



# Town of Wilton, NH Zoning Board of Adjustment

## Notice of Decision

The request by Ra-Lo and Associates, LLC for a variance to section 5.2.1 of the Wilton Zoning Ordinance has been granted. It will allow construction of a two-family home on Lot K-105-3-2, Pine Valley Street, where the Ordinance requires one-half acre per dwelling unit.

This decision shall expire if the construction or use permitted by it has not begun by Friday, November 14, 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, December 14, 2023, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

### Note

This decision, together with the related decision in Case #11/14/2023-2, will allow a development with two-family homes on each of the adjoining lots K-105-3-1 and K-105-3-2, sharing a single driveway to Pine Valley Street.

### Condition of Approval

The variance application included the following documents describing a proposed development with *three-family* townhouse-style dwellings on each lot:

- A site plan. This plan was taken from the approved subdivision site plan, but is annotated in red ink with proposed locations for the dwellings on the lots.
- Exhibit C, plans for the proposed dwellings.

The development allowed by the variance differs from these documents as follows:

- The two middle units are to be replaced by the northeastern end-unit on Lot K-105-3-1 and northwestern end-unit on Lot K-105-3-2, respectively, whose respective footprints as now shown are to be deleted. This will result in 4 units where the plan had proposed 6 units.

### Findings of Facts

- The area of Lot K-105-3-1 is 0.897 acres.
- The lot is one of the ten largest lots out of 140 in the Residential District in downtown Wilton.
- Zoning Ordinance Section 5.2.1 requires a lot size of 0.5 acres per dwelling unit for residential uses in the Residential District.
- Lots K-105-3-1 and K-105-3-2 were created by the subdivision of Lot K-105-3 in 2022.
- The subdivision approval requires the construction of significant stormwater management measures on the lots.

- The subdivision approval requires the connection of dwellings on the lots to the Town water system. This will necessitate the construction of approximately 150 feet of new water line. The project involves dealing with unknown amounts of ledge and maneuvering around existing sewer lines. The ultimate cost is unknown, but is expected to be substantial.
- The applicant represents that, because of these site costs, the construction of single-family homes on the lots would not be financially viable unless the homes were of a size and price which would be grossly out of keeping with the character of the neighborhood. The applicant instead proposes to construct townhouse-style duplexes which would be more affordable and more in keeping with the neighborhood

### **Reasons for the Decision**

- **Spirit of the Ordinance:** The proposed use is a permitted residential use which is consistent with the density of the neighborhood. The area per dwelling unit is greater than the majority of lots in the downtown residential district.
- **Public Interest:** The proposed use does not alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public.
- **Property Values:** The proposed use is consistent in character and scale with the existing residential development of the neighborhood, and there is no reason to believe that it will reduce neighboring property values.
- **Hardship:** The necessity for the water line extension and stormwater management measure is a special condition of the property, and the resulting costs make the single-family development of the property financially infeasible. RSA 674:33, I(b)(2)

Sincerely,



Neil Faiman, Chairperson  
Wilton ZBA  
November 15, 2023

Case #11/14/2023-3, decided Tuesday, November 14, 2023