



# Town of Wilton, NH Zoning Board of Adjustment

## Notice of Decision

The request by John Christopher McInerney for a variance to section 4.8 of the Wilton Zoning Ordinance has been granted. It will allow the construction of a single-family dwelling on Lot C-94, Marden Road and Wilton Center Road, where the dwelling and a retaining wall will be closer to a delineated wetland than allowed by the Zoning Ordinance.

Mr. McInerney's request for a special exception under section 11.4(b) of the Wilton Zoning Ordinance, to allow the installation of the retaining wall in a way that will disturb an area of the wetland, has been given case #3/11/25-3, and continued to Tuesday, April 8.

This decision shall expire if the construction or use permitted by it has not begun by Thursday, March 11, 2027. (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 10, 2025, 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 on it which satisfies the wetland setback requirements of Section 4.8 of the Zoning Ordinance.

### 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.
- 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.

- 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,

A handwritten signature in black ink, appearing to read "Neil Faiman". The signature is written in a cursive, flowing style.

Neil Faiman, Chairperson  
Wilton ZBA  
March 12, 2025

Case #3/11/2025-1, decided Tuesday, March 11, 2025