



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by John Christopher McInerney for a special exception under section 11.4(b) of the Wilton Zoning Ordinance has been granted. It will allow the construction of a retaining wall which will disturb a small wetland area on Lot C-94, Marden Road and Wilton Center Road.

This decision shall expire if the construction or use permitted by it has not begun by Thursday, April 8, 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, May 8, 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.
- Variances granted in ZBA Cases #2/14/23-1 (granted March 21, 2023; expiration extended February 11, 2025) and #3/11/25-1 (granted March 1, 2025) will allow the placement of a house and septic system on the site.
- The permitted house location is quite close to the edge of a reentrant (“cove”) in the embankment from the upland down to the wetlands, which necessitates the placement of a safety fence around the top of the cove and a retaining wall in the banks of the cove.
- As described in the submissions which the applicant made to the Zoning Board at the March 11 meeting, which are included in the case file, the applicant proposes to remove debris, including asphalt roofing tiles, from the bottom of the cove, to step the retaining wall, and to place a small banked shelf at the bottom of the wall.
- This will result in a transient or permanent disturbance no more than 12 sq. ft. of wetland area.

Reasons for the Decision

- The disturbance to the wetlands on the property will be negligible.
- The overall effect of the propose embankment work will be to improve the separation of the residential use on the upland from the wetland.
- A letter from Certified Wetland and Soil Scientist Christopher Guida, which has been included in the case file, confirms this conclusion.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Faiman". The signature is fluid and cursive, with a long horizontal flourish at the end.

Neil Faiman, Chairperson
Wilton ZBA
April 9, 2025

Case #3/11/2025-3, decided Tuesday, April 8, 2025