



# Town of Wilton, NH Zoning Board of Adjustment

## Notice of Decision

The request by Abbott House of Wilton Condominium Association for a variance to section 17.1(e) of the Wilton Zoning Ordinance has been granted. It will allow the replacement of a fire escape on the house at Lot J-38, 16 Maple Street, where the Ordinance does not allow any enlargement of an existing non-conforming building.

This decision shall expire if the construction or use permitted by it has not begun by Friday, May 9, 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, June 8, 2023, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

### Findings of Fact

- Lot size is 1.3 acres — the largest residential lot in downtown Wilton.
- The historical house is one of the largest in downtown Wilton.
- The creation of five dwelling units in the house was approved by the Zoning Board in a special exception and variance granted April 12, 2011.
- The house is nonconforming due to a minor infringement on the front setback.
- The existing fire escape does not satisfy the State fire code.
- The proposed replacement fire escape would be 83' from the street and 78' from the nearest residential lot.

### Reasons for the Decision

- Spirit of the Ordinance, Public Interest, Property Values: It is obvious that the proposed fire escape is not in anyway inconsistent with the public welfare, the purposes of the ordinance, or the character of the neighborhood, nor would it have any negative effect on any neighboring properties.
- Substantial justice: Denying the variance would present a life safety risk and seriously impact the utility of the house, with absolutely no compensating benefit to the public.
- Hardship: As a result of the unusual size of the house and lot, prohibiting the replacement of the fire escape would not achieve any useful purpose that might be attributed to the Ordinance's prohibition on the expansion of nonconforming structures.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Faiman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Neil Faiman, Chairperson  
Wilton ZBA  
May 10, 2023

Case #5/9/2023-1, decided Tuesday, May 9, 2023