



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Caroline Petroules for a variance to section 5.2.3 of the Wilton Zoning Ordinance has been granted. It will allow the installation of an above-ground swimming pool that will be closer to a lot line than allowed by the Ordinance on Lot K-96-1, 23 Russell Street.

This decision shall expire if the construction or use permitted by it has not begun by Thursday, May 14, 2026. (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, June 13, 2024, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Fact

- Lot K-96-1 is located at the southeast corner of Maple Street and Russell Street. It has 106 feet of frontage on Russell Street and 62 feet of frontage on Maple Street. The lot area is 7739 Sq. Ft.
- The house is located near the south lot line. To its east is a wooded buffer with Lot K-106, a portion of which is in the setback from Tannery Brook. The northern half of the lot contains the driveway and a lawn.
- The applicant proposes to place a 9'x18' above-ground swimming pool to the north of the house, 15 feet from Lot K-106, 32.5 feet from Maple Street, and about 15 feet from the house.
- The pool is a temporary structure, and the applicant intends to take it down during the cold season.
- The pool does not require any fencing.
- The pool will not have any deck, but will be accessed with a ladder.

Reasons for the Decision

- **Hardship:**
 - The problem arises because the preexisting, non-conforming lot is substantially undersized.
 - Nonetheless, the placement of the house and of the proposed pool leaves a substantial open green area at the corner, and does not create a sense of congestion or interfere with visibility at the corner.
- **Spirit of the Ordinance, Public Interest:** The proposed impingement on the setback does not adversely affect abutters, the character of the neighborhood, or the public health, safety, or welfare.
- **Property Values:** The proposed pool is not inconsistent with the character of the neighborhood.

- **Substantial Justice:** Enforcing the letter of the ordinance would impose a substantial inconvenience on the applicant with no corresponding public benefit.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Faiman". The signature is fluid and cursive, with a long horizontal flourish at the end.

Neil Faiman, Chairperson
Wilton ZBA
May 15, 2024

Case #5/14/2024-1, decided Tuesday, May 14, 2024