



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Bill Gagan for a special exception under section 17.3 of the Wilton Zoning Ordinance has been denied. If it had been granted, it would have have buildded a new house (on the foundation of the existing house, which is to be demolished), which will be closer to one or more lot lines than allowed by the ordinance on Lot J-118, 27 Island Street.

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, October 12, 2023, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Fact

- These findings are based on the Based on Applicant’s testimony and an “Existing Conditions Plan” submitted by the Applicant.
- Lot J-118 is 0.078 acres. It is approximately 46 feet wide and 73 feet deep.
- The lot is assessed / classified for residential use by the Town.
- The Souhegan River runs directly by the back edge of the lot.
- The lot contains a 1076 square foot two-story wooden house, which was condemned by the Town in 2021.
- The house is less than one foot from the southwest side lot line.
- The applicant proposes to demolish the existing house and build a new house on the same foundation.
- Because of the condemnation of the house, the proposed reconstruction is not permitted by section 17.1(d) of the Zoning Ordinance.
- Section 17.2 of the Ordinance relieves the applicant of the necessity of complying with the 0.5 acre minimum lot size for a dwelling in the Residential District.
- The 35 foot from setback and 15 foot side and back setbacks in the residential district leave a 16’ x 23’ building envelope.
- The applicant has therefore requested a special exception under section 17.3 of the Ordinance to allow reduced setbacks for the proposed new house.

Reason for the Denial

- Building directly up to a side lot line is not reasonable, given the available width of the lot.

Comments

- This denial is without prejudice to the right of the applicant to submit a request for the same special exception for a new proposal with different setbacks.

- See also the decision in related case #9/12/2023-1.

Sincerely,

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

Neil Fauman, Chairperson
Wilton ZBA
September 13, 2023

Case #7/11/2023-2, decided Tuesday, September 12, 2023