Town of Wilton, NH
Zoning Board of Adjustment

Notice of Decision

The request by Nathan Witham (owner) and Chris Brown (applicant) for a special exception under section 11.4(a) of the Wilton Zoning Ordinance has been granted. It will allow a wetland crossing for a driveway on Lot A-58-2, Davisville Road.

This decision shall expire if the construction or use permitted by it has not begun by Thursday, June 10, 2027. (Wilton Zoning Ordinance section 17.4)

The selectmen, any party to the action or proceedings, or any abutter 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, July 10, 2025, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Fact

- These findings are based on the application, the plans and documents submitted with the application and at the June 8 site visit, testimony at the hearings, and observations made by the Board members at the site visit.
- The lot has a total area of 8.4 acres, and 230 feet of frontage on Davisville Road.
- The lot is located in the General. Residence and Agricultural District (Wilton Zoning Ordinance Chapter 6) and the Watershed District (Wilton Zoning Ordinance Chapter 14).
- The lot is bisected by a wetland area.
- By far the greater part of the lot area is separated from Davisville Road by the wetland.
- Lot line setbacks, Watershed District wetland setbacks, and a neighbor's well location make it effectively impossible to construct a dwelling in the portion of the lot that is accessible without crossing the wetland.
- The owner constructed a driveway and wetland crossing in 2020, pursuant to a Town Driveway Permit and a State Wetland Permit, but in violation of Chapter 11 of the Wilton Zoning Ordinance (Wetland Conservation District).
- The owner and applicant now request a Special Exception under section 11.4(a) of the Wilton Zoning Ordinance to permit the previously constructed crossing.
- The crossing incorporates a 30' long 24" diameter HDPE culvert.
- The disturbed wetland area is approximately 400 sq. ft.

Reasons for the Decision

- The facts enumerated above demonstrate that a driveway crossing the wetland is essential to the productive use of the lot.
- Based on the representations of the applicant's engineer, the Board's observations at the site visit, and the State Wetland Permit, the Board is satisfied that the wetland crossing was

located and constructed to minimize any detrimental impact of the crossing on the wetlands.

- The Board has considered the additional requirements of Section 4.12 of the Zoning Ordinance and determined that the wetland crossing is consistent with them.

Sincerely,

Neil Faiman, Chairperson
Wilton ZBA
June 11, 2025

Case #5/13/2025-2, decided Tuesday, June 10, 2025