

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 D-102 Lot Size 30.1+/- Acres

Street Address 325 Gibbons Highway (NH Route 101)

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 J & L Revocable Trust of 2013, Joseph Poisson & Lisa Marie Carter, Trustees

Mailing address PO Box 688

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 *Lisa Carter* *Paul J. Poisson* Date 5/27/25

(continued on the next page)

clerk use only

Date and time received: _____

Received by: _____ Amount paid: _____

Case #: _____ ☐ Abutter list and labels included

Town of Wilton, NH
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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 D-101 Lot Size 5.567 Acres

Street Address Gibbons Highway (NH Route 101)

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 J & L Revocable Trust of 2013, Joseph Poisson & Lisa Marie Carter, Trustees

Mailing address PO Box 688

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 Lisa Carter Paul J. Poisson Date 5/27/25

(continued on the next page)

clerk use only

Date and time received: _____

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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 Andrew Luongo


Mailing address 325 Gibbons Highway

Mailing address _____

Town, State, ZIP Wilton, NH 03086

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 5/27/25

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 Fieldstone Land Consultants, PLLC c/o Dan Barowski

Mailing address 206 Elm Street

Mailing address _____

Town, State, ZIP Milford, NH 03055

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)

* SEE ATTACHED LETTER OF AUTHORIZATION *

Town of Wilton, NH
Application to the Zoning Board of Adjustment
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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 603-672-5456 ☒ Evening phone 603-672-5456

☒ Work E-mail DEBarowski@FieldstoneLandConsultants.com ☐ 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):

A lot line adjustment is proposed between lot D-101, a vacant lot with 5.567 acres and no frontage and lot D-102, a 30.1+/- acre lot with 221.72 feet of frontage. This lot line adjustment is proposed to allow for the construction of one additional single family residential building. Lot D-102 presently contains a single family home, which is proposed to be transferred to lot D-101 with the lot line adjustment. Both lots are seeking a use variance for a residential use in the industrial district and lot D-102 is seeking a frontage variance to facilitate the desired lot line adjustment. Please see attached exhibit and variance narratives for more information.

Town of Wilton, NH
Application to the Zoning Board of Adjustment
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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: 8.1 / 8.6 & 8.2.2

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

Sections 8.1 & 8.6 prohibit residential uses in the Industrial district - we are proposing a lot line adjustment between lots D-101 and D-102, transferring the existing house on lot D-102 to lot D-101 and the construction of a new single family home on lot D-102. This lot line adjustment will result in lot D-102 having 21.72 feet of frontage where the minimum frontage required is 200 feet.

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).

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: _____

Please see attached narrative

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

Please see attached narrative

3. Granting the variance would do substantial justice: _____

Please see attached narrative

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

Please see attached narrative

(continued on the next page)

Town of Wilton, NH
Application to the Zoning Board of Adjustment
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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:

Please see attached narrative

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:

Please see attached narrative

iii. and the proposed use is a reasonable one:

Please see attached narrative

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

Please see attached narrative

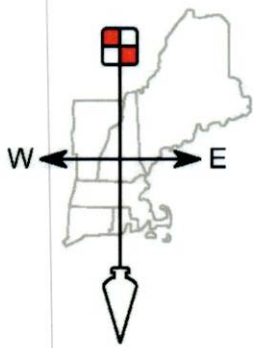
5(c) Hardship resulting from a physical disability.

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:

N/A

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

N/A



FIELDSTONE

LAND CONSULTANTS, PLLC

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

VARIANCE CRITERIA

(VARIANCE FROM SECTION 8.1 / 8.6 – Permitted Uses)

Tax Map Parcels D-101 & D-102

325 Gibbons Highway (AKA NH Route 101), Wilton, NH

May 19, 2025

Prepared For:

