



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Bill Gagan for a variance to section 4.8 of the Wilton Zoning Ordinance has been denied. If it had been granted, it would have have buildded a new house which will be less than 50 feet from the Souhegan River 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.
- Section 4.8 of the Zoning Ordinance requires that all structures be set back 50 feet from all water bodies, which includes the Souhegan River. This includes all of the lot except approximately 25 feet at the front.
- The applicant has therefore requested a variance from section 4.8.

Reason for the Denial

- Constructing a building only a few feet from a protected river is inconsistent with the spirit of the ordinance.

Comments

- This denial is without prejudice to the right of the applicant to submit a request for the same special variance for a new proposal with different setbacks.
- See also the decision in related case #7/11/2023-2.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Faiman", with a long, sweeping horizontal stroke at the end.

Neil Faiman, Chairperson
Wilton ZBA
September 13, 2023

Case #9/12/2023-1, decided Tuesday, September 12, 2023