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SEP 30 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 L-4 Lot Size 0.7 acres

Street Address 68 Burns Hill Road, Wilton NH

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 Stephanie Kirsch

Mailing address 68 Burns Hill Road

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 Stephanie Kirsch Date 09/30/25

(continued on the next page)

clerk use only

Date and time received: _____

Received by: _____ Amount paid: _____

Case #: _____ ☐ Abutter list and labels included

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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 Stephanie Kirsch

Mailing address 68 Burns Hill Road

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 Stephanie Kirsch

Date 09/30/25

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)

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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 603-325-1067 ☒ Evening phone 603-325-1067

☐ Work E-mail _____ ☒ Personal e-mail Stephanielingleykirsch@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):

Please see attachment #1

(Attachment #1)

Proposed Use

The applicant, **Stephanie Kirsch**, is requesting approval for a small-scale **home-based farmstead business** at 68 Burns Hill Road. The proposed use combines elements of a home occupation and limited agricultural activity, in keeping with the New Hampshire Cottage Food Law and town zoning requirements.

Scope of Operation

- **Products:** The business will produce and sell a limited selection of baked goods, jams, canned goods, infused oils, herbs, eggs, and handmade crafts (such as candles and journals). All food products will comply with the NH Cottage Food Law; no potentially hazardous foods will be produced.
- **Farm Stand:** The applicant proposes to place a small enclosed farm stand, measuring **just under 10 ft by 10 ft (less than 100 sq ft), at the front of the property on the existing pull-off along Burns Hill Road.** This location was noted during the September 9, 2025 ZBA hearing and is now being formally included in this amended application. The stand will be weather-protected and use solar pendant lighting.
- **Animals:** The applicant seeks approval to keep **small-scale farm animals** for personal use and limited surplus sales. The initial plan is to begin with a small flock of laying hens, with the option to expand in the future to include other small animals such as rabbits or sheep. All animals will be housed in appropriately sized, predator-proof enclosures **located at the rear of the garage in the backyard of the property,** and will be maintained in accordance with best management practices for animal care, odor control, and neighborhood compatibility.
- **Growing Produce:** Herbs, vegetables, and small fruits will be grown on-site in garden beds, supplementing the farm stand offerings.

Parking & Access

- The pull-off along Burns Hill Road will accommodate **one vehicle for parking.** Customers will be directed to this designated space only, ensuring traffic is limited and does not extend onto Seagroves Road.
- No customer parking or access will be permitted via Seagroves Road.

Operations

- The farm stand will maintain **seasonal hours**, posted clearly, and operated only by the applicant and family members.
- No outside employees are proposed.
- During winter months, the focus will shift to crafts and shelf-stable goods, as egg production decreases naturally.

This proposed use is intended to remain small in scale, family-operated, and respectful of the residential neighborhood character, while providing the applicant an opportunity to sell home-produced goods in compliance with state and local regulations.

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Application for a Special Exception

A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board. Every special exception is allowed by some section or subsection of the Ordinance. Most special exceptions have a list of requirements; the Zoning Board can only approve the special exception if it finds that all the requirements are satisfied.

Note that in addition to the specific requirements that may be listed for a particular special exception, all special exceptions are subject to the general requirements in Section 4.12 of the Zoning Ordinance.

What section of the Zoning Ordinance defines the Special Exception that you are applying for? 5.3.1

Explain why your proposed use satisfies the requirements of the Zoning Ordinance (attach additional pages as necessary):

See Attachment #2

(Attachment #2)

The applicant, **Stephanie Kirsch**, seeks a Special Exception under §5.3.1 of the Wilton Zoning Ordinance to permit a home occupation at **68 Burns Hill Road (Lot L-4, Residential District)**. The proposed use is a small-scale, family-operated farmstead business that includes the production of baked goods, jams, canned goods, infused oils, herbs, eggs, and handmade crafts. These items will be sold both at local fairs and through a small enclosed farm stand located at the front of the property on the existing pull-off along Burns Hill Road. The farm stand will measure just under 10 feet by 10 feet (less than 100 square feet), will be weather-protected, and will use solar lighting.

The operation will remain modest in scale and accessory to the residence. No outside employees are proposed, and the business will be operated solely by the applicant and family members. Parking will be limited to one vehicle at a time, accommodated in the existing pull-off along Burns Hill Road. Customers will be directed to use this designated space only, ensuring that no traffic or parking occurs on Seagroves Road. With this arrangement, there will be no undue hazard to traffic or public safety.

The use is not detrimental to the neighborhood or to property values. It is consistent with the character of a residential district and is comparable in intensity to other permitted home occupations such as tutoring, child care, or small artisan studios. All food production will comply with the New Hampshire Cottage Food Law, and only approved food products will be prepared and sold. The business will maintain seasonal hours of operation, clearly posted, and during the winter months the focus will shift to the sale of shelf-stable goods and crafts.

For these reasons, the applicant respectfully requests that the Zoning Board grant the Special Exception, finding that the proposed use satisfies the required criteria: it is appropriate to the location, supported by adequate facilities, not detrimental to the neighborhood, and consistent with both the Zoning Ordinance and the intent of a home occupation.

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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: 5.1, 5.2.3

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

See Attachment #3

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: See Attachment #4

2. Granting the variance would be consistent with the spirit of the Ordinance: See Attachment #5

3. Granting the variance would do substantial justice: See Attachment #6

4. The proposed use will not diminish surrounding property values: See Attachment #7

(continued on the next page)

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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:
See Attachment #8

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:

iii. and the proposed use is a reasonable one:

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

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:

(Attachment #3)

The Specific Sections of the Zoning Ordinance to be Varied

1. **5.1 – Permitted Uses in the Residential District**

Relief requested to allow **limited agricultural use** (keeping small-scale farm animals such as hens, rabbits, or sheep, and cultivation of herbs, vegetables, and fruits) on a residentially zoned property.

2. **5.2.3 – Setback Restrictions**

Relief requested to allow the placement of a **small enclosed farm stand (just under 10 ft by 10 ft, less than 100 sq ft)** within the **front-yard setback** at the existing pull-off along Burns Hill Road.

(Attachment #4)

Granting the variance would not be contrary to the public interest.

The proposed use remains small in scale, family-operated, and consistent with the rural character of Wilton. Allowing limited agricultural activity and placement of a modest farm stand within the setback will not alter the essential character of the neighborhood, threaten public health or safety, or conflict with the spirit of the ordinance. The farm stand is less than 100 square feet, located on an existing pull-off along Burns Hill Road, and designed to safely accommodate a single vehicle for parking. This ensures minimal traffic impact and preserves safe sightlines. Similarly, the keeping of small-scale animals such as hens or rabbits is common to the town's rural lifestyle and, when managed with best practices, does not create adverse effects. By granting the variance, the Board would enable a beneficial use that supports local agriculture and community access to home-produced goods without imposing harm on abutters or the public.

(Attachment #5)

Granting the variance would be consistent with the spirit of the ordinance.

The purpose of the Wilton Zoning Ordinance is to preserve the character, safety, and orderly development of the town while allowing reasonable use of private property. The proposed farmstead business reflects Wilton's agricultural and rural traditions by encouraging small-scale food production and local commerce in a way that is appropