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DEC 23 2024

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 K Lot Size 72

Street Address 47-49 Maple St, 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 David & Danielle Fait (Equifund Capital)

Mailing address 186 Farley Rd, Hollis, NH 03049

Mailing address same


Town, State, ZIP Hollis, NH, 03049

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 12/23/24

(continued on the next page)

clerk use only	
Date and time received:	<u>DECEMBER 23, 2024 4 PM</u>
Received by:	<u></u> Amount paid: <u>n/a</u>
Case #:	<u>01/10/2023-3</u> <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 _____

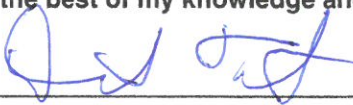
Mailing address _____

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 12/23/24

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
Application to the Zoning Board of Adjustment
(Revised August 2022)
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 207-831-7198 Evening phone 207-831-7198

Work E-mail _____ Personal e-mail _____

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):

See Attached

REQUEST FOR EXTENSION OF VARIANCE

Equifund Capital LLC, property owner, was granted variances to sections 5.1, 5.2, and 5.3 of the Town of Wilton Zoning Ordinance by the Zoning Board of Adjustment (ZBA) at a regular meeting of the Board on January 10, 2023 (Exhibit 'A'). The variances allowed for the development of two dwelling units in the existing rectory building and four dwelling units in the former church building at Lot K-072, 47 Maple Street and 49 Maple Street where the ordinance did not allow for more than one dwelling unit or more than one dwelling, and structures and parking in the setbacks.

The decision superseded the variance granted in Case # 09/13/2022-01; did not permit signage except for parking designations; imposed limitations on exterior lighting; required that no significant changes were to be made to the exterior architectural characteristic of the church building; and would expire if construction or use permitted had not begun by January 10, 2025.

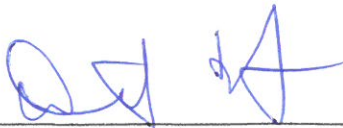
In addition, the site plan was approved by the Planning Board on March 15, 2023, conditioned on the special requirements of January 10, 2023, Zoning Board of Adjustment decision (Exhibit 'B').

Since that time, the ability to commence construction was delayed due to an unforeseen health issue that required surgery and nine months of recovery. Additionally, I have discussed, with three different Building Inspectors with differing interpretations of required codes, my development plans. At present, Bob Garside has required certified architectural renovation plans before issuing the building permits which are underway.

Section 17.4 of the Wilton Zoning Ordinance allows the ZBA to grant extensions of time in which to exercise the rights accorded by the variance for good cause shown beyond the reasonable control or contemplation of the applicant and not prejudicial to the intent and spirit of the zoning ordinance (Exhibit 'C').

Considering the circumstances mentioned above, Equifund Capital LLC* would like a two-year extension to commence the development as originally planned.

*Equifund Capital LLC was under a purchase and sales agreement with Wilreign Properties LLC, for said property and conditioned upon approval of the variances requested.



Equifund Capital LLC
David K. Fait, Managing Member

managing member

Date 12/23/24

exhibit A



Town of Wilton, NH Zoning Board of Adjustment

Decision notices posted at this web site have not been checked for consistency with the printed decision notices that are available in the Wilton Town Offices. If you need the definitive text of a decision, please obtain the printed notice from the town offices.

Case 1/10/2023-3

Summary

Lot

K-72

Addresses

47 Maple Street

49 Maple Street

Owner

Willreign Properties, LLC

Relief Requested

Variances to sections 5.1, 5.2, and 5.3 of the Wilton Zoning Ordinance

Purpose

To allow two dwelling units in the existing rectory building and four dwelling units in the former church building, where the ordinance does not allow more than one dwelling unit or more than one dwelling, and structures and parking are not permitted in the setbacks.

Application

The application

See Also

Case #6/13/2017-1

Case #9/13/2022-1

Tuesday, January 10, 2023 — Hearing

Notice

Willreign Properties, LLC has requested variances to sections 5.1, 5.2, and 5.3 of the Wilton Zoning Ordinance to allow two dwelling units in the existing rectory building and four dwelling units in the former church building at Lot K-72, 47 Maple Street and 49 Maple Street, where the ordinance does not allow more than one dwelling unit or more than one dwelling, and structures and parking are not permitted in the setbacks.

The Town of Wilton Zoning Board of Adjustment will consider this application in a public hearing on Tuesday, January 10, 2023 at 7:30 p.m. in the Emergency Operations Center of the Wilton Fire Station, 102 Main Street (park across the street, NOT in the Fire Station parking lot; enter at the WEST end of the building).

