



TOWN OF WILTON, NH - PLANNING BOARD
 WILTON TOWN HALL • P. O. Box 83 • 42 Main Street • Wilton, NH 03086



NOTICE OF DECISION

Authority: RSA 676:3 ([Text](#))

Project Name: Isaac Frye Holdings, LLC	Case Number: ESP01-0123
Plan (Plat) Date (Latest Revision): 4/8/2024	Tax Map & Lot #s: F-003-02

<p>P.B. DECISION DATE: 6/19/2024</p> <p>Notice of Decision Date: 7/9/2024</p>	<p>APPLICANT(S): Isaac Frye Holdings, LLC 586 Turnpike Road New Ipswich, NH 03071</p> <p>APPLICANT REP: Jon Rokeh Rokeh Consulting, LLC Mailing Address: PO Box 204, Epsom, NH 03234 Business Address: 89 King Road, Chichester, NH</p>	<p>APPLICATION TYPE:</p> <p><input type="checkbox"/> (SD) Subdivision Cluster Development: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> (SP) Site Plan Home Occupation: Yes <input type="checkbox"/> No <input type="checkbox"/> Part of a general site plan <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> (EX) Excavation / Reclamation</p> <p><input type="checkbox"/> Other:</p>
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Application Description:

ESP01-0123 Isaac Fyre Holdings, LLC: An application for an Excavation Site Plan Review for Lot F-003-02 (8.85 acres, 58 feet of frontage) on Isaac Frye Road to restore the site where excavation has taken place and construct a residence thereon. This lot is in the Residence and Agricultural District and in the Aquifer Protection overlay district.

In accordance with RSA 676:3, this document and any attachments serves as written notice that the Town of Wilton, NH Planning Board (Board), at a public hearing noticed in accordance with RSA 676:4, has, after consideration of the information before it, voted on the application described above as set forth on the following pages:



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Planning Board Decision:

<input checked="" type="checkbox"/> Approved With condition(s) precedent: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> With condition(s) subsequent: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> Disapproved	<input type="checkbox"/> Denied without prejudice <input type="checkbox"/> Rejected without prejudice (for application not accepted)
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The application has been APPROVED WITH CONDITIONS based on the following:

1. The Board recognized that the Zoning Board of Adjustment granted a variance to section 4.1 (Case #5/11/21-1). The variance granted is:
 - a. subject to the condition that no further earth material may be removed from the lot absent a change in the law or permission duly granted by a Town Board or Body, and
 - b. in recognition of the applicants' acknowledgment that the excavation is subject to Excavation Site Plan Review by the Wilton Planning Board.
2. The Board determined that because of the configuration of the lot as subdivided, and because of the limits of the access easement outside the 50-foot buffer, the Applicant has shown good cause based on this configuration. Therefore, the Board has granted a waiver in accordance with RSA 155-E:5-b from the requirement of RSA 155-E:4-a, that no excavation be permitted within 50-feet of a disapproving abutter provided that the applicant provides:
 - a. additional vegetative screening to be placed between the ten (10) foot buffer strip along the northerly lot line and the top of the dry stone retaining wall and the northerly limits of the driveway and its associated improvements to include a mix of hardwood and softwood, and
 - b. the Applicant provide a landscape plan to the Town of Wilton for review, comment and approval by the Town Engineer.
3. The Board, pursuant to Section F.10 of the Excavation Site Plan Review Regulations, granted the following waiver requests:
 - a. Section 7.0.a, that no excavation covered under RSA 155-E shall be permitted closer than 50-feet of the boundary of a disapproving abutter or within ten (10) feet of an approving abutter unless approval of a lesser distance is requested by the abutter, as defined in RSA 11-E:4, (II),
 - b. Section 7.0.c, that all areas used for the excavation of earth materials shall be set back and separated by an undisturbed natural buffer at least 300 feet from all public roads except Webb Road and from all lot lines, and



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- c. Section 7.0.e, that the vegetation shall be maintained or provided within the peripheral areas required by Section 7.0.a, b., and c. for good cause shown as described in paragraph 2 above.
4. The Board found that the application, subject to the fulfillment of the conditions listed below, met the requirements of the Excavation Site Plan Regulations.
5. The Board determined that all concerns identified by Board members, planning staff and abutters had been adequately addressed.



