



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Stephanie Lingley-Kirsch for a variance to section 5.1 of the Wilton Zoning Ordinance has been denied without prejudice, because the proposed use is permitted as of right. The purpose of the requested variance was to allow the keeping of small farm animals such as chickens, rabbits, and sheep on Lot L-4, 68 Burns Hill Road, where agricultural uses, including the keeping of livestock, are not a permitted use in the Residential District.

This decision does not address a requested variance to section 5.2.3 or a requested special exception under section 5.3.1, which are part of the same case before the Zoning Board, but have not yet been decided.

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, November 13, 2025, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Reason for the Decision

- Per RSA 21:34-a, II(a)(4) and (7), the keeping of chickens, rabbits, and sheep are agricultural operations.
- Per RSA 674:32-a, agricultural operations not addressed with respect to a zoning district are deemed to be permitted in that district.
- The Zoning Ordinance does not address the keeping of livestock and poultry with respect to the Residential District.
- Therefore, the applicant's proposal to keep small farm animals such as chickens, rabbits, and sheep on her property is a permitted use.
- When a use is permitted as of right, there is no hardship, and therefore a variance cannot be granted to allow the use. *Bartlett v. City of Manchester*, 164 N.H. 634, 641 (N.H. 2013)
- Therefore, the requested variance to Section 5.1 is denied without prejudice.

Sincerely,

Neil Faiman, Chairperson
Wilton ZBA
October 15, 2025