

RECEIVED  
APR 22 2025

**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 A-040 Lot Size 5.333  
Street Address 72 Barrett Hill Rd, 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 Brian And Deborah Abrahams-Dematte  
Mailing address 72 Barrett Hill 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 4/21/25

(continued on the next page)

clerk use only	
Date and time received: <u>4-22-25 ~ 2:30 P.M.</u>	
Received by: <u>[Signature]</u>	Amount paid: <u>\$195.00</u>
Case #: <u>05/13/2025-01</u>	<input checked="" 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

4/21/25

**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 603 852 0438 ☐ Evening phone 603 851-6583 / 603 654-3006  
☐ Work E-mail bill@abrahamson-demotte.com ☐ Personal e-mail WilliamZArthur@gmail.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):

Minor lot line adjustment w/ neighbor. Trading ~13000  
sq. ft. steep hillside/wetland for ~6000 sq. ft. upland area  
Trade reduces lot size by approx. 7,000 sq. ft. Because of wetlands  
district (40% of property) a variance is required.

There is no new construction, no new driveways,  
no change in road frontage. The change will increase  
loading rate and potential well options if either items  
is ever needed. The adjacent lot is over 6 acres,  
The spirit of the ordinance would be maintained.



**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: Watershed District (?) 14.3.1

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

Property was grandfathered as existing when ordinance was adopted. My lot is 2.6 acres and I wish to reduce it by 0.17 acres. The reduction still lies within the spirit of the ordinance and

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). improves upon it.

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

The variance will not create new roadways nor habitat structures. It will also not result in any change that would impact public interest.

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

Despite the loss of 0.17 acres, the net change is an upland area suitable to support the existing home will increase. No new roads or houses are to be built. The area being exchanged also is not in the Watershed District.

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

It will result in an agreeable solution to an error that resulted in lot lines not being located as expected due to errors in recording and representation

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

As there is no construction proposed (housing or roads) and no additional lots being made there would be no impact on surrounding properties

(continued on the next page)

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

**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:

A substantial investment of time, labor, and money over 24 years was put into a garden located on what was believed to be our land. Due to an error beyond our control the lot line

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:

was not located as we were told. The exchange of land allows the garden to remain in tact while providing no adverse effects. The exchange in fact would enhance the property's ability to meet the spirit of the ordinance for which the variance is being sought.

iii. and the proposed use is a reasonable one:

Proposed use already exists - organic garden

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

X 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:

---

---

---

---

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

---

---

---

---

## VARIANCE CRITERIA GUIDELINES

<b>Statutory Requirements (RSA 674:33, 1(b))</b> <b>APPLICANT MUST SATISFY ALL OF THE FOLLOWING</b>	<b>Explanation</b>
1. The variance is not contrary to the public interest.	The proposed use must not conflict with the explicit or implicit purpose of the ordinance, and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
2. The spirit of the ordinance is observed.	As it is in the public's interest to uphold the spirit of the ordinance, these two criteria are related.
3. Substantial justice is done.	The benefit to the applicant should not be outweighed by harm to the general public.
4. The values of surrounding properties are not diminished.	Expert testimony on this question is not conclusive, but cannot be ignored. The board may also consider other evidence of the effect on property values, including personal knowledge of the members themselves.
5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship can be shown in either of two ways:  First is to show that because of special condition of the property that distinguish it from other properties in the area: (a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (b) The proposed use is a reasonable one.  <i>Alternatively</i> , unnecessary hardship exists if, 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.	The applicant must establish that the property is burdened by the zoning restriction in a manner that is distinct from other land in the area.  (a) Determine the purpose of the zoning restriction in question. The applicant must establish that, because of the special conditions of the property, the restriction, as applied to the property, does not serve that purpose in a "fair and substantial" way.  (b) The applicant must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood.  <i>Alternatively</i> , the applicant can satisfy the unnecessary hardship requirement by establishing that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.