Decision

The request by Willreign Properties, LLC for variances to sections 5.1, 5.2, and 5.3 has been granted. The variance will allow two dwelling units in the existing rectory building and four dwelling units in the former church building at Lot K-72, 47 Maple Street and 49 Maple Street, where the ordinance does not allow more than one dwelling unit or more than one dwelling, and will allow parking closer to the lot lines than would otherwise be allowed, as shown on plans submitted to the Zoning Board at the hearing and included in the case file.

The decision is subject to the following conditions:

- This variance supersedes the variance granted in Case #9/13/22-1 (decided Tuesday, October 11, 2022), and the use of a portion of the church building as an office space as permitted by that previous variance is prohibited if the property is to be developed in accordance with this variance.
- There will be no signage (except for possible parking designators).
- Exterior lighting is limited to the existing lighting unless otherwise required by Building and Safety Codes.
- No significant changes are to be made to the exterior architectural characteristics of the church building except as necessary to meet Building and Safety codes.

This decision shall expire if the construction or use permitted by it has not begun by Friday, January 10, 2025. (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, February 9, 2023, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Fact

- The lot area is 0.4 acres.
- The lot contains an existing duplex dwelling and large historic church, which is a significant neighborhood feature.
- The church use was discontinued more than ten years ago
- The church building does not allow for any economically feasible uses that are consistent with its zoning.

Variance Criteria

- Property Values
 - The proposed residential use is consistent with existing neighborhood character
- Spirit of the Ordinance, Public Interest
 - The proposed use is consistent with the fundamental purposes of the Ordinance.
- Hardship
 - The existing structures on the property constitute special conditions of the property that distinguish it from other properties in the area, and cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property.
- Substantial Justice
 - The only conforming options available to the owner are to raze the church building or incur the expense of maintaining a large, old empty building indefinitely. Neither of these would be reasonable for the owner or advantageous to the community.

Minutes

Minutes of the hearing.

Last modified Wednesday, January 11, 2023.

Exhibit B



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: Willreign Properties LLC	Case Number: SP04-0822
Plan (Plat) Date (Latest Revision): 03/03/2023	Tax Map & Lot #s: K-72

P.B. DECISION DATE: 03/15/2022 Notice of Decision Date: 03/16/2022	APPLICANT(S): Willreign Properties LLC 1501 Hooksett Road, Hooksett, NH 03106	APPLICATION TYPE: <input type="checkbox"/> (SD) Subdivision Cluster Development: Yes <input type="checkbox"/> No <input type="checkbox"/> <input checked="" type="checkbox"/> (SP) Site Plan Home Occupation: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Part of a general site plan <input type="checkbox"/> <input type="checkbox"/> (EX) Excavation / Reclamation <input type="checkbox"/> Other:
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Application Description:

SP04-0822 Willreign – An application by Willreign Properties LLC for a site plan at 47 and 49 Maple Street, K-072 (0.552 acres, 145 feet of frontage) for 6 residential units – 2 units in the former rectory and 4 units in the former church. This lot is in the Residential District and Aquifer Protection District, is served by Town water and will be connected to Town sewer.

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 them, voted on the application described above as set forth on the following pages:

Robert Chan
3/22/23



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



Project Name: Willreign Properties LLC	Case Number: SP04-0822
Plan (Plat) Date (Latest Revision): 03/03/2023	Tax Map & Lot #s: K-72

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 type="checkbox"/> No <input checked="" type="checkbox"/>	<input type="checkbox"/> Disapproved	<input type="checkbox"/> Disapproved without prejudice <input type="checkbox"/> Rejected without prejudice
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The application has been APPROVED WITH CONDITIONS for the following reasons:

1. The Board recognized that the Zoning Board of Adjustment had granted variances (1/10/2023-3) for the proposed residential development, with four conditions.
2. The Board found that the application, subject to the fulfillment of the conditions listed below, met the requirements of the Site Plan Review Regulations.
3. The Board determined that all concerns identified by Board members, planning staff and abutters had been adequately addressed.

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

1. Applicant must receive and deliver to the Planning Board written approval from the Fire Chief with respect to egress and any other identified safety issues after review of floor plans, elevations and other information acceptable to him.
2. Applicant must receive an unconditional stormwater permit following review of the stormwater permit application by the Stormwater Manager. If adjustments to the application are required by the Stormwater Manager before approval, Applicant will make such adjustments and if they require changes to the plan conditionally approved hereby, Applicant will apply to the Planning Board to amend the plans.
3. Add a note to the plan to the effect that the existing church loft/third level shall be used for storage and HVAC purposes only, and any expansion or change in use shall require a new site plan application approved by the Planning Board.

Per Section B Subdivision Regulation §3.4.4 and Section D Site Plan Regulation §3.5.4, if the conditions are not met by the next regular monthly meeting after the date at which conditional approval was granted, the Board will determine the appropriate action to be taken on the application.

