

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 Map D Lot 019-06 Lot Size 5.33 +/-

Street Address 77 Putnam Hill 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 Jonathan Mitchell & Nancy Wilson

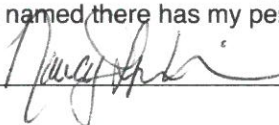
Mailing address 77 Putnam Hill Road

Mailing address same

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  Date 7/24/23

(continued on the next page)

clerk use only	
Date and time received: <u>07.25.23 10 am</u>	
Received by: <u>CJC</u>	Amount paid: <u>\$150</u>
Case #: <u>08/08/2023-02</u>	<input checked="" type="checkbox"/> Abutter list and labels included

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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



Date 7/24/23

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 _____

Mailing address _____

Mailing address _____

Town, State, ZIP _____

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 _____ Date _____

(continued on the next page)

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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 603-703-2466 Evening phone _____

Work E-mail _nancy@thegardenyears.com Personal e-mail _____

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):

We are looking to offer a childcare program for children ages 4-6 out of our home. Our goal is to serve 3 children and once we have more interest, our plan would be to become licensed by the state.

Under RSA Section 170-E:3, we do not require state licensing. Please see attached.

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Application for a Special Exception

A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board. Every special exception is allowed by some section or subsection of the Ordinance. Most special exceptions have a list of requirements; the Zoning Board can only approve the special exception if it finds that all the requirements are satisfied.

Note that in addition to the specific requirements that may be listed for a particular special exception, all special exceptions are subject to the general requirements in Section 4.12 of the Zoning Ordinance.

What section of the Zoning Ordinance defines the Special Exception that you are applying for? 6.6.1& 5.3.1

Explain why your proposed use satisfies the requirements of the Zoning Ordinance (attach additional pages as necessary):

See attached.

Explain why your proposed use satisfies the requirements of the Zoning Ordinance:

5.3.1 Home Occupations.

Any home occupation shall be permitted by special exception provided that, taken together, they comply with the requirements of this section. When considering an application for a home occupation, the Zoning Board of Adjustment shall consider the location of the proposed use, the area of the lot, the type and density of surrounding development, existing buffers and screens between the proposed use and surrounding development, and the compatibility of the proposed use with the surrounding neighborhood.

- a. Home occupations shall be incidental and secondary to the use of the dwelling unit as a residence.

- √ Our residence will be unchanged and remain in its' current state

- b. Home occupations shall be carried on by the resident owner, resident members of the owner's family, a resident tenant, or resident members of the tenant's family.

- √ There will be no employees of the business aside from family members

- c. Two (2) non-family employees are permitted on the premises.

- √ There will be no employees of the business aside from family members

- d. No additions or changes shall be made to the residence that will make it impractical to revert the building to purely residential use.

- √ Our residence will be unchanged and remain in its' current state

- e. Exterior storage of materials or equipment is prohibited.

- √ Exterior storage of materials will not be necessary or required

- f. In addition to the parking area required for the primary residential use, sufficient off-street parking shall be provided for any non-resident employees, customers and suppliers who may normally be expected to need parking at one time. Driveways may be used for client parking. Where additional space is desired, a maximum of two (2) parking spaces is permitted; however, those spaces shall not be located in the front yard. Parking spaces shall be a minimum of nine feet by eighteen feet (9' X 18') per space.

- √ Additional parking will not be required as there are no external employees, and the business does not generate significant traffic. We would anticipate cars for drop off and pick up, business would normally operate between the hours of 8 am to 3 pm. Our program serves 3 children.

- √ We believe we have space in our lower driveway for parking for minimum of 12 +/- cars. See attached diagram.

- g. Traffic generated by home occupations shall not create safety hazards or be substantially greater in volume than would normally be expected in the neighborhood.

- √ There will be little impact from traffic on the town, neighborhood and abutters.

- h. Home Occupations shall be conducted in accordance with all Town regulations, state laws and licensing requirements.

- √ Our childcare program will provide care for up to 3 children. Our goal, if there is interest, would be to scale up to care for 5 children. Greater than 3 children would require NH State licensing. See State licensing requirements, attached.

- i. When a business outgrows the standards established for home occupations, it must relocate into a commercial or industrial district.

- √ Our intent is to start with 3 or less children, then if there is interest to seek licensing for up to 5 children from the State of NH.

5.3.1.1 Special Exception Not Required

One or more home occupations may be conducted without a special exception from the Zoning Board of Adjustment and without site plan review by the Planning Board provided that, in addition to the requirements of the preceding section 5.3.1, they also satisfy the following standards.

Home occupation shall occupy no more than 20% of the existing, gross heated floor area of the primary residence or the structure in which the home occupation is operated.