Andrew Luongo

A variance is requested from sections 8.1 & 8.6 of the Wilton Zoning Ordinance – permitted uses in the Industrial District – to permit single family residential use on Tax Map Parcels D-101 & D-102. These variances are sought in conjunction with a frontage variance required for a proposed lot line adjustment. Lot D-102 is currently 30.1+/- acres with 221.72 feet of frontage and is developed with a single-family home and associated site improvements. Lot D-101 is currently 5.567 acres and is a vacant lot with no frontage. A right-of-way is believed to exist over lot D-102 to allow access to D-101. Both lots are located in Industrial district which prohibits residential uses. A lot line adjustment between D-101 and D-102 is proposed, transferring 6.743 acres from lot D-102 to lot D-101, shown as "Parcel-A" on the accompanying exhibit. Parcel-A contains 200.00 feet of frontage as well as the existing house, driveway and other improvements; the resulting lot configuration will ultimately be more compliant with the zoning ordinance than what exists now. Lot D-101 is proposed to contain both the minimum acreage and frontage required by the zoning ordinance. Lot D-102 is proposed to have the maximum frontage it can have while still having lot D-101 be conforming. Access to lot D-102 is not proposed to come from the frontage along Route 101. A common driveway easement over the existing driveway will be created with the lot line adjustment allowing both lots access. The purpose of the proposed lot line adjustment is to allow for the construction of a single-family home on lot D-102. Both lots require variances from sections 8.1 & 8.6 – lot D-101 requires the variance to permit the proposed lot line adjustment and lot D-102 requires the variance to permit the proposed single family residential development.

The numbered items below correlate to the questions asked in the Town Application for a Variance.

1. Granting the variance would not be contrary to the public interest because:

The zoning for lots D-101 and D-102 is the Industrial District, which does not permit residential uses. Existing lot D-102 is approximately 30.1 acres in size, and uniquely shaped and situated and already developed with a single family home. The eastern boundary line of the lot is the Souhegan River and the northern portion of the lot contains steeper slopes. Lot D-101 is also a unique lot, being completely landlocked with no frontage and wetlands on either side of the property. In order to access the buildable portion of lot D-101 in its

current state, a wetland crossing would be required. Granting this variance will allow for the productive use of both lots. Although they are in the industrial district, this land is not well suited for such development. The proximity to the Souhegan River, the slopes on site and the wetlands present on the parcels make larger commercial activities unfeasible, but the lower impact use of single family residential would still be viable on these larger acreage lots. The requested use variances, which proposes the addition of a single residential buildable lot, will not change the character of the neighborhood or threaten the health safety or general welfare of the public. It is our belief that this proposal will have no negative impacts to the public. For these reasons we believe that this proposal is not contrary to the public interest.

2. If the variance were granted, the spirit of the ordinance would be observed because:

We believe this use variance which is required for the proposed lot line adjustment is reasonable and meets the spirit of the ordinance. One of the existing lots involved in the lot line adjustment, lot D-101, has no frontage; this will be improved upon if the lot line adjustment is approved. The other lot involved, Lot D-102, is currently used as a single-family residential lot. The zoning ordinance prohibits residential uses in the industrial district. The intent of the regulation is to prevent noxious industrial uses from burdening residential homes. On a large scale, it makes sense restrict residential uses from being placed immediately adjacent to industrial uses and to assure adequate spacing between diverse uses. This proposal will not result in poorly placed residential development. The newly created home is proposed to be on a lot that is over 23 acres in size, with plenty of buffering to any adjacent industrial use. Only one additional residence is proposed. The new residential lot, D-102, abuts the Souhegan and is subject to the Shoreland zone. There is no chance of subdividing either lot involved without zoning relief. There is no appreciable increase in traffic associated with this development. The lot line adjustment and proposed residential uses will not threaten the health, safety, or welfare of the public. For these reasons we believe granting the variance required for our proposal would observe the spirit of the ordinance.

3. Granting the variance would do substantial justice because:

Granting this variance would allow for the productive development and utilization of both lots involved and would have no impact on the general public as the proposal is small and proposes a negligible increase in density. The variance requested is for residential uses on both lots, which would allow for a lot line revision to utilize a buildable area without having to cross wetlands. Granting this variance will not alter the essential character of the neighborhood or threaten the health safety or general welfare of the public. Based on the above, it is our belief that this proposal will have no negative impacts to the public. Denial of the variance would result in a hardship for the property owner. Lot D-101 could be accessed and used with a permitted industrial use; however wetland crossings would be required, and the existing house on D-101 would be negatively impacted. Denial would require the property owner to utilize an inferior plan for the addition of a residential

dwelling. For this and all the reasons noted above we believe granting this variance would do substantial justice and allow for the productive use of large tracts of land. The current proposal is certainly a reasonable use of the properties.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

This proposal consists of a lot line adjustment that ultimately results in 2 residential lots. The use is consistent with the current use of the land and is not noxious to the surrounding properties. Since this proposal is consistent with neighboring properties and for the reasons stated above, we do not believe that this proposal would have any negative impact on the surrounding properties. It is our experience that new construction generally increases the surrounding property values.

