



# Town of Wilton, NH Zoning Board of Adjustment

## Notice of Decision

The request by Lawrence Withers for a variance to section 14.3.1 of the Wilton Zoning Ordinance has been denied. If it had been granted, it would have allowed the subdivision of Lot A-55, 19 Davisville Road, into two lots, neither of which would have had the required area.

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, May 9, 2024, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

### Findings of Fact

- The lot size is 4.5 acres.
- The minimum lot size in the Watershed District is 6 acres per dwelling unit.
- The lot pre-dates the zoning restriction.
- The lot has frontage on both Davisville and Duggin Road.
- The lot has a 19th century home on Davisville Road.
- The applicant proposes to subdivide the lot into two.

### Reasons for the Decision

- **Public Interest and Spirit of the Ordinance:** The purpose of the Watershed District is “to preserve the quality of the water and to protect the health and welfare of the residents of the Town of Wilton by minimizing sources of pollution through regulation and restriction of population density and activity, ...” and the proposed subdivision is directly contrary to that purpose.
- **Hardship:** There is nothing unusual about the property that makes the minimum lot size requirement uniquely unnecessary for the purpose of protecting the water quality of Mill Brook as applied to this property, nor does the inability to subdivide the lot unreasonably interfere with the use of the lot.
- **Substantial Justice:** The property is already smaller than would be allowed for a new subdivision in the Watershed, as seen in the recently subdivided lots above it on Duggin Road. It is also smaller than most lots on the north side of Davisville Road. It is perfectly suitable for a single-family lot, and the imposition on the owner is outweighed by the damage that would be done to the Watershed District scheme by allowing the creation of new lots with less than half the required area.
- **Property Values:** Damage to the water quality of Mill Brook would be damaging to the value of all property in the town.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Faiman". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Neil Faiman, Chairperson  
Wilton ZBA  
April 10, 2024

Case #4/9/2024-2, decided Tuesday, April 9, 2024