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JUL 23 2024

From: Town Administrator <wiltonta@wiltonnh.gov>

Sent: Monday, July 1, 2024 3:13 PM

To: Goddard, Bill <Bill.Goddard@NEMoves.com>

Subject: Town of Wilton - Advisement - Potential Land Use Violations - 37 Burns Hill Road / J-136

Hello Mr. Goddard,

I'm reaching out to you in this e-mail because of a property you're selling: 37 Burns Hill Road – J-136. As I understand, you've already talked about the property with the Fire Chief regarding extant Fire Code issues he sees. This is a similar issue, and is more or less me fulfilling a professional obligation on my part to notify you as the agent that the town sees the property's current use as potentially in violation of regulations as is.

Background

Since this property (J-136) came on the market, my office has been receiving what amounts to inquiries and even complaints over the status of that property. Apparently it's functioned as a rooming house for several years of the previous owners' tenure managing the building, and the concerns lately received revolve around code compliance and land use approvals.

For my part, I've been aware the building was a rental property since I came to Wilton in late 2021, but other than knowing Chief Nourse was working with the former owner for extant fire code issues, I had assumed it was previously approved to operate according to town regulation. Since no other complaints had materialized, it was a non-issue in my book.

However, the Select Board's mandate to me for code enforcement has generally been that as long as life safety isn't a concern, the town won't aggressively pursue code enforcement in the absent of public complaints. Hence I've only conducted a review of records and regulation now. To that point:

Sometime in 2019, the Wilton Building / Land Use Office received similar complaints about the property (j-136). Then Building Inspector, Norma Ditri, and then Land Use Administrator, Michelle Decoteau, proceeded to review the situation. They determined it was likely getting used as a boarding house or something similar, and that such a use was incompatible without dispensations by the Zoning Board of Adjustment. Norma and Michelle then contacted the owner to that effect.

Records then suggest they inspected the property and found that it was indeed a rooming house definitionally. Norma then for some reason closed out the issue by sending a letter to the owner noting the present conditions and saying that it was approved under present zoning regulation after Fire Department compliance was met.

Unfortunately, I haven't been able to locate records that significantly justify Norma and/or Michelle's determination in the letter or explain their exact thinking. The mention of a lease in the letter suggests to me that town employees were -potentially- drawing a distinction amongst the current inhabitants, definitions in the zoning ordinance, and what is tolerable under regulation as long as the Fire Department's requirements were met.

Additional forthcoming information notwithstanding, however, professionally I don't find that argument compelling after now reviewing the town's then and now regulations.

Conclusion

At any rate, at this time, all I can say is that I feel professionally compelled to advise you as the current owner's agent that the property appears to be conflict with the town's land use regulations in addition to the Fire Code issues. From what I can tell, the former Building Inspector was in error in suggesting it was free to operate, or that conditions or tenants in the years subsequent have changed to render the situation problematic again. In both scenarios, the former Building Inspector or Land Use Administrator's determination doesn't hold weight if present staff find they were in error or conditions have subsequently changed.

That said, I haven't been asked yet to formally review the situation for active code enforcement, so this message should be taken as advisory: **Future owners may need to go through the town's appropriate land use board processes to avoid issues with the town if they want to continue using it as a rental property.**

Weighing against that for me, both morally and in the big picture, is the reality that the property is, at present, known to be getting used as medium-to-long-term affordable housing. Which I don't need to tell you is incredibly important for this state and this community. So on a final point: **I would be supportive of assisting current or future ownership with navigating these processes and assisting with getting affordable housing approved – including a special exception for a boarding house if necessary - if the town was ever to engage in code enforcement.**

Feel free to reach out if there are any questions.

603-654-9160
Nick Germain, MPA
Wilton Town Administrator

Sent from my Google Pixel Fold

Best Regards,

William "Big Bill" Goddard

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