

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 C-94 Lot Size 2.1 ACRES
Street Address MARDEN RD & WILTON CENTER RD

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 JOHN CHRISTOPHER MCINERNEY
Mailing address 46 WHEELER ST.
Mailing address _____
Town, State, ZIP PEPPERELL, MA 01463

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 John Christopher McInerney Date 1-15-2025

(continued on the next page)

clerk use only	
Date and time received: <u>1/15/2025</u>	
Received by: <u>DJC</u>	Amount paid: <u>n/a</u>
Case #: <u>02-11-2025-01</u>	<input type="checkbox"/> 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 _____

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 *William Phillips* Date *1/17/2025*

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)

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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 978-807-9477 Evening phone _____

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):

PLEASE SEE ATTACHED

1-10-2025

TO : MEMBERS OF THE ZONING BOARD

FROM : JOHN CHRISTOPHER MCINERNEY

DURING THE PROCESS OF REQUESTING APPROVAL TO BUILD A SINGLE FAMILY HOME ON THE LOT YOU APPROVED MY LIFE AND CAREER WAS UPENDED. THE ASSAULT CAUSED A SEVERE CONCUSSION WITH NUMEROUS SYMPTOMS INCLUDING A TERRIBLE SPEECH PROBLEM THAT I WOULD THINK THAT ANY OF THE BOARD MEMBERS WHO ARE STILL ON THE BOARD WOULD REMEMBER. IT WAS MY INTENTION AS A MASTER CARPENTER AND BUILDER TO CONTINUE WITH THE BUILDING PROJECT WHEN RECOVERED. CURRENTLY IT HAS BEEN 2 YEARS AND THE REMAINING SYMPTOMS HAVE MADE IT IMPOSSIBLE FOR ME TO CONTINUE WITH THE BUILDING PROJECT AT THIS TIME. THIS PHYSICAL AND COGNITIVE HARDSHIP HAS FORCED ME TO CONSIDER THE POSSIBILITY OF SELLING THE PROPERTY WHICH WAS NEVER CONSIDERED BEFORE.

THERE FOR I JOHN CHRISTOPHER MCINERNEY REQUEST AN EXTENSION OF APPROVAL BY THE BOARD FOR EITHER PURPOSE OF SALE OR TO CONTINUE AS PLANNED.

THANK YOU FOR YOUR ATTENTION

RESPECTFULLY ;



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Priscilla Parker (owner) and JCM Custom Building (applicant) for variances to sections 4.2(b), 4.8, and 6.2.4 of the Wilton Zoning Ordinance has been granted. It will allow the construction of a single-family dwelling and septic system on Lot C-94, Marden Road and Wilton Center Road, where the dwelling and septic system will be closer to a lot line, and the septic system will be closer to a delineated wetland, than allowed by the Zoning Ordinance.

The decision is subject to the condition that the placement and dimensions of the house and septic system are to be as shown on the plan labeled "PROPOSED SEWAGE DISPOSAL SYSTEM PLAN / TAX MAP C LOT 94 / WILTON, NEW HAMPSHIRE / (WILTON CENTER ROAD) / PREPARED FOR: JCM CUSTOM BUILDING / ... / LAND OF: PRISCILLA PARKER / ... / October 11, 2022", which was submitted to the Zoning Board with the application and is included in the case file.

This decision shall expire if the construction or use permitted by it has not begun by Friday, March 21, 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, April 20, 2023, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Fact

- Lot C-94 has a total area of 2.1 acres.
- The lot is bisected by a perennial stream, and the area west of the stream is all wetlands, so there is only a small area of dry land.
- The lot was created by a subdivision in 1976, at which time it met the requirements for the construction of a single-family dwelling, so Section 19.2 of the Zoning Ordinance exempts it from the current area and frontage requirements.
- The configuration of the lot is such that it is not possible to place a house or a septic system on it which satisfy the lot line and wetland setback requirements of Sections 4.2(b), 4.8, and 6.2.4 of the Zoning Ordinance.
- The applicant has received NH DES approval for the proposed septic plan.

Reasons for the Decision

- Property Values
 - The Proposed residential use is consistent with the character and use of the neighboring lots.
- Spirit of the Ordinance, Public Interest:
 - The proposed residential is consistent with the character of the neighborhood.

- The septic design and placement will adequately protect stream and wetlands.
- Hardship
 - The property's exceptional configuration make it impracticable for any permitted use.
 - No reasonable use of the property could satisfy the setback requirements of the Ordinance.
 - The state-approved septic plan is designed to make strict adherence to the Ordinance's septic system setback requirements unnecessary.
- Substantial Justice
 - The impact of granting the variances on the Town's zoning scheme is minimal, and denying the variances would effectively deny the owner of any reasonable use of the lot.

Sincerely,



Neil Faiman, Chairperson
Wilton ZBA
March 24, 2023

Case #2/14/2023-1, decided Tuesday, March 21, 2023