at 2 MPI permeability.

4.8 – General Provisions and Performance Standards, Wetlands Conservation District Setback

All structures must be set back fifty (50) feet from delineated wetlands and water bodies.

- Requesting Relief from the 50 feet setback to edge of wetlands to allow for the construction of a residential single-family dwelling. House will be located no closer than 23 feet to wetlands, all other setbacks will be observed.

6.2.1 - General Residence and Agricultural District, Lot Requirements, Setbacks

Thirty-five (35) feet from all lot lines. No building, or use that requires a building permit, is permitted in the setback.

- Requesting the 10 feet from the side property setback for construction of state approved ISDS (septic system).

These variances would allow the construction of a septic system in high permeable soils 82 feet from wetlands, where the ordinance would require a 125 foot setback and the construction of a single-family home 23 feet from wetlands, where 50 feet would be required.

The numbered items below correlate to the questions asked in the Town Application for a Variance.

1. Granting the variances would not be contrary to the public interest because:
Granting these variances would allow for the construction of a modest 3 bedroom single family home with state approved septic system (eCA2022112209). The proposed development is within a previously cleared area and would minimize the impact to the adjacent wetlands and stream. The septic system is positioned within an area that is the furthest possible location from the stream, complying as much as possible and has the least impact while maintaining 82 feet of forested wooded area that will provide more than sufficient treatment/protection of the stream and wetlands. Alternatively, the area adjacent to Marden Road would require additional variances to lot setbacks and would further impact the wetlands and stream. Denial of the variances would not provide any substantial benefit to town and would not outweigh the

JCM Custom Building/Priscilla Parker

Variance Criteria – Variance from Sections 4.2(b), 4.8, and 6.2.1

Tax Map Parcel C-94 – Wilton Center Road

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benefit to the land owner for reasonable use of the property.

2. Granting the variance would be consistent with the spirit of the ordinance because:

Allowing the construction of a single family home with approved septic system would provide the most productive and low impacting use of this existing non-conforming lot of record. The proposed location of the single family home is within an area that has been previously cleared, minimizing impacts to the stream and associated wetlands, which still meets state regulations and is at least 10 feet from the side property line. The location of the State approved ISDS was placed in a position to least impact the surrounding wetlands. Additionally, erosion controls would be implemented to minimize water pollution and protect wildlife habitat along the stream and wetland areas. For all of these reasons we believe that granting the variance would observe the spirit of the ordinance.

3. Granting the variance would do substantial justice because:

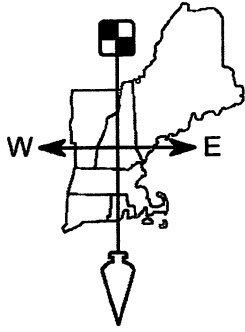
Granting this variance would do substantial justice because it would allow of the construction of a modest single family home within a district for the usage it was designated for. The proposed development is within a previously cleared area and would minimize the impact to the adjacent wetlands and stream. The septic system is positioned within an area that has the least environmental impact while maintaining at least 82 feet from the wetlands, which still meets state regulations and is at least 10 feet from the side property line. Granting this variance would do substantial justice because it would allow for the only productive use of the property, allow for the owner to build a modest home and have no negative effect on the environment or the general public. Encroachment into the side building setback is less detrimental than encroaching on wetlands setback in highly permeable soils.

4. The proposed use will not diminish surrounding property values because:

Granting these variances allows for the construction of a new single family dwelling with updated, state approved septic system to current standards which would increase the surrounding property values and be within keeping with the other residential dwellings of neighboring properties in the vicinity. The construction of a single family residential dwelling is the highest and best use for the property, and we do not believe that this proposal would have any negative impact on the surrounding property values. The former use of the property included substantial piles of old farm equipment and assorted debris which is being cleaned up and removed. Our experience has been that new home construction, similar to what is proposed, will typically have a positive impact on surrounding properties.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.

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



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www.FieldstoneLandConsultants.com

Date 1/24/23

FLC#3366.00 / DML

List of Abutters
Tax Map C Lot 94
Wilton, New Hampshire

Map C Lot 93 & Lot 59
Radebaugh, Erin
Musselwhite, Erin
79 Wilton Center Road
Wilton, NH 03086

Map C Lot 95 & Lot 94
Parker, Priscilla
5 Howard Street
Apt 5
Wilton, NH 03086

Map C Lot 96
Smith, Harry
Mosley, Jeanne
32 Marden Road
Wilton, NH 03086

Map C Lot 99-1
Eaton Family Revocable Trust
PC & KJ Eaton Trustees
5 Hobbs Court
Wilton, NH 03086

Map C Lot 90
Caporale, William
Varner, Taylor
102 Wilton Center Road
Wilton, NH 03086

Map C Lot 89-1
West River Road, LLC
P.O. Box 2750
Seabrook, NH 03874

Map C Lot 58
Cote, Almond
191 Eaton Hill Road
Auburn, NH 03032

(Applicant)
JCM Custom Building
46 Wheeler Street
Pepperell, MA 01463

Engineer:
Fieldstone Land Consultants, PLLC
206 Elm Street
Milford, NH 03055