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This approval is subject to the following conditions precedent (must be fulfilled for approval to become final):

1. The Applicant shall provide a detailed landscape plan showing buffer plantings south of the ten (10) foot buffer strip proposed by the applicant, and north of the dry stone retaining wall and the driveway, which buffer with plantings must thrive and survive or be replaced within 3 years. Said plan to be reviewed, commented and/or approved by the Town Engineer.
2. The Applicant provide a note on the landscape plan that no material may be brought onto the site or removed from the site with exception/understanding that some material may be required for septic field construction.
3. Prior to the commencement of any development or disturbance at the property, the Applicant shall post security in the amount of \$90,000 for excavation reclamation and/or installation of the stormwater infrastructure.
4. The Applicant shall revise the Plans to show the additional the dry stone retaining wall south of the driveway to be reviewed and approved by the Town Engineer.
5. The Applicant shall provide necessary documents in recordable form, relative to the Wilton Stormwater Regulation for maintenance, inspection, and reporting to be reviewed and approved by the Stormwater Manager and Town Counsel.
6. Prior to the commencement of any site disturbance on the property, the Applicant shall submit a proposed construction schedule reflecting development milestones for the review and approval of the Town Engineer.
7. Prior to the commencement of any development or disturbance at the property, the Applicant shall convene and attend a pre-construction meeting, consistent with section 11 of the Site Plan Regulations, with the majority contractors, the Applicant's Engineer, the Town Engineer, the Building Inspector, the Fire Chief, and the Road Agent.
8. Prior to the commencement of any development or disturbance at the property, the Applicant shall provide the Town with sufficient funds to be placed into escrow to pay final statements of the Town Engineer and Town Counsel.
9. The Applicant shall follow all notes, requirements, recommendations, and suggestions set forth in the Plans.
10. Copies of all deeds, restrictive covenants, and the Stormwater Maintenance and Repair Manual and similar legal documents, shall be submitted to the Planning Board for review and approval by Town Counsel prior to being recorded.



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Conditions Precedent: Per Section B Subdivision Regulation §3.4.4 and Section D Site Plan Regulation §3.5.4, if these conditions are not met within 90 days from the receipt of when the conditional approval was granted, the Board will determine the appropriate action to be taken on the application.

This approval is subject to the following conditions subsequent (must be fulfilled after approval is final):

1. Construction work shall be restricted to the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 4:00 p.m. on Saturdays, with no construction activity on Sundays.
2. The Applicant shall comply with all conditions and recommendations made in the Settlement Agreement regarding variances (9B.6.1, 9B.6.2, and 9B.6.4) which may be required.
3. The Applicant shall comply with all conditions and recommendations made in connection with the issuance of any Alteration of Terrain permits.
4. During construction and upon completion of the two (2) dry stone retaining walls, the Applicant shall have the Building Inspector and Town Engineer inspect for compliance.
5. During construction, stormwater basin inspections shall be performed after any rainfall events exceeding 0.25 inches, as provided in the Erosion Control Notes and the Erosion Control Detail Plan.
6. The Applicant shall comply with section 4.9 of the Town of Wilton Zoning Ordinance.

Conditions Subsequent: While these conditions can be fulfilled after approval is final, they must be fulfilled for this approval to remain valid, continuously if prescribed as such. Any non-compliance with these conditions would invalidate this Planning Board approval and any associated land use, against which would be strictly enforced.

Associated documents on file at the Land Use Office:

1. Wilton Planning Board Meeting Minutes of 6/19/2024.
2. Site Plan for an Excavation & Reclamation Grading Project, prepared for Isaac Frye Holdings, LLC, prepared by Rokeh Consulting, LLC, last revised 4/8/2023 (7 Sheets)



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3. Town of Wilton vs. Isaac Frye Holdings, LLC Settlement Agreement dated 11/29/2022
4. Stormwater Permit Application - SW03-0323 Isaac Frye Holdings, LLC

Not Final Approval

The signature below alone does not confer final approval from the Board. In addition to meeting any conditions precedent identified above, as verified by the Board or its agent, the Final Approval Checklist (the last page of this Notice of Decision) must have been completed and signed, and all required documents and fees identified in the checklist must have been provided for approval to become final.

