

**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 D-64 Lot Size 3.6+/- ACRES

Street Address 25 HOLT 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 CAITLIN & BENJAMIN MAKI

Mailing address 25 HOLT ROAD

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 Benjamin Maki Date 5/26/23

(continued on the next page)

**clerk use only**

Date and time received: \_\_\_\_\_

Received by: \_\_\_\_\_ Amount paid: \_\_\_\_\_

Case #: \_\_\_\_\_ ☐ Abutter list and labels included

**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
(Revised August 2022)  
**General Information, Page 2 of 3**

**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 \_\_\_\_\_

Mailing address \_\_\_\_\_

Mailing address \_\_\_\_\_

Town, State, ZIP \_\_\_\_\_

**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 Benjamin Maki Date 5/30/23

**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 Benjamin Maki Date 5/26/23

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**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
**(Revised August 2022)**  
**General Information, Page 3 of 3**

**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@FIELDSTONLANDCONSULTNATS.COM

**Proposed Use**

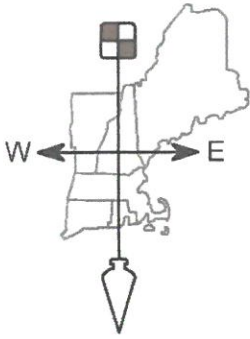
**Explain what you want to do with the property.** (Do you want to build a building, subdivide a lot, have a business, ...).

**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):

REQUEST RELIEF FROM ZONING ORDINANCE SECTION 6.2.4 AND TO ALLOW FOR THE CONSTRUCTION  
OF A 780 SF (OR 37.7 FT BY 20 FT) ADDITION TO THE USABLE LIVING SPACE PORTION OF THE EXISTING  
DWELLING. PROPOSED ADDITION IS TO BE NO CLOSER THEN 21.4 FT FROM THE SIDE PROPERTY LINE  
AND NO ADDITIONAL TREE CLEARING OR EXCESSIVE GRADING IS PROPOSED.



# 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

May 25, 2023



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

RE: Tax Map D, Lot 64  
Wilton Center Road  
Zoning Board of Adjustment  
Variance Request

To Whom It May Concern:

The undersigned, Caitlin & Benjamin Maki, 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: Benjamin Maki

Print: Benjamin Maki

Date 5/26/2023

**RECEIVED**  
MAY 30 2023

**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
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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: 6.2.4

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

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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')

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

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

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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:  
(see attached 'Variance Criteria')

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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:  
(see attached 'Variance Criteria')

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iii. and the proposed use is a reasonable one:  
(see attached 'Variance Criteria')

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**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

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**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:

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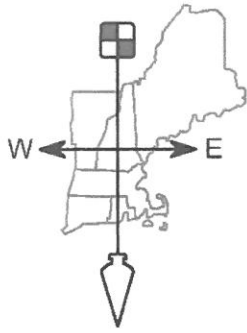
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ii. The variance is in harmony with the general purpose and intent of the zoning ordinance:

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### Variance Criteria

Variance from Sections  
6.2.1 - General Residence and Agricultural District,  
Lot Requirements, Setbacks

Tax Map Lot D-64  
25 Holt Road

May 26, 2023

Prepared for & land of:  
Caitlin & Benjamin Maki  
25 Holt Road  
Wilton, NH 03086

A variance is being requested for relief from the Wilton Zoning Ordinances, listed below, to allow for the construction of a proposed 780 square foot (SF) (37.7 FT by 20.0 FT) addition that will be attached to the foundation of the existing non-conforming living space portion of the existing domicile. The proposed addition area is a mowed lawn area and will be no closer than 21.4 feet from the side property line. The addition is only an increase in living space, with no increase in bedrooms or sewage loading.

The lot is transected by an intermittent stream and associated wetlands to the south and south east of the dwelling. The lot configuration, position of existing dwelling, and wetland setbacks create the need for the requested variance in order to locate the proposed addition in the only practical location.

6.2.4 - 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.