5. Unnecessary Hardship

A. i. Owing to special conditions of the property that distinguish it from other properties in the area:

The subject properties are unique given their sizes, frontages, location relative to the Souhegan River, irregular shape, and existing non-conforming use. Lot D-102 is a large acreage lot with little frontage and a non-conforming use which predates the zoning ordinance, and Lot D-101 is a nonconforming lot with no frontage. Both lots are near the Souhegan River, and are encumbered with large areas of wetlands making them less suited for industrial uses which can have larger environmental impacts than the proposed single family residential use.

ii. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

Granting these variances would allow for the productive use of the properties. The zoning for the lots is Industrial, which prohibits residential use. It is our belief that the proposed addition of a residential dwelling on D-102, a large acreage property, is reasonable and fair when you contemplate the purpose of the ordinance provision and the specific application of that provision to the property. This proposal seeks a variance to permit a lot line adjustment, resulting in a buildable lot of over 23 acres in size. The access to this lot is an existing gravel driveway – no new curb cuts to Route 101 are proposed. The purpose of the permitted use section of the ordinance is to prevent incompatible uses from existing too close to one another. The development of the subject parcel will still observe this objective; it will result in two large-acre lots similar to surrounding properties. The strict application of the zoning ordinance would require the property owner to follow an inferior lot layout than what is presented, creating a hardship. Development of lot D-101 is possible, however it would require a wetland crossing to access the dry portion of the parcel and without this variance it could only be developed with uses permitted in the industrial district. Allowing the use variances will facilitate a lot line revision which greatly increases the value and usability of both lots involved – lot D-101 will gain the residential dwelling and almost 7 acres of dry upland area, including frontage which it currently lacks, and lot D-102 will be able to be further developed since the lot line adjustment will render it vacant. Granting this variance does not unduly frustrate the zoning ordinance. We believe the presented lot line

Variance Criteria - (Article IV, Section C) Minimum Lot and Yard Standards)

Tax Map Parcel 4-25 – 400 Scofield Mountain Road

Page 4 of 4

adjustment and residential uses are an improvement to both lots without any detriment to the town or surrounding properties. The steep slopes and sensitive environmental conditions limit the feasibility of industrial uses on the lots. We therefore believe there is no fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property.

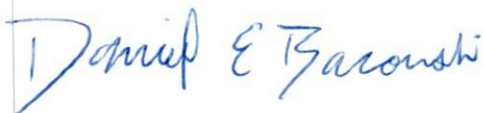
iii. The proposed use is a reasonable one because:

As stated above we believe that this proposal meets the spirit and intent of the ordinance as adequate buffering will still be maintained between diverse uses. This proposal will also be consistent with its surroundings and will result in no negative impact to the public. It is our opinion that the proposed development is reasonable as it will result in a buildable lot with plenty of buffering from adjacent properties. The proposed use – single family residential – is the current use of existing lot D-102, and the proposed lot is suitable for such development. For this and all the reasons previously stated we believe that the proposed use and development are reasonable.

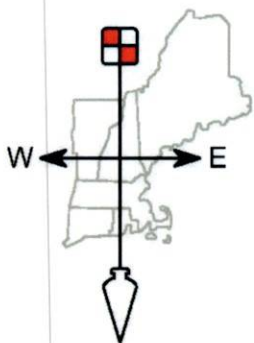
- B. If the criteria in subparagraph (A) are not established, explain how an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property because:

The subject parcels exist with over 35 acres of land combined, and frontage on NH Route 101. It is currently a single-family residential lot, and proposed to be developed with another single-family residence. We believe that the shapes, sizes, and location of the properties, coupled with the fact that one of the existing lots is already developed with a single family home, are special conditions that distinguish them from other properties in the area. The unique shape of lot D-102 – having over 30 acres with just 221.72 feet of frontage, limits its reasonable use and therefore a variance is necessary. The other lot involved in the proposed lot line adjustment, Lot D-101, currently has no frontage and is encumbered with wetlands limiting its access, which is another unique feature of the land. The proposed changes to the lot lines, facilitated by the granting of this variance, would ameliorate this unique situation and allow for sensible development. We believe the proposed development is a reasonable use of the land.

