

Town of Wilton, NH
Application to the Zoning Board of Adjustment
(Revised August 2022)

General Information, Page 1 of 3

Property Information

Describe the lot involved in the application (the lot that you want to build a building on, subdivide, conduct a business or other activity on, etc.). If more than one lot is involved, then describe them all in this space if it is convenient, or attach additional copies of this page.

Tax Map and Lot Number Map-H Lot 54-3 Lot Size 2.4 Acres

Street Address 47 Badger Farm Road

Zoning District (check one):

- Residential General Residence and Agricultural
 Commercial Industrial Office Park

Relevant Overlay Districts (check any that apply):

- Research and Office Park Floodplain Conservation Watershed
 Wetlands Conservation Aquifer Protection Elderly Housing

Owner

If the application involves multiple lots with different owners, attach additional copies of this page.

Name Richard & Deborah Clutz

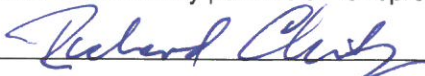
Mailing address 47 Badger Farm Road

Mailing address _____

Town, State, ZIP Wilton, NH 03086

This application must be signed by the owners of all lots involved in the application.

I approve the submission of this application. If an applicant or representative is named on the next page, the person named there has my permission to represent me before the Wilton Zoning Board.

Signature  Date 7-25-24

(continued on the next page)

clerk use only

Date and time received: _____

Received by: _____ Amount paid: _____

Case #: _____ Abutter list and labels included

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Applicant

The applicant is the person who actually wants to build the building, conduct the business, etc. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.

Same as owner

Name Richard Clutz


Mailing address 47 Badger Farm Road

Mailing address _____

Town, State, ZIP Wilton, NH 03086

Signature of Applicant or Owner

I certify that to the best of my knowledge and belief, all information provided in this application is accurate.

Signature  Date 7/25/24

Representative

Fill out this section if the application is being submitted by a realtor, surveyor, engineer, attorney, etc., on behalf of the actual owner or applicant.

Name GRAZ Engineering, LLC

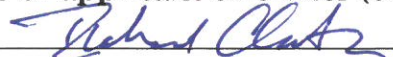
Mailing address 323 West Lake Road

Mailing address _____

Town, State, ZIP Fitzwilliam, NH 03447

I authorize the above-named representative to submit this application and to speak before the Zoning Board on my behalf.

Signature of applicant or owner (only if a representative is named)

Signature  Date 7-25-24

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Contact Information

How can we get in touch with the applicant or the applicant's representative, if there are questions about or problems with the application? Provide at least one of the following. If you provide more than one, please check your preferred form of contact.

This information is for: the applicant the representative.

Daytime phone 603-303-8247 Evening phone 603-303-8247

Work E-mail paulgrasewicz@gmail.com Personal e-mail paulgrasewicz@gmail.com

Proposed Use

Explain what you want to do with the property. (Do you want to build a building, subdivide a lot, have a business, ...).

Explain why you need the Zoning Board to let you do it. (The building will be too close to the lot line; the Planning Board wouldn't approve your subdivision; your lot is in a zoning district where businesses aren't allowed; ...).

Be specific. Identify the section or sections of the Zoning Ordinance that apply. If lot sizes or configurations or building placements are relevant, provide a scale drawing or plan showing all relevant information, such as lot lines, setbacks, present and proposed structures on your lot and neighboring lots, etc.

Description of proposed use and need for ZBA approval (attach additional pages as necessary):

The proposed septic bed replacement cannot meet the 35' side setback or 75' wetland setback.

Zoning 4.2 requires a 75' setback (60' provided) & 6.2.5 requires a 35' setback (21' provided)

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Application for a Variance, Page 1 of 2

When, because of the specific characteristics of your property, the Zoning Ordinance unreasonably restricts your use of your property without a corresponding public benefit, the Zoning Board may grant a Variance, which modifies or sets aside particular requirements of the Ordinance.

The specific section of the Zoning Ordinance to be varied: 4.2.b.3 & 6.2.5

The requirement in that section that you want to change, and how you want it changed:

The proposed septic bed replacement cannot meet the two of the zoning required setbacks. Section 4.2.b.3 requires a 75' wetland setback and 60' is proposed. Section 6.2.5 requires a 35' side setback and 21' has been proposed.

To grant a variance, the Zoning Board must find that it will satisfy each of the following five conditions. Please explain why you believe that each of the following statements is true (attach additional pages as necessary).

These five conditions come from the New Hampshire statutes and decisions of the state Supreme Court. Unless you are familiar with Zoning law, the language of these conditions probably does not mean what you think it means. If you have not applied for a variance before, we recommend that you consult with the Wilton Land Use Administrator or obtain professional advice.

1. Granting the variance would not be contrary to the public interest: _____

The requested variances allow for the installation of a new leach field to replace the failed one (which is much closer to the wetlands). Public interest is better served to allow the new EDA per design plan.

2. Granting the variance would be consistent with the spirit of the Ordinance: _____

The new proposed system is further from the wetland compared to the existing and placement of the EDA near the side lot line allows for the maximum wetland setback. Also, the spirit of the Ordinance is to protect health, safety and welfare, which is accomplished by this proposed upgrade.

3. Granting the variance would do substantial justice: _____

Granting the variance allows for the replacement of a failed septic system, which is reasonable & just.

4. The proposed use will not diminish surrounding property values: _____

There is no encroachment into the protective well radii and the proposed upgrade is environmentally beneficial to surrounding properties.

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5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship.
Complete section 5(a), 5(b), OR 5(c):

5(a) i. Owing to special conditions of the property that distinguish it from other properties in the area:

The property is traversed by a wetland at the bottom of the steep slope at the rear of the building area. The setback reductions allow for the installation of a proper system and the mitigation of a

potential health hazard.

ii. no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property:

The zoning setbacks are general/random in nature and relief from the same does not compromise the wetland quality or affect the abutting property.

iii. and the proposed use is a reasonable one:

Repairing a failed septic system (with surface breakout) is always a reasonable course of action.

5(b) Owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it

The property is traversed by a wetland at the bottom of the steep slope at the rear of the building area. Because of the site constraints caused by wetlands, house and well locations, the setback reductions allow for the installation of a proper system and the mitigation of a potential health hazard.

5(c) Hardship resulting from a physical disability.

i. The variance is necessary to make reasonable accommodations to allow a person with a recognized physical disability to reside in or regularly use the premises:

ii. The variance is in harmony with the general purpose and intent of the zoning ordinance: