



**Bernstein, Shur,  
Sawyer & Nelson, P.A.**  
Jefferson Mill Building  
670 North Commercial Street  
Suite 108  
PO Box 1120  
Manchester, NH 03105-1120

T (603) 623 - 8700  
F (603) 623 - 7775

Roy W. Tilsley, Jr.  
Shareholder  
603-665-8823 direct  
rtilsley@bernsteinshur.com

July 23, 2024

Town of Wilton  
Zoning Board of Adjustment  
42 Main Street  
Wilton, NH 03086

**Re.: Variance Relief – Isaac Frye Highway – Tax Map/Lot F-3-2 (the “Property”)**

Dear Chairman Faiman and Members of the Board:

On behalf of Isaac Frye Holdings, LLC (the “Applicant”), please find attached applications for variance relief from Zoning Ordinance Sections 9B.6.1, 6.2, and 6.4 related to limited gravel removal at the Property.

On November 9, 2021, this Board granted relief from Section 4.1 allowing excavation of 5,138 yards of gravel incidental to the construction of a single-family house at the Property, conditioned upon excavation site plan approval from the Wilton Planning Board. The Applicant has now received such approval and is prepared to recommence work on the site following receipt of these associated variances. While more than two years have passed since receipt of the original variance, it remains in effect pursuant to RSA 674:33 I-a. (a), which states variances “shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.” On or around November 17, 2021, the Applicant filed for excavation site plan review. Litigation regarding the Planning Board application is still pending, and as such the expiration of the original variance is tolled. Pursuant to the parties’ settlement agreement, the requested variances should be the only necessary zoning relief.

Please note, the application includes a request for relief under Section 9B.6.4, although the Zoning Board may determine such relief is not necessary owing to the Planning Board’s approval of a reclamation plan incorporating 2:1 slopes. In an abundance of caution, the request is included for your consideration.

Town of Wilton – Zoning Board of Adjustment

July 22, 2024

Page 2

We appreciate your attention to this matter and look forward to discussion the applications at the Board's next available meeting.

Sincerely yours,

*/s/ Roy W. Tilsley, Jr.*

Roy W. Tilsley, Jr.

RWT/ael