



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Roger Chappell Holdings, LLC (owner) and Better Built Homes, LLC (applicant) for a special exception under section 11.4(a) of the Wilton Zoning Ordinance has been granted. It will allow construction of a road that will cross a wetland area in order to access a proposed subdivision of Lot D-99, 304 Gibbons Highway.

This decision shall expire if the construction or use permitted by it has not begun by Friday, September 12, 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, 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 plans and testimony submitted by Ken Robinson of Fieldstone Land Consultants, and on the Zoning Board's observations at the site visit on Saturday, August 19.
- The applicant proposes an eight lot subdivision of Lot D-99 ("the Lot").
- The Lot's only road frontage is on NH Route 101 at the east end of the Lot. The applicant proposes to construct a road from NH Route 101 to access the subdivided lots.
- The Lot has an area of 24 acres. It is bisected by a small intermittent stream which runs south-to-north to the Souhegan River. The majority of the area of the lot, including half of the proposed subdivided lots, is to the south-west of the stream, and is thus inaccessible without crossing the stream.
- The applicant proposes a 36 inch diameter, 60 foot long RCP culvert with a concrete headwall where the road will cross the stream. It would impact 1200 square feet of wetlands.
- The proposed access road and culvert would be immediately uphill of where the stream at present runs across a woods road before falling away downhill. The outflow of the culvert would be into a bed of rocks located in the existing woods road crossing.
- The culvert would replace an existing 12 inch corrugated metal pipe.
- The proposal is essentially identical to one which was approved in a Special Exception which was granted April 13, 2021 in ZBA Case #3/9/21-1, but which expired unexercised.

Reasons for the Decision

- The majority of the lot would be inaccessible for development without crossing the stream.
- The Board is persuaded that there is no reasonable alternative to the proposed crossing which would have a lesser wetland impact.

Conditions of Approval

- The location, construction, and maintenance of the permitted crossing will be as shown on a set of plans which were submitted to the Zoning Board and are included in the ZBA file for this case, which are collectively labeled “Conventional Subdivision / Riiver’s Edge / Tax Map D Lot 99 — 304 Gibbons Highway / Wilton, New Hampshire 03055 / Date: September 12, 2022 / Last Revised: June 7, 2023,” specifically including the enclosed “Grading, Drainage, Utility, & Erosion Control Plan” and “Stormwater Management Details.”

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Faiman", with a stylized, flowing script.

Neil Faiman, Chairperson
Wilton ZBA
September 13, 2023

Case #8/8/2023-1, decided Tuesday, September 12, 2023