

J-136



Town of Wilton
Building Department
42 Main Street • P.O. Box 213 • Wilton, NH 03086
Phone: (603) 654-3960 • Fax: (603) 654-6663

August 22, 2019

Daniel Pratt
37 Burns Hill Road
Wilton, NH 03086

sent 9-12.

Dear Mr. Pratt,

On November 15, 2018 you applied for a building permit to construct a roof over an existing deck at the above address. I have not been called to inspect this project so I assume it is not yet finished. All construction projects need to be inspected and approved by the Building Inspector.

My reason for writing you today is that I've received a few complaints indicating there may be rooms rented out or the building is being used as a multi-family or other multi-use rental. The zoning section below states the uses permitted in your district.

WILTON ZONING ORDINANCES:

Section 5.0 Residential District

- 5.1 Permitted Uses: A building may be erected, altered or used and a lot may be used or occupied for:
- a. Single family and duplex family dwellings and accessory uses.
 - b. Multi-family dwellings containing three dwelling units with site plan approval by the Planning Board.

Please understand that it is not the intention of this office to cite you with a violation, our intention is to work cooperatively with you in addressing the specifics of your situation. I look forward to speaking with you about resolving this matter. My number is 603-654-3960.

Thank you in advance for your cooperation.

Sincerely,

Norma Ditri
Building Inspector/Code Enforcement Officer

- cc: Select Board
Assessor
Tax Collector
Fire Chief
Police Chief

B & B Requirements

Information Organizer

Info needed on all applications

Name of owners: Daniel J. Pratt
Name of B & B: n/a
Address: 37 Burns Hill Road
Contact information: 603-554-7362
Website: n/a
Map and Lot number: J-136

2 Full baths
7 Bedrooms
1 Vacant
1-Owner

Friends - Some can't pay
2 Work & pay rent
Others barter

District: Residential Residential and Agricultural Commercial

Overview

There are five (5) steps to complete for a Bed and Breakfast. Even if you don't provide meals or food of any kind, all Home Occupations that include Lodging fall under the Bed and Breakfast Ordinances in Wilton.

Please keep copies of all letters, licenses, permits, and decisions. The first three steps can be done at the same time. The last two steps can also be done simultaneously.

Steps 1-3: Taxes and Life Safety

Step 1. You need a permit to collect Room and Meal taxes from the state of NH.

Information is available here: <https://www.revenue.nh.gov/faq/meals-rooms.htm>

N/A Step 2. If you serve food, you need a 16E1 Food Service Permit. Information is available here: <https://www.dhhs.nh.gov/dphs/fp/food-establishments.htm>

Step 3. You will need a ~~State Fire Marshal~~ ^{Wilton Fire Dept} B & B Life Safety inspection. The requirements for this are attached. The Wilton Fire Chief can perform these inspections and you must address any deficiencies. You can contact the Chief at FireChief@wiltonnh.org.

Changing your building

If you need to make changes to your home, please contact the Building Inspector to ensure you have all the proper permits for any plumbing, heating, electrical, or building changes. If you want a sign for your B & B, the Building Inspector issues Sign Permits.

The Building Inspector can be reached at (603) 654-3960.

Steps 4 -5: Zoning and Planning

Any business has the potential to disrupt a residential neighborhood, so you need to go through the planning and zoning processes to protect the character of the town.

Step 4. You need a Special Exception for a Home Occupation from the Zoning Board of Adjustment.

Bed and Breakfasts are permitted “by Special Exception” in the Residential, General Residence and Agricultural, and Commercial Districts, which means that they are subject to specific rules and require approval by the Zoning Board of Adjustment (ZBA).

The next part is the language from the Ordinances of Wilton. It is complex but read each step carefully and if you have questions about what they mean, please ask!

Section 5.3.2 Bed and Breakfasts. Up to four lodging units may be created and rented in an existing dwelling, and meals may be provided to the persons renting the lodging units. The requirements for a bed and breakfast are the same as those for a home occupation, except that requirement 5.3.1 a., shall not apply.

Section 5.3.1 contains the requirements for home occupations in general. The last clause of Section 5.3.2 says that Bed and Breakfasts do not have to meet the “incidental and secondary” requirement of 5.3.1(a):

Section 5.3.1 Home Occupations. Any home occupation shall be permitted as a special exception provided it complies with the requirements of this section. When considering an application for a home occupation, the Zoning Board of Adjustment shall consider the location of the proposed use, the area of the lot, the type and density of surrounding development, existing buffers and screens between the proposed use and surrounding development, and the compatibility of the proposed use with the surrounding neighborhood. (Amended March 1992.)

1. ~~The home occupation shall be incidental and secondary to the use of the dwelling unit as a residence. (Amended March 1992.)~~
2. Home occupations shall be carried on by the resident owner, resident members of the owner's family, a resident tenant, or resident members of the tenant's family.
3. Two (2) non-family employees are permitted on the premises.

4. No additions or changes shall be made to the residence that will make it impractical to revert the building to purely residential use. (Amended March 1992.)
5. Exterior storage of materials or equipment is prohibited. (Amended March 1992.)
6. In addition to the parking area required for the primary residential use, sufficient off-street parking shall be provided for any non-resident employees, customers and suppliers who may normally be expected to need parking at one time. Driveways may be used for client parking. Where additional space is desired, a maximum of two (2) parking spaces is permitted; however, those spaces shall not be located in the front yard. Parking spaces shall be a minimum of nine feet by eighteen feet (9' X 18') per space.
7. Traffic generated by the home occupation shall not create safety hazards or be substantially greater in volume than would normally be expected in the neighborhood. (Amended March 1992.)
8. Home Occupations shall be conducted in accordance with all Town regulations, state laws and licensing requirements. (Amended March 1992.)
9. When a business outgrows the standards established for a home occupation, it must relocate into a commercial or industrial district.

When you are ready to apply, read the directions on How to Apply to the ZBA.

Directions for apply to the Zoning Board of Adjustment are here:

https://wiltonzba.org/how_to_apply.html

Deadlines for applying are generally the last Tuesday of the month for the following month's meeting. Please ask for help early to ensure your application is complete so there are no delays.

Step 5. You will need Home Occupation Site Plan approval from the Planning Board.

Here is a link to the Site Plan Application and Fee Schedule:

<https://www.wiltonnh.gov/common/pages/DisplayFile.aspx?itemId=13786440>

The Planning Board and Zoning Board of Adjustment allow for simultaneous applications. Please note the fees for a Home Occupation.

The Site Plan does not need to be engineered. Please use accurate measurements and include as much detail as you can. Use the checklist in the application as a guide for what needs to be included. If you are in doubt, please ask.

Deadlines for applying are generally the last Tuesday of the month for the following month's meeting. Please ask for help early to ensure your application is complete so there are no delays.