***-Lot is not within Watershed, or Aquifer Protection Districts and is within Wetlands Conservation District***

***-Requesting 21.4 feet from the side property setback for construction of proposed 780 SF addition (37.7' by 20.0').***

Caitlin & Benjamin Maki

Variance Criteria – Variance from Section 6.2.4

Tax Map Parcel D-64 – 25 Holt Road

Page 2 of 4

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 this variance would allow for the construction of a 780 SF addition to the rear of the existing dwelling and allow for reasonable improvement on the non-conforming dwelling within a restrictive lot. The existing building has living space and foundation on the north end, a barn/garage on the south end, and an enclosed breezeway or hallway connecting the two. The existing dwelling is non-conforming and positioned at such an angle that almost any addition would require zoning relief. The proposed addition area is mowed lawn so tree clearing would be minimized. The most practical location for this addition is off the existing foundation for structural building aspects and would be similar to other non-conforming dwellings within the neighborhood. Denial of this variance would not provide any substantial benefit to town or surrounding area.

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

As mentioned previously, the location of the existing non-conforming dwelling restricts the available suitable area for a modest addition for any addition to be constructed without some type of zoning relief. The addition would be no closer than 21.4 feet from the side property line and would be similar to other non-conforming dwellings in the neighborhood. The location of the proposed addition also reduces impact to the adjacent wetlands and stream by maximizing the setbacks to the furthest extent possible. For these reasons we believe that granting the variance would observe the spirit of the ordinance and in keeping with similar dwellings within the neighborhood.

3. Granting the variance would do substantial justice because:

Granting this variance would do substantial justice because it would allow for the improvement of the existing non-conforming single-family home. The proposed development is within a grass lawn and would not require encroachment or impact to the wetland setbacks, adjacent wetlands, and stream on the restrictive lot of record. Additionally, granting this variance would do substantial justice because it would allow for the small addition to maintain the productive use of the property, and have no negative effect on the environment or the general public. A 13.6-foot encroachment into the side building setback would due substantial justice to allow improvements to the existing non-conforming dwelling on a restrictive lot of record.

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

Granting this variance would allow for an addition to the rear existing living space, with no increase in septic loading, which would increase the surrounding property values and be in keeping with the other residential dwellings on neighboring properties in the vicinity. The construction of this addition in this location is the most feasible location on this property that

maximizes wetland setbacks. We do not believe that this proposal would have any negative impact on the surrounding property values, and our experience has been that new 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) Owing to special conditions of the property that distinguish it from other properties in the area:

The existing non-conforming orientation and location of the existing dwelling restricts the available suitable area for a modest addition without some type of zoning relief. The location of the existing non-conforming foundation is proposed to be expanded upon within a mowed lawn and maximizes the setbacks to the adjacent wetlands and stream within the restrictive lot of record. The characteristics of the lot and position of the existing non-conforming dwelling, like those within the surrounding neighborhood, restrict any improvement of the dwelling without some type of zoning variance granted by the town.

- (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:

As previously mentioned, the location of the existing non-conforming dwelling restricts the available suitable area for a modest addition to be constructed outside of the side property line setback. The addition would be no closer than 21.4 feet on an existing non-conforming dwelling and be in keeping with the neighborhood. Granting the variances would allow for limited reasonable use of the property and would allow for the construction of a modest addition on an existing non-conforming dwelling similar to those within the surrounding area.

- (iii) and the proposed use is a reasonable one:

Again, the inherent features and characteristics of this lot of record prevent any reasonable use without relief from current zoning regulations. The existing building currently on site consists of the living space portion with a foundation on the north end, a barn/garage on the south end, and an enclosed breezeway or hallway connecting the two. The proposed area is also currently a mowed lawn so any grading and land clearing would be minimized. The most reasonable location for this addition is off the existing foundation and connecting the addition's foundation with the currently existing one, making it the best use of this lot with the conditions stated above. Granting the variance requested would allow for the lowest impacting development alternative, single family residential use, which is in keeping with designed use and uses on nearby similar historical lots of record.

Caitlin & Benjamin Maki

Variance Criteria – Variance from Section 6.2.4

Tax Map Parcel D-64 – 25 Holt Road

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with existing non-conforming dwellings. Denial of the variance would prevent the reasonable use of an existing lot of record and cause an undue hardship to the land owner while providing no realistic benefit to the town or overall community.