

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

RECEIVED

SEP 13 2024

General Information, Page 1 of 3

REVISED

SEP 20 2024

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 A-049 Lot Size 10 Acres  
Street Address 29 Stagecoach Road, Wilton NH 03086

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 Coffey Family Trust (Joe & Shanna Coffey - Trustees)  
Mailing address 29 STAGECOACH RD  
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 [Signature] Date 9/13/24

(continued on the next page)

<b>clerk use only</b>	
Date and time received: _____	
Received by: _____	Amount paid: _____
Case #: _____	<input type="checkbox"/> Abutter list and labels included

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

**General Information, Page 2 of 3**

**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 \_\_\_\_\_

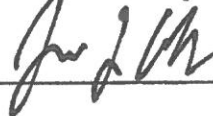
Mailing address \_\_\_\_\_

Mailing address \_\_\_\_\_

Town, State, ZIP \_\_\_\_\_

**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 9/13/24

**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 \_\_\_\_\_

Mailing address \_\_\_\_\_

Mailing address \_\_\_\_\_

Town, State, ZIP \_\_\_\_\_

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 \_\_\_\_\_

(continued on the next page)

**Town of Wilton, NH**  
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**General Information, Page 3 of 3**

**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 925-701-1556  Evening phone 925-701-1556  
 Work E-mail \_\_\_\_\_  Personal e-mail Joe.Coffey@fastmail.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):

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**See Additional Pages Attached**

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

**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: \_\_\_\_\_

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

\_\_\_\_\_  
**See Additional Pages Attached**  
\_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_  
**See Additional Pages Attached**  
\_\_\_\_\_

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

\_\_\_\_\_  
**See Additional Pages Attached**  
\_\_\_\_\_

3. Granting the variance would do substantial justice: \_\_\_\_\_

\_\_\_\_\_  
**See Additional Pages Attached**  
\_\_\_\_\_

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

\_\_\_\_\_  
**See Additional Pages Attached**  
\_\_\_\_\_

(continued on the next page)

**Town of Wilton, NH**  
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**Application for a Variance, Page 2 of 2**

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:

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**See Additional Pages Attached**

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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:

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**See Additional Pages Attached**

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iii. and the proposed use is a reasonable one:

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**See Additional Pages Attached**

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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

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**See Additional Pages Attached**

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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:

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**See Additional Pages Attached**

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

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**See Additional Pages Attached**

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**Supplemental information: Application to the Zoning Board of Adjustment, "General Information" for Coffey at 29 Stagecoach Rd.**

**Proposed Use**

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

***Response:*** They applicants own a 10-acre lot (A-49) located in the middle part of Stagecoach Road that is mostly wooded and is in the General Residence and Agricultural District. It has a 3-story house originally built in 1760 but was moved to the current location in 1980. This is where solar panels are planned to be deployed. It also has a carriage shed and barn. They also own 10 acres adjacent to the above property that is in "Current Use" (A-48-1).

The applicants are asking to allow the installation of a solar generation system with a combination roof mount (~ 16.6 KW DC, 14.9 KW AC) and ground mount (~8.5 KW DC, 7.8 KW AC) for a total generated peak capacity of ~25.1 KW DC, 22.8 KW AC. Note that the AC output of the array is less than the DC due to conversion losses. A variance is required as 22.8 KW AC is greater than the 12 KW AC limit noted in Solar Zoning Ordinance 15B2.6. This solar system will allow the homeowner to meet production requirements that will offset only their current electric cost (right sized – not oversized).

The roof mount system will place 39 panels covering the entirety of the southern facing barn roof (as limited by fire code standards). The panels array would be 3 panels high and 13 panels wide or about 27' x 45'. This roof is about ~270 feet from the Stagecoach Road and the view is substantially blocked from such road due to elevation along the road, the sand mount/leach-field and dense forest so cannot be seen by any abutters (no glare either) unless they view the property from directly from the bottom of the applicant's driveways.