Associated documents on file at the Land Use Office:

AK27 Chair
 2/22/23



Project Name: Willreign Properties LLC	Case Number: SP04-0822
Plan (Plat) Date (Latest Revision): 03/03/2023	Tax Map & Lot #s: K-72

1. Wilton Planning Board Meeting Minutes of 03/15/2023
2. K-72 Site Plan, Tax Map K Lot 72, Wilton, New Hampshire, September 8, 2022; last revised 03/03/2023; 7 sheets including the cover page

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

J. Alexander MacMartin, Jr.



 Chair, Wilton Planning Board 3/22/23



Town of Wilton, NH Zoning Ordinance (2022)

This online version of the Zoning Ordinance has not been comprehensively checked against the official version. Neither the Town of Wilton nor the Zoning Board can be responsible for the consequences of any action taken on the basis of any errors in the online text.

This PDF file is the official printable text of the Wilton Zoning Ordinance as prepared for the Town of Wilton. by the Nashua Regional Planning Commission It is also available on the Planning Board page (https://www.wiltonnh.gov/government/boards_and_committees/planning_board) at the official Town of Wilton web site (<https://www.wiltonnh.gov>) under the "Current Land Use Laws and Regulations" link.

This is the 2022 version of the Zoning Ordinance, including all amendments up to and including those passed by Town Meeting in March, 2022, but *not* any amendments passed in 2023 or later.

17.0 *Non-conforming Uses and Buildings*

- 17.1 Non-conforming Uses.
- 17.2 Sub-standard Lots of Record.
- 17.3 Special Exceptions.
- 17.4 Status of Variances and Special Exceptions.

17.1 *Non-conforming Buildings, Structures, and Uses. (Amended March, 2007, March 2015)*

- a. Any non-conforming building, structure, or use of land or buildings may continue in existence.
- b. A non-conforming use of a building, structure, or land may not be changed to a different non-conforming use of the same building, structure, or land.
- c. A non-conforming use may not be re-established after discontinuance for more than one (1) year.
- d. A non-conforming building or structure may be rebuilt on the same footprint and with the same dimensions (including height), unless it has, for more than one (1) year, been unusable for its current purpose by reason of deterioration, destruction, demolition, neglect, accident, condemnation, or any other reason. (Amended March 2016)
- e. A non-conforming building or structure may not be extended or enlarged.

17.2 *Sub-standard Lots of Record.*

Where a lot of record at the time of the effective date of this Ordinance has less area and/or frontage than herein required in the District in which it is located:

- a. The lot may be used for a single family dwelling if permitted in that district subject to New Hampshire Water Supply and Pollution Control Division approval and subject to all district regulations applicable to lots within the district wherein the lot is located with the exception of lot size and/or frontage.
- b. The lot may be used for any non-residential use permitted in the district in which it is located in compliance with maximum density requirements, setbacks, and New Hampshire DES Water Supply and Pollution Control Division regulations.

17.3 Special Exceptions. (Amended March 2000.)

When the dimensions of a lot or the placement of existing structures on a lot are such that there is no reasonable placement of a proposed new structure on that lot which conforms with the lot setback requirements, the Zoning Board of Adjustment may grant a special exception to permit reduced setbacks, provided that:

- a. The lot dimensions or existing structures which result in the difficulty must have been in existence prior to the adoption of the setback requirements that are to be reduced.
- b. The setback to be reduced must be a lot line setback. Setbacks from wetland or water bodies may not be reduced by a special exception under this section, nor may tower setbacks as specified in the Wireless Communications Overlay District, Section 15.3.5. *(Amended March, 2009, Amended March 2020)*
- c. The proposed structure and its proposed placement must be in keeping with the existing development of the neighborhood.
- d. The special exception must specifically identify the permitted location of the proposed structure, as shown on a site plan, which is to become part of the record of the decision.
- e. The Zoning Board may restrict the dimensions of the proposed structure so as to balance the reasonable use of the property with the spirit of the zoning ordinance.

(See also Section 4.12.) *(Amended March 2022.)*

17.4 Status of Variances and Special Exceptions. (Amended March 1992.)

A building or use permitted by a variance or special exception granted by the Zoning Board of Adjustment shall have the same status as a non-conforming building or use, and shall be subject to the restrictions of this section.

Furthermore, if construction has not begun or the use has not commenced within two (2) years of the granting of the variance or special exception, or March 10, 1992, whichever is later, then the variance or special exception shall expire. All rights conferred by a variance or special exception shall be void upon expiration. Upon application, extensions of time in which to exercise the rights accorded by the variance or special exception may be granted by the Zoning Board of Adjustment for good cause shown beyond the reasonable control or contemplation of the applicant and not prejudicial to the intent and spirit of the Zoning Ordinance. If the variance or special exception is not exercised within the time period provided, then the application shall be deemed withdrawn without prejudice upon the expiration of the time period.