



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Fait's Property Maintenance, LLC for a special exception under section 17.3 of the Wilton Zoning Ordinance has been granted. It will allow the construction of a single-family home which will be closer to a front lot line than allowed by the Ordinance on Lot J-112-1, Island Street and Mill Street.

This decision shall expire if the construction or use permitted by it has not begun by Sunday, June 22, 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 Saturday, July 22, 2023, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Conditions of Approval

- The special exception permits the construction of a single-family home with no more than three bedrooms, no more than two stories, and optionally a one- or two-car attached garage.
- All construction is to occur within, and not to exceed or stray from, the 28' x 60' building envelope shown on the plan labeled "Preliminary / Construction Plot Plan / Prepared for: / Fait Property Maintenance LLC / Tax Map J Lot 112-1 / Island Street / Wilton, New Hampshire / January 13, 2023" which was submitted with the application, and is included in the ZBA file for the case.

Findings of Fact

- The lot size is 0.25 acres.
- The lot is at the corner of Island Street and Mill Street.
- The lot satisfies the Ordinance definition of a "Lot," but not a "Lot of Record."
- The lot existed with its present dimensions at least as long ago as 1954.
- The lot has 72.5' frontage on Island Street and 140' frontage on Mill Street.
- The lot depth (from Mill Street) is 65'.
- The lot is in the Residential District, where section 5.2.3 of the Zoning Ordinance requires 35' front setbacks and 15' back and side setbacks.
- Taking 35' front setback and 15' back/side setback from 65' leaves only a 15' deep building envelope.
- The applicant proposes a 28' x 60' building envelope, which could require a reduction of the front setback to 21.7'.

Requirements of the Special Exception

- a. The lot existed with its present dimensions at least as long ago as 1954.
- b. The proposal is to reduce a front lot line setback.
- c. The proposed development is consistent with the character and density of the Island Street neighborhood.
- d. A building envelope for the proposed home is shown on the plan submitted submitted with the application.

Note

Although this special exception resolves the nonconformity of the proposed construction with the setback requirements of sections 5.2.3 of the Ordinance, the Board notes that the proposal also needs to conform to the lot area requirements of section 5.2.1

The record in ZBA Case #6/14/2005-1 and the applicant's memorandum (History of the Property, page 2, paragraph 4), suggest that the lot is *not* a lot of record as defined in section 3.1.19 of the Zoning Ordinance, in which case section 17.2(a) of the Zoning Ordinance, "Substandard Lots of Record," would not exempt the lot from the area requirements.

Sincerely,



Neil Faiman, Chairperson
Wilton ZBA
June 23, 2023

Case #6/13/2023-4, decided Thursday, June 22, 2023