

Town of Wilton, NH
Request for a Rehearing
(Revised May 2024)
Application, Page 1 of 3

RECEIVED
MAY 23 2024

Case Information

ZBA Case Number of the original application: 3/12/2024-1

Date of the decision: April 30 2024

If the original application included more than one specific application, which ones does this request apply to?

Requestor

Information about the person who is requesting the rehearing.

Name Thomas E Ryan

Mailing address 125 Aitken Rd.

Mailing address _____

Town, State, ZIP Wilton NH 03086

You are (check one):

- the original applicant
- the owner of the property
- the Board of Selectmen
- an abutter or other party who was required to be notified of the original application
- a party directly affected by the decision

If you checked the last box, explain how you are directly affected by the decision: _____

I certify that to the best of my knowledge and belief, all information provided in this application is accurate.

Signature Thomas E Ryan Date 5-21-24

(continued on the next page)

clerk use only	
Date and time received: _____	_____
Received by: _____	Amount paid: _____
<input type="checkbox"/> Abutter labels included	

Town of Wilton, NH
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(Revised May 2024)
Application, Page 2 of 3

Representative

Fill out this section if the application is being submitted by a realtor, surveyor, engineer, attorney, etc., on behalf of the 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 requestor _____ Date _____

Contact Information

How can we get in touch with the applicant or the applicant's representative, if there are questions or problems about 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 603 562-8540

Evening phone ✓

Work E-mail _____

Personal e-mail 23Thomas54@gmail.com

(continued on the next page)

Town of Wilton, NH
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Application, Page 3 of 3

Details of Request

You are requesting that the Zoning Board reconsider (check one):

- its approval of the application
- its denial of the application
- the conditions, restrictions, or modifications it imposed when it approved the application

Reasons for a Rehearing

A motion for rehearing made under RSA 677:2 shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the zoning board of adjustment, a board of appeals, or the local legislative body shall be taken unless the appellant shall have made application for rehearing as provided in RSA 677:2; and, when such application shall have been made, no ground not set forth in the application shall be urged, relied on, or given any consideration by a court unless the court for good cause shown shall allow the appellant to specify additional grounds. (RSA 677:3)

Why do you believe that the Zoning Board should hold a new hearing?

Reasons for a rehearing usually fall into two categories:

- You have additional evidence or information that you believe might change the decision.
- The Zoning Board made mistakes in how it applied the law (state law, case law, or the Zoning Ordinance) to the facts of the case.

Parties to a zoning case are expected to have prepared their case before the hearing. Therefore, if you are requesting a rehearing to present new evidence or information, you should explain why you couldn't have presented that evidence or information at the original hearing.

The Zoning Board will usually not grant a rehearing to consider evidence that could have been presented at the original hearing.

Set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable (use this page; attach additional pages as necessary): _____

_____ See Attached. _____

Rehearing Request

My pleasure to rebuke this Decision. If I don't ask for a rehearing I don't get my day in court. This decision is so bad its hard to argue, it's just bad.

1. Neil Faiman and the rest of the Wilton Town Government are so corrupt that I really don't have any thing to say to any of you.

Special exception 5.3.1 or 6.6.1 does not authorizes the ZBA Board the right to grant a special exception for a licensed Family group child care as a home occupation. 6.6.1 gives a little more latitude over 5.3.1. So lets read 5.3.1, I see nothing here about granting any Special exceptions at all in 5.3.1. except a home occupation.

The 5.3.6 and /or 5.3.6(b)is a Special Exception
Pretend you do not know this. (5.3.6(b))

The 5. means (residential)

The 3. means (Special Exception)

The 6. means it's the sixth Special Exception
(Schools and day care centers)

The (b)is the subsection (in home day care and per-school).

Special Exception 5.3.6. (Schools and day care centers) or

Special Exception 5.3.6(b) (Any in home day care and per-school)

Does not matter which one you think is correct. One or both of them is correct.

You have neither in your Application for Special Exception. The 5.3.6 or 5.3.6(b) needs to be in your application.

With out it you do not have any special exception to base your home day care decision on.

Special Exception

The following uses will **only** be allowed as **special exceptions** by the Zoning Board of adjustment and site plan review and approval by the planning board.

5.3.1 Home Occupations,

5.3.1.1 Home occupation Not required

5.3.2 Bed and Breakfast

5.3.3 House of Worship

5.3.4 Hospitals, Emergency Medical Centers

5.3.5 Civic and Municipal buildings

5.3.6 Schools and Day Care Centers

5.3.7 Multi-family uses

A special exception is a use which is permitted by 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; 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.

Application for a Special Exception

***When the application asked: What section of the Zoning Ordinance defines the Special Exception that you are applying for?**

The goal of the applicant was to get a special exception for a home day care in some form or fashion.

If I was looking for the answer for this question I'd look under 5.3 Special Exceptions and make a list.