Planning Board Decision

_____Date_____		_____Date_____
Co-Chair or Designated Member	OR	Co-Chair or Designated Member
Town of Wilton Planning Board		Town of Wilton Planning Board



Project Name: Isaac Frye Holdings, LLC	Case Number: ESP01-0123
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Escrow Name:	Escrow Account Number:

Final Approval Checklist

This checklist must have been completed and signed for approval to become final.

A) Materials for Final Approval: (as required per application)

- | | | | | |
|----|--------------------------|--------------------------|--|----------|
| | Y | N/A | | |
| 1) | <input type="checkbox"/> | <input type="checkbox"/> | 6 paper copies of the Final Plat – to be signed by Chair and Vice Chair | |
| 2) | <input type="checkbox"/> | <input type="checkbox"/> | 1 Mylar original in permanent black ink with owner signature – to be signed by Chair and Vice Chair | |
| 3) | <input type="checkbox"/> | <input type="checkbox"/> | Digital Data Submission of the Final Plat | |
| 4) | <input type="checkbox"/> | <input type="checkbox"/> | Any additional fees | |
| | | | a. NRPC Escrow | \$ _____ |
| 5) | <input type="checkbox"/> | <input type="checkbox"/> | Copies of all additional legal documents associated with the application (e.g. notarized easement deeds) | |

B) Final Approval Related Fees: (check applicable box(s); enter fee) – See Appendix III of Wilton Land Use Laws & Regulations Fees to the Town of Wilton (1 check made out to “Town of Wilton”)

- | | | | | |
|--------------------------------------|--------------------------|--------------------------|---|-----------------|
| | Y | N/A | | |
| 1) | <input type="checkbox"/> | <input type="checkbox"/> | Town Administrative Fee for Recording any Documents | \$ _____ |
| 2) | <input type="checkbox"/> | <input type="checkbox"/> | Digital Data Submission Fee | |
| | | | _____ # approved lots x \$ _____ fee = | \$ _____ |
| Total Fees to Town of Wilton: | | | | \$ _____ |

Fees to the County Registry (1 check made out to “Hillsborough County Registry of Deeds”)

- | | | | | |
|---|--------------------------|--------------------------|---|-----------------|
| | Y | N/A | | |
| 3) | <input type="checkbox"/> | <input type="checkbox"/> | Recording fee for plans
(Plan # _____) | \$ _____ |
| 4) | <input type="checkbox"/> | <input type="checkbox"/> | Recording fee for any other documents (e.g. easements)
(Book # _____ / Page # _____) | \$ _____ |
| 5) | <input type="checkbox"/> | <input type="checkbox"/> | Surcharge according to NH RSA 478:17-j | \$ _____ |
| Total Fees to Hillsborough County Registry of Deeds: | | | | \$ _____ |

Fees to the County Registrar (1 check made out to “Hillsborough County Registry of Deeds”)

- | | | | | |
|---|--------------------------|--------------------------|-----------------|-----------------|
| | Y | N/A | | |
| 6) | <input type="checkbox"/> | <input type="checkbox"/> | LCHIP Surcharge | \$ _____ |
| Total Fees to Hillsborough County Treasurer: | | | | \$ _____ |

**Please see <https://www.nhdeeds.org/hillsborough-recording-fee/> for updated Hillsborough County Recording rates

C) Verify Conditions Precedent Have Been Met:

- | | | |
|----|--------------------------|--------------------------|
| | Y | N/A |
| 1) | <input type="checkbox"/> | <input type="checkbox"/> |

Planning Board Decision

_____ Date _____	OR	_____ Date _____
Co-Chair or Designated Member		Co-Chair or Designated Member
Town of Wilton Planning Board		Town of Wilton Planning Board