

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

▶ RECEIVED ◀  
AUG 21 2023

**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-036 Lot Size 0.80

Street Address 84 HOH 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 Michael & Linda Pellerin

Mailing address 84 HOH 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 *Michael B Pellerin* Date 8/16/23

*Linda S. Pellerin*  
(continued on the next page)

clerk use only	
Date and time received:	<u>08/21/2023</u>
Received by:	<u>CYL</u> Amount paid: <u>\$125 appl; \$400 abutters</u>
Case #:	<u>09/12/2023-02</u> <input type="checkbox"/> Abutter list and labels included <u>1/2 portion</u>

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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 Michael Pellerin

Mailing address 84 Holt Road

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

Town, State, ZIP Wilton, NH 03086

**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 Michael Pellerin Date 8/16/23

**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 603-801-2169

Evening phone 603-769-0235

Work E-mail \_\_\_\_\_

Personal e-mail lpellerin@gibbsoil.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):

We are in the process of building an addition of a 20' x 30' Living area for our children to the rear of our present garage. After having a Lot Line Survey done by Meridian Land Use we find we are too close to the West Lot Line of our property. We are requesting a Special Exception under section 17.3 and also requesting an Equitable Waiver because we find we are now in violation of our rear lot line not being 35' from the Addition to the Lot Line. We were unaware of this violation until we had hired Meridian to plot out a new Sanitary Septic System that the Building Dept. required. Once they finished their Septic Map for the new system the diagram showed our addition very close to the Lot Line and then the Land Use Administrator required a Certified Lot Line Staking in order to accurately measure the distance between the addition and the Lot Line. That is when we became aware of the violation.

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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? 17.3

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

Our West Lot Line that we thought was in the woods to the rear of our addition actually runs along the outside of the woods in certain sections. Most notably the corner of our addition now appears as 32'6" to the lot line stake as opposed to 51' that was previously measured. It is a Lot Line Setback and it only infringes in one area.

the Addition is to the rear of our present Garage and cannot be seen from the road (Holt Road) unless you go on our property up the driveway. Therefore there is no infringement to the neighborhood.

Attached is the site plan from Meridian Land Use that shows the one corner of the addition too close to the West Lot Line Setback by 2'6". Prior to this new knowledge we used a Lot Line Marker at the top of the lot line and connected a rope to the marker at the bottom of the lot line. But it was the middle section that actually is forward of this line that caused the violation. We were unaware that the lot line moved in this pattern. This was totally unintentional on our part.

TYPICAL SECTION OF PROPOSED SANITARY SYSTEM

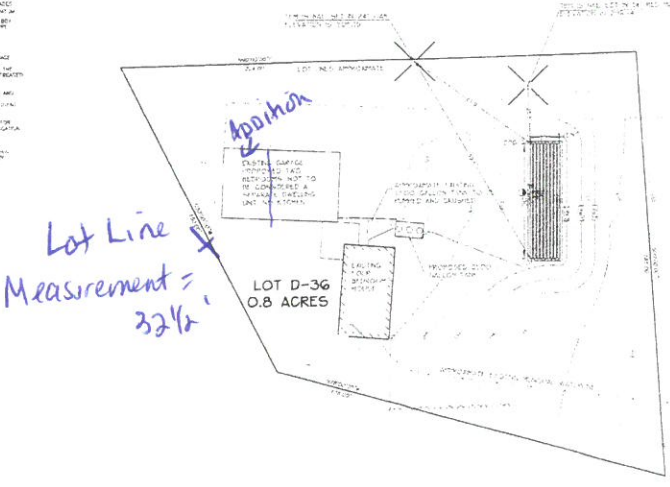


TYPICAL CROSS SECTION



TEST PIT DATA

Table with columns for depth, soil type, and other test parameters. Includes handwritten notes and a small diagram of a test pit.



- Notes and specifications for the sanitary system, including material requirements and construction details.

Professional seal and signature of the engineer or surveyor.

Notes regarding the survey and plan, including information about the survey method and any adjustments.

Additional notes and specifications related to the sanitary system and site plan.



Project information including the name 'LOT D-36 WILTON, NEW HAMPSHIRE', dates, and the logo for Meridian Land Services, Inc.

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**Application for an Equitable Waiver, Page 1 of 2**

When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by the Zoning Ordinance, the Zoning Board can grant an "Equitable Waiver" from the requirement. See RSA 674:33-a.

What requirement of the Zoning Ordinance is violated? 17.2 of the Zoning Ordinance  
Lot Line Setback violations and 6.2.4. Setback - Thirty-five feet  
from all Lot Line.

What section of the Zoning Ordinance is the requirement in? 6.2.4 Setbacks

It is your responsibility to prove each of the following facts to the Zoning Board. Please explain why you believe that each of the following statements is true. (Use additional sheets of paper if necessary.) See the note on "Burden of Proof" in the "General Information" section at the beginning of this application.

1. Either:

(a) The violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value: We only became aware of the violation when we had Meridian  
Land Use draw up a Proposed Septic System and filed it with the State and  
then had them come back out to do a Lot Line Staking to see if we were in violation.

(b) The violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority: We originally measured  
this same Lot Line but used an existing Marker at both ends of the Lot Line  
measurement and even had the Building Inspector measure this and  
at that time we were not in violation. We used the wrong Markers unintentionally.

(c) The physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property: The violation is a 2 1/2' shortage in one  
corner of the addition that cannot be seen from anywhere in the front of the property.  
Does not interfere or diminish the property or neighborhood in anyway.

(d) Due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected: The Addition is completely built and  
boarded at this time. To correct this violation the building would have to  
be either moved or altered in some very costly way to make up the 2 1/2'  
The neighbors are completely OK with where it sits presently and no-one would  
gain anything if it were to be moved as it still sits in our yard.

(continued on the next page)

2. Or:

The violation has existed for 10 years or more, and no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected.

N/A