The small ground mount portion will place 20 panels along the south yard woods line to incrementally supplement the roof mount panels. A ground mount addition is required because the roofs on the other structures (house and the carriage shed) are shaded by many trees and

*not fully south so would not generate an acceptable amount of power. The ground mount would be located about ~120 feet from the nearest road and substantially hidden from view by the low road elevation, dense forest and the sand mound/leach field and so would also see no glare. The ground mount panels do not face the road. It can be seen only from near the end of our driveway but not from any abutter structures. This ground mount system has solar panel surface dimensions of only ~12' x 29' feet (4 panels high and 5 panels wide), and a peak height of ~12 feet.*

*We understand that the spirit of the solar energy generation ordinance limitation was originally meant to reduce the size of ground mount systems. The applicant reduced the size of the ground mount system substantially to less than 8 KW by putting most of the panels on the roof of the barn.*

*The system was designed and would be installed by Granite State Solar – a reputable, locally based company that has been awarded New Hampshire’s best solar company for the past few years.*

*All ground mount specifications meet 15B.3 solar zoning ordinances except for the generating capacity.*

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**Supplement to Application to the Zoning Board of Adjustment,  
“Application for a Variance” for Coffey at 29 Stagecoach Rd.**

The specific section of the Zoning Ordinance to be varied:

**Response: 15B.3**

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

**Response: *The peak generation allowed by the ordinance is 12 KW AC and we wish to install ~22.8 kW AC – which would be enough power to negate all the applicants current electric power usage cost.***

\*\*\*\*\*

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).

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

**Response: *The system is not contrary to public interest and is consistent with the general intent of the ordinance. It would not impact abutters, the character of the neighborhood, public health, safety or welfare.***

*The solar panels are difficult to see from most locations and impossible to see from where abutters spend their time. Note that our house, outbuildings and proposed solar system are in the heart of a 10+ acre plot of land where abutters living spaces are not visible due to the distance, the woods, the elevation and a sand mound/leach-field.*

*In addition, the public interest is enhanced by our elimination of electric usage that will reduce pollution due to a reduction of our propane usage (focus on electric heat pump usage for heat) and a reduction of electric power generation by Eversource. A heat pump powered by solar is the holy grail of environmental stewardship.*

\*\*\*\*\*



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

***Response:*** We believe the ordinance encourages solar use without impacting the environment or the abutters properties, the character of the neighborhood, public health, safety or welfare.

\*\*\*\*\*

3. Granting the variance would do substantial justice:

***Response:*** The ordinance enforcement would be a substantial inconvenience with no corresponding public benefit

The variance would also do substantial justice as it would level the playing field for all Wilton resident's ability to eliminate the entirety of their electric bill. The current ordinance disadvantages larger properties that have larger electric bills. For the applicant this is due to, for example, upgrading to a heat pump to eliminate the use of hydrocarbons for environmental reasons but are much more costly than oil/propane systems to operate. Smaller houses that rely on oil or gas have lower power usage and so can build a solar system to meet all their needs without being limited by the 12 KW generation limit.

\*\*\*\*\*

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

***Response:*** Solar systems are increasingly common and are explicitly permitted by the ordinance. Other houses in the neighborhood have either rooftop or ground based solar panels.

Solar will increase a property's value. There is an argument that when a property's value increases it can extend to neighboring properties.

\*\*\*\*\*

5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship.

***Response:*** *The power consumption of the house exceeds the solar production allowed by the ordinance.*

*The cost of electricity continues to increase. New Hampshire has the 2<sup>nd</sup> most expensive electricity of any state in the country (average of 24.7¢/KwH). The continued and increasing cost is a hardship with no end in sight. If the applicant put in a system that met the ordinance limits, it would only cover ~50 % (12 KW limit/22.8 KW need) of the applicant's electric usage– leaving the hardship to continue to pay Eversource the significant difference.*

*The property is in the watershed district so there is a limit to the trees that can be removed to increase solar generation and reduce the required solar panels.*

*Such a limiting ordinance takes away the right of the property owner to become self-sustaining which is a priority for the state of New Hampshire and it's citizens.*

\*\*\*\*\*

**5(a)**

- i. Owing to special conditions of the property that distinguish it from other properties in the area:

***Response:*** *The property's energy usage is much greater than the average – almost triple the New Hampshire average (data can be provided on request), mostly caused by the high cost of heating with a heat pump.*

\*\*\*\*\*

- 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:

**Response:** *The public is not impacted as it would be installed on private property.*

.....

- iii. and the proposed use is a reasonable one:

**Response:** *We believe it is reasonable to build a solar system to match a resident's current electric usage if it is built sensibly and is not impacting any abutters, the character of the neighborhood, public health/safety or welfare.*

\*\*\*\*\*

**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

**Response:** *Installing solar will only cover only ~ 50% of the applicant's usage if the variance was enforced. The cost and effort to cover such a small amount of our electric usage is impractical.*

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**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:

**Response:** *N/A – 5(c) not required if 5(a) and 5(b) addressed*

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

**Response:** *N/A – 5(c) not required if 5(a) and 5(b) addressed.*