This information was prepared by:
Fieldstone Land Consultants, PLLC



Daniel Barowski, SIT
Survey Project Manager



FIELDSTONE

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Surveying ♦ Engineering
Land Planning ♦ Septic Designs

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VARIANCE CRITERIA

(VARIANCE FROM SECTION 8.2.2 – LOT REQUIREMENTS – FRONTAGE)

Tax Map Parcel D-102

325 Gibbons Highway (AKA NH Route 101), Wilton, NH

May 19, 2025

Prepared For:
Andrew Luongo

A variance is requested from section 8.2.2 Lot Requirements – Frontage in the Industrial District of the Wilton Zoning Ordinance to permit a lot line adjustment between Tax Map Parcels D-101 & D-102 resulting in one lot (D-101) with 200.00 feet of frontage and one lot (D-102) with 21.72 feet of frontage. Lot D-102 is currently 30.1+/- acres with 221.72 feet of frontage and is developed with a single-family home and associated site improvements. Lot D-101 is currently 5.567 acres and is a vacant lot with no frontage. A right-of-way is believed to exist over lot D-102 to allow access to D-101. Both lots are located in Industrial district which requires 200 feet of frontage along a Class V or better road. A lot line adjustment between D-101 and D-102 is proposed, transferring 6.743 acres from lot D-102 to lot D-101, shown as "Parcel-A" on the accompanying exhibit. Parcel-A contains 200.00 feet of frontage as well as the existing house, driveway and other improvements; the resulting lot configuration will ultimately be more compliant with the zoning ordinance than what exists now. Lot D-101 is proposed to contain both the minimum acreage and frontage required by the zoning ordinance. Lot D-102 is proposed to have the maximum frontage it can have while still having lot D-101 be conforming. Access to lot D-102 is not proposed to come from the frontage along Route 101. A common driveway easement over the existing driveway will be created with the lot line adjustment allowing both lots access. The purpose of the proposed lot line adjustment is to allow for the construction of a single-family home on lot D-102.

The numbered items below correlate to the questions asked in the Town Application for a Variance.

1. Granting the variance would not be contrary to the public interest because:
The zoning for lot D-102 is the Industrial District, which has a minimum frontage requirement of 200 feet. The proposed lot frontage is located on NH Route 101, a class I highway. The abutting lot, D-101, is proposed to have the required 200 feet of frontage and contains the proposed access to lot D-102 via a proposed common driveway easement over the existing gravel drive. Existing lot D-102 is approximately 30.1 acres in size, and uniquely shaped and situated. The eastern boundary line of the lot is the Souhegan River and the northern portion of the lot contains steeper slopes. Lot D-101 is also a unique lot, being completely landlocked with no frontage and wetlands on either side of the property. In

order to access the buildable portion of lot D-101 in its current state, a wetland crossing would be required. Granting this variance will allow for the productive use of both lots. Although they are in the industrial district, this land is not well suited for such development. The proximity to the Souhegan River, the slopes on site and the wetlands present on the parcels make larger commercial activities unfeasible, but the lower impact use of single family residential would still be viable on these larger acreage lots. This lot line adjustment, which proposes the addition of a single buildable lot and a lot with less than the required 200 feet of frontage will not change the character of the neighborhood or threaten the health safety or general welfare of the public. It is our belief that this proposal will have no negative impacts to the public. For these reasons we believe that this proposal is not contrary to the public interest.

2. If the variance were granted, the spirit of the ordinance would be observed because:
We believe this proposed lot line adjustment is reasonable and meets the spirit of the ordinance especially when you consider the innocuous nature of what is being proposed. One of the existing lots involved in the lot line adjustment has no frontage; this will be improved upon if the lot line adjustment is approved. The frontage standards of the Wilton Zoning Ordinance require that lots in the Industrial District have a minimum of 200 feet of frontage. The intent of the regulation is to prevent overcrowding, and to assure adequate spacing exists between driveways. This proposal will not result in overcrowding, as there is only one additional buildable lot proposed. The proposed driveway location is an existing gravel driveway serving the single-family house currently built on lot D-102. The increase in use will require NHDOT review and approval even though no new curb cuts are proposed. The location of the reduced frontage abuts the Souhegan River and is not proposed to contain a driveway as it is completely in the Shoreland zone. There is no chance of further development past what is proposed without zoning relief. There is no appreciable increase in traffic associated with this development. The lot line adjustment will not threaten the health, safety, or welfare of the public. For these reasons we believe granting the variance required for our proposal would observe the spirit of the ordinance.
3. Granting the variance would do substantial justice because:
Granting this variance would allow for the productive development and utilization of both lots involved and would have no impact on the general public as the proposal is small and proposes a negligible increase in density. The variance requested is for a reduction in frontage which would allow for a lot line revision to utilize a buildable area without having to cross wetlands. Granting this variance will not alter the essential character of the neighborhood or threaten the health safety or general welfare of the public. Based on the above, it is our belief that this proposal will have no negative impacts to the public. Denial of the variance would result in a hardship for the property owner. Lot D-101 could be accessed and used however wetland crossings would be required, and the public would gain nothing. Denial would require the property owner to utilize an inferior plan for the addition of a residential dwelling. For this and all the reasons noted above we believe granting this

variance would do substantial justice and allow for the productive use of a large tract of land. The current proposal is certainly a reasonable use of the property.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

