

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

General Information, Page 1 of 3

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OCT 27 2023

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: **K-105- 2** Lot Size: **0.694 Acres**

Street Address: **Pine Valley Street**

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: **RA-LO AND ASSOCIATES, LLC**

Mailing address: **20A Northwest Blvd ste 273**

Town, State, ZIP: **Nashua, NH 03063**

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: **10/26/2023**

(continued on the next page)

clerk use only

Date and time received: _____

Received by: _____ Amount paid: _____

Case #: _____ 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: **RA-LO AND ASSOCIATES, LLC**

Mailing address: **20A Northwest Blvd Ste 273**

Town, State, ZIP: **Nashua, NH 03063**

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: **10/26/2023**

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: **(508) 254-5501**

Evening phone _____

Work E-mail: **sales@raloandassociates.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, ...). *see attached*

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; ...). *see attached.*

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. *see attached.*

Description of proposed use and need for ZBA approval (attach additional pages as necessary):

see supporting documents.

Explain what you want to do with the property. (Do you want to build a building, subdivide a lot, have a business, ...).

Construct a multi-family (3 units) affordable/workforce housing dwelling unit on each lot.

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; ...).

The current zoning ordinance is being amended to reduce minimum area requirement for this district. We are requesting a reduced area requirement in advance of this proposed amendment change to accommodate this multi-family affordable housing opportunity. All other lot requirements have been met.

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):

See supporting documents.

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Application for a Variance, Page 1 of 2

When, because of the specific characteristics of your property, the Zoning Ordinance unreasonably restricts your use of your property without a corresponding public benefit, the Zoning Board may grant a Variance, which modifies or sets aside particular requirements of the Ordinance.

The specific section of the Zoning Ordinance to be varied: **5.2.1**

The requirement in that section that you want to change, and how you want it changed:

SEE ATTACHED

To grant a variance, the Zoning Board must find that it will satisfy each of the following five conditions. Please explain why you believe that each of the following statements is true (attach additional pages as necessary).

These five conditions come from the New Hampshire statutes and decisions of the state Supreme Court. Unless you are familiar with Zoning law, the language of these conditions probably does not mean what you think it means. If you have not applied for a variance before, we recommend that you consult with the Wilton Land Use Administrator or obtain professional advice.

1. Granting the variance would not be contrary to the public interest: **SEE ATTACHED**
2. Granting the variance would be consistent with the spirit of the Ordinance: **SEE ATTACHED**
3. Granting the variance would do substantial justice: **SEE ATTACHED**
4. The proposed use will not diminish surrounding property values: **SEE ATTACHED**

(continued on the next page)

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5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship.
Complete section 5(a), 5(b), OR 5(c):

5(a) i. Owing to special conditions of the property that distinguish it from other properties in the area:

SEE ATTACHED

ii. no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property:

iii. and the proposed use is a reasonable one:

5(b) Owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it

SEE ATTACHED

5(c) Hardship resulting from a physical disability.

i. The variance is necessary to make reasonable accommodations to allow a person with a recognized physical disability to reside in or regularly use the premises:

ii. The variance is in harmony with the general purpose and intent of the zoning ordinance:

The requirement in that section that you want to change, and how you want it changed:

Section 5.2.1 of the Wilton Zoning Ordinance currently states that minimum lot size is one-half (0.5) acre per dwelling unit when served by both public water and sewer.

We are seeking a variance of this section for reduced acreage requirement consistent with the amendment changes being prepared by the Planning Board in response to the priorities raised by the Housing Opportunity Program Advisory Committee.

1. Granting the variance would not be contrary to the public interest:

The proposed use does not conflict with the explicit or implicit purpose of the ordinance to provide opportunities for mixed types of residential development at a higher density where appropriate services exist or where the water line, a condition of the "Subdivision Plan for Tax Lot K-105-03, prepared for Buchanan Construction Corp., Inc.", dated June 15, 2020, last revision date of November 8, 2021, and approved on January 19, 2022 and by agreement with the Town of Wilton, is a responsibility at the property owner's expense.

2. Granting the variance would be consistent with the spirit of the Ordinance:

As it is in the public interest to assure development that preserves the character of individual neighborhoods, these three proposed townhomes will mirror the character of the homes on Pine Valley Street (Exhibit A) as well as making the intended use a benefit to a greater number of families. It is our aim to assure the cost per unit is below the affordable/workforce housing threshold determined for the Town of Wilton.

3. Granting the variance would do substantial justice:

The cost to bring in the water line along with the cost of the stormwater drainage system to protect Tannery Brook, the latter also mandated by the subdivision plan referenced above, which is a shared, proportioned expense between both lots, is a substantial injustice.

Each lot has remained undeveloped because of these two, rather significant, expenses. A developer would need to construct two single family dwelling units, 2,800 square feet or greater (Exhibit B), thus overdeveloping each lot for its intended use just to absorb these costs. Additionally, a single family dwelling unit as described would be uncharacteristic of the neighborhood, unaffordable, and dramatically diminish the value of the properties of their neighbors.

4. The proposed use will not diminish surrounding property values:

Our intent is to development three residential dwelling units in each of two 2,688 square foot foundations, each less than one single family dwelling unit! The design (Exhibit C) reflects the architecture of the existing neighborhood and provides for ample parking (three spaces per townhome). This higher density helps defray the cost of the water line and stormwater drainage while staying true to the spirit of the neighborhood, its quality, and its residents.

Values of surrounding properties will largely improve due to the newly constructed water line, guaranteed protection of Tannery Brook, and appealing new landscaping along Pine Valley Street. In fact, the area of proposed development (shown in red overlay on the "Site Plan prepared for Buchanan Construction Corp., Inc, Tax Map K / Lot 105-3, Pine Valley Street ~ Wilton, N.H.") is nearly the same as the original proposed areas of development with minimal additional disturbance.

5.a. i. Owing to special conditions of the property that distinguish it from other properties in the area:

The zoning restriction in place is a burden to a proper development of these two lots. The proposed amendment changes by the Planning Board, per the Housing Opportunity Program Advisory Committee, addresses that, allowing development that is not a hardship to any party, maintains its use is consistent with other land in the area, and fairly and purposely uses the special conditions of the lots to make the neighborhood better.

5.b. Owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it

The use that we are proposing, in the manner we have proposed is the best and most fortuitous use of these lots in this neighborhood.