- 5.3 Special Exceptions
- 5.3.1 Home Occupations (maybe yes (but, no day care))
- 5.3.1.1 No, this does not apply
- 5.3.2 Bed and breakfast (No, does not apply)
- 5.3.3 House of Worship (No, does not apply)
- 5.3.4 Hospital (No, does not apply)
- 5.3.5 Civic and municipal buildings (No, does not apply)
- 5.3.6 Schools and Day care centers (yes)
- 5.3.7 Multi-family uses of dwellings (no, does not apply)

The only Special exception that fits is;

- 5.3.6 Schools and Day Care Centers and/or
 - 5.3.6(b) Any in-home day care and per-school, defined as the regular care or education in a dwelling unit of children not residents of that of that dwelling unit, that requires state licensing under RS 170-e. Also requires a special exception as a home occupation under section 5.3.1..
- Section C, D and E do not apply.

Answer to the Question above is 5.3.6 or 5.3.6(b) also 5.3.1 or maybe 6.6.1 for home occupation.

*When the application asked what section of the Zoning Ordinance defines the Special Exception that you are applying for?

I would answer 5.3.6(b) and 6.6.1.

Now, how do we respond to your response that 5.3.6(b) is not a distinct special exception we both know that is untrue. We can say that 5.3.6(b) is a subsection under special exception 5.3.6 defining one of the five categories under 5.3.6 school and day care centers in this case in-home day care...

The 5.3.6 is a Special Exception not an ordinance.
OK, let pretend you do not know this. (5.3.6(b))

The 5. means (residential)

The 3. means (Special Exception)

The 6. means it's the sixth Special Exception
(Schools and day care centers)

The (b) is the subsection (in home day care and per-school).

Special Exception 5.3.6. (Schools and day care centers) or

Special Exception 5.3.6(b) (Any in home day care and per-school)

Does not matter which one you think is correct. One or both of them is correct. You have neither in your Application for Special Exception. The 5.3.6 or 5.3.6(b) needs to be in your application.

Without it you do not have any special exception to base your home day care decision on.

6.6.1(a) the home occupation shall not be evident from the road or other public Right of way. (Definition (evident) plain or obvious; clearly seen or understood.)

Dropping off and picking up children. I'll give you a pass on this for now. But children playing and being evident (seen) from the road is not a matter of what you believe to be obtrusive or not. Either they are evident or not. Or seen or not seen. This would be a violation of 6.6.1(a) and this requirement would not be met or satisfied.

6.6.1(d) lets give this a pause for now.

5.3.1(f) only two parking spaces may be added. (ONLY TWO)

5.3.1(g) Traffic generated by home occupation shall not create safety hazards or be substantially greater in volume than would normally be expected in the neighborhood.

I did not hear any testimony that their wouldn't be any increase in traffic. Of coarse more car means you increase the traffic you increase the risk of injury or death.

Staggered drop off and pick up, how do you police that. Besides why the staggered system? Because the traffic would be increased greatly. Remember the road were it meets the drive way is only 14 feet across and is a single lane road. Plus it meets Potter Road and Captain Clark HWY. intersection all coming together at the same location. Not a good situation. Dangerous

I have been here for 30 yrs I think my opinion and knowledge has far greater value than you or the ZBA board. This requirement has not been satisfied.

Lets talk about the parking lot that you think you have the right to approve.

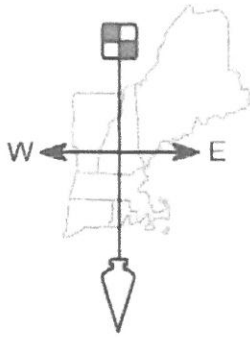
Please remember that under 5.5.1 home Occupation/ special exception you need to comply to all conditions just like 5.3.1(f).

5.3.1(f) states a maximum of 2 parking spaces is permitted end of story. Special exception does not care how you feel or think.

Besides you have no approved planes for the drive way. Such issues like line of site, intersection with in 20 feet.

Its hard to argue this part because of the opinion of this Notice of Decision. Not that I agree with anything it says. But the argument that is made by Neil Faiman is so wrong it hard to rap your head around.

Thomas Ryan
125 Potter Rd
Wilton NH 03086
603-562-8540
23thomas54@Gmail.com



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Date: February 20, 2024

FLC#3722.00 / CDF

List of Abutters
Tax Map H Lot Number 132
Wilton, New Hampshire

Map H Lot 132
Michaelann Murphy
291 Captain Clark Hwy
Wilton, NH 03086

Map H Lots 5 & 133
Steven J McDonough
Mary E McDonough
9 Brown Rd
Wilton, NH 03086

Map H Lot 6-1
Craig & Donna Chandonnet
287 Captain Clark Hwy
Wilton, NH 03086

Map H Lot 6
Ryan Thomas
Bonnie L Cox
125 Potter Rd
Wilton, NH 03086

Map H Lot 123
The Spaceballs Living Trust
Daniel C & Lorin R Baeta
92 Potter Rd
Wilton, NH 03086

Map H Lot 124-1
Dov D & Michelle J Jaffe
326 Captain Clark Hwy
Wilton, NH 03086

Map H Lot 129
Todd A Sowa
311 Captain Clark Hwy
Wilton, NH 03086

Map G Lot 11
State of New Hampshire
Dept of Trans (Rail & Transit)
7 Hazen Dr
Concord, NH 03301

Engineer:
Fieldstone Land Consultants, PLLC
206 Elm Street
Milford, NH 03055