- √ This is a large residential building approximately 5000 square feet of heated space. Much of the space that would be dedicated to childcare is shared/common area. We would not anticipate using more than 1000 Sq ft. If our needs would exceed this, we would address this during State licensing.

- a. There shall be no customer or client visits to the premises and commercial traffic for the delivery or pick-up of materials associated with home occupations shall be limited to five visits per week. (excluding regular US Postal Service residential service)

- √ We anticipate parent drop off and pick up for 3 children, Monday through Friday.
 - √ We anticipate no commercial traffic

- b. Home occupations shall not employ any non-resident full time or part time employees on the premises.

- √ There will be no employees of the business aside from family members.

- c. No signs are allowed to advertise home occupations.

- √ Neither a street side nor structure signage is required or needed.

- d. There shall be no exterior operation(s) related to the home occupation.

- √ As part of our program, we will spend time with the children inside and outside the building on our property

Licensing Exemptions

License Exempt providers are not licensed or regulated by the Child Care Licensing Unit. If they are caring for a child who is receiving state scholarship they are required to have a background check that includes a criminal record and DCYF central registry check. License Exempt providers who are linked to their Child Care Resource and Referral Agency may have met additional requirements to be listed for referral.

The following types of child care are **not required** to be licensed by the Child Care Licensing Unit:

- Kindergartens, nursery schools, or any other daytime programs operated by a public or private elementary or secondary school system or institution of higher learning.
- Programs offering instruction to children, including but not limited to athletics, crafts, music, or dance, the purpose of which is the teaching of a skill.
- **Private homes in which any number of the provider's own children, whether related biologically or through adoption, and up to 3 additional children are cared for regularly for any part of the day, but less than 24 hours, unless the caregiver elects to comply with the provisions of this chapter and be licensed.**
- Child care services offered in conjunction with religious services attended by the parent or offered solely for the purpose of religious instruction.
- Facilities operated as a complimentary and limited service for the benefit of the general public in connection with a shopping center, ski area, bowling alley, or other similar operation where the parents or custodians of the serviced children are on the premises or in the immediate vicinity and are readily available.
- Municipal recreation programs, including after-school and summer recreation programs.
- Private homes in which the only children in care are the provider's own children, children related to the provider, and children residing with the provider.

Accessed 7/23/23

<https://www.dhhs.nh.gov/programs-services/childcare-parenting-childbirth/child-care-licensing/licensing-exemptions>

Please feel free to reach out to:

Amelia Verdrager

Amelia.verdrager@dhhs.nh.gov

Direct: 603-573-0531

Licensing Coordinator- Child Care Licensing Unit

129 Pleasant St

Concord, NH 03301-3857

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 170-E

CHILD DAY CARE, RESIDENTIAL CARE, AND CHILD-PLACING AGENCIES

Child Day Care Licensing

Section 170-E:3

170-E:3 Exemptions; Child Endangerment Prohibited. –

I. The definitions in RSA 170-E:2, IV shall not apply to the following:

(a) Kindergartens, nursery schools, or any other daytime programs operated by a public or private elementary or secondary school system or institution of higher learning.

(b) Programs offering instruction to children, including but not limited to athletics, crafts, music, or dance, the purpose of which is the teaching of a skill.

(c) Private homes in which any number of the provider's own children, whether related biologically or through adoption, and up to 3 additional children are cared for regularly for any part of the day, but less than 24 hours, unless the caregiver elects to comply with the provisions of this chapter and be licensed.

(d) Child care services offered in conjunction with religious services attended by the parent or offered solely for the purpose of religious instruction.

(e) Facilities operated as a complimentary and limited service for the benefit of the general public in connection with a shopping center, ski area, bowling alley, or other similar operation where the parents or custodians of the serviced children are on the premises or in the immediate vicinity and are readily available.

(f) Municipal recreation programs, including after-school and summer recreation programs.

(g) Any recreational program as defined in RSA 170-E:2, XI-a.

(h) Private homes in which the only children in care are the provider's own children, children related to the provider, and children residing with the provider.

II. Persons administering programs exempted from licensing pursuant to this section shall be subject to the provisions of RSA 170-E:4, II.

III. Whenever a child day care that is license exempt under subparagraphs I(c), (e), (f), or (g) accepts a new child into the program, the provider shall inform the child's parent or legal guardian that the program is not licensed and is operating as a legally license exempt program.

IV. If a licensed child day care agency ceases operating as a licensed program and continues to provide child care services as a legally license exempt provider, it shall notify the department of the date it ceased being licensed, return its license to the department, and notify the parent or legal guardian of all children in the program or who enroll in the program that it is no longer licensed by the department.

Source. 1990, 257:8. 1994, 375:1. 1995, 114:1. 1998, 119:1. 2004, 235:1. 2005, 156:2, eff. Aug. 20, 2005. 2016, 161:6, eff. June 3, 2016.