



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by The Coffey Family Trust for a variance to section 15B.3 of the Wilton Zoning Ordinance has been granted. It will allow the installation of a solar collection system on Lot A-49, 29 Stagecoach Road, with a rated capacity of 22.9kw AC, which is greater than is allowed for residential use in the General Residence and Agricultural District..

This decision shall expire if the construction or use permitted by it has not begun by Thursday, October 8, 2026. (Wilton Zoning Ordinance section 17.4)

The selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before Thursday, November 7, 2024, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Fact

- Lot F-125-11 is a 10 acre lot on Stagecoach Road (with frontage also on Burton Highway), in the General Residence and Agricultural District.
- The lot contains a large house, a large barn, and a carriage shed.
- The applicants' electricity consumption averages approximately 25 kilowatt hours per day.
- The applicants propose to install a rooftop solar collection system on the barn with a rated capacity of 14.9 kilowatts and a ground mounted system with rated capacity of 7.8 kilowatts, for a combined capacity of 22.9 kilowatts.
- The locations of the proposed solar systems are shown on a sketch plan and an annotated aerial photo which were provided to the Zoning Board and are part of the case file.

Legal Issue

- Chapter 15B of the Zoning Ordinance defines categories of Solar Collection Systems (section 15B.2) and permits only specific categories of systems in particular Zoning Districts (section 15B.3).
- Permitted systems in the General Residence and Agricultural District are Residential Systems (15B.2.6), Shared Systems (15B.2.8), and Agricultural Systems (15B.2.1). Agricultural systems are permitted to provide power for agricultural uses, and Shared systems are permitted for shared use by multiple customers. Residential systems are permitted "to reduce on-site residential consumption of utility power." Thus, the proposed system would have be a Residential system.
- However, section 17B.2.5 further defines Residential systems as limited to a rated capacity of 12 kilowatts AC or less. Thus, the applicants' proposed 12.6 kilowatt system does not meet the definition of a Residential system, and thus is not a permitted system.
- The applicants' are therefore requesting a variance to section 15B.3 to allow a Solar Collection System which does fall into any category permitted in the General Residence and Agricultural District.

Reasons for the Decision

- **Hardship:** The power consumption of the property exceeds the solar power production allowed by the Ordinance.
- **Spirit of the Ordinance, Public Interest:** A rooftop solar system with a slightly greater capacity than permitted by the ordinance does not adversely affect abutters, the character of the neighborhood, or the public health, safety, or welfare, and is consistent with the general intent of section 15B of the Ordinance.
- **Property Values:** Rooftop solar panels are an increasingly common home improvement, explicitly permitted by the Zoning Ordinance. Many houses in the applicants' neighborhood already have rooftop solar panels.
- **Substantial justice:** Enforcing the letter of the ordinance would impose a substantial inconvenience on the applicant with no corresponding public benefit.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Faiman", with a long, sweeping horizontal stroke at the end.

Neil Faiman, Chairperson
Wilton ZBA
October 9, 2024

Case #10/8/2024-1, decided Tuesday, October 8, 2024