This proposal consists of a lot line adjustment that ultimately results in 2 residential lots. The use is consistent with the current use of the land and is not noxious to the surrounding properties. Since this proposal is consistent with neighboring properties and for the reasons stated above, we do not believe that this proposal would have any negative impact on the surrounding properties. It is our experience that new construction generally increases the surrounding property values.

5. Unnecessary Hardship

A. i. Owing to special conditions of the property that distinguish it from other properties in the area:

The subject property is unique given its size, frontage, location relative to the Souhegan River, and irregular shape. It is currently developed with a single family house constructed in 1969 per the tax card, which predates the zoning ordinance. Abutting lot D-101 has a right of way across this property for access since currently lot D-101 has no frontage. Lot D-102 is a large acreage lot with very little frontage and is located on a Class I highway. The wetlands and shoreland protection zone on the property make it less suitable for industrial uses with larger environmental impacts are more suited to the proposed single family use proposed along with the lot line adjustment.

ii. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:

Granting this variance would allow for the productive use of the property. The zoning for the lot is Industrial, which has a minimum lot frontage requirement of 200 feet. It is our belief that the proposed addition of a residential dwelling on this large acreage property is reasonable and fair when you contemplate the purpose of the ordinance provision and the specific application of that provision to the property. This proposal seeks a variance to permit a lot line adjustment, resulting in a buildable lot of over 23 acres in size. The access to this lot is an existing gravel driveway – no new curb cuts to Route 101 are proposed. The purpose of the frontage section of the ordinance is to prevent overcrowding of buildings. The development of the subject parcel will still observe this objective; it will result in two large-acre lots similar to surrounding properties. The strict application of the zoning ordinance would require the property owner to follow an inferior lot layout than what is presented, creating a hardship. Development of lot D-101 is possible, however it would require a wetland crossing to access the dry portion of the parcel. Allowing the reduced frontage variance will facilitate a lot line revision which greatly increases the value and usability of both lots involved – lot D-101 will gain the residential dwelling and almost 7 acres of dry upland area, including frontage which it currently lacks, and lot D-

Variance Criteria - (Article IV, Section C) Minimum Lot and Yard Standards)

Tax Map Parcel 4-25 – 400 Scofield Mountain Road

Page 4 of 4

102 will be able to be further developed since the lot line adjustment will render it vacant. Granting this variance does not unduly frustrate the zoning ordinance. Good land planning is not merely an exercise in geometry, but rather a rational process of site design. We believe the presented lot line adjustment is an improvement to both lots without any detriment to the town or surrounding properties. We therefore believe there is no fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property.

iii. The proposed use is a reasonable one because:

As stated above we believe that this proposal meets the spirit and intent of the ordinance as safe access is provided via the existing driveway and proposed common driveway easement. This proposal will also be consistent with its surroundings and will result in no negative impact to the public. It is our opinion that the proposed development is reasonable as it will result in a buildable lot with plenty of buffering from adjacent properties. The proposed use – single family residential – is the current use of existing lot D-102, and the proposed lot is suitable for such development. For this and all the reasons previously stated we believe that the proposed use and development are reasonable.

B. If the criteria in subparagraph (A) are not established, explain how an unnecessary hardship will be deemed to exist if, and only 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 the property because:

The subject parcel exists with over 30 acres of land and frontage on NH Route 101. It is currently a single-family residential lot, and proposed to be developed with another single-family residence. We believe that the shape, size, and location of the property, coupled with the fact that the proposed access is on an existing driveway, are special conditions that distinguish it from other properties in the area. The unique shape of the property – having over 30 acres with just 221.72 feet of frontage, limits its reasonable use and therefore a variance is necessary. The other lot involved in the proposed lot line adjustment, Lot D-101, currently has no frontage and is encumbered with wetlands limiting its access, which is another unique feature of the land. The proposed changes to the lot lines, facilitated by the granting of this variance, would ameliorate this unique situation and allow for sensible development. We believe the proposed development is a reasonable use of the land.

This information was prepared by:

Fieldstone Land Consultants, PLLC



Daniel Barowski, SIT
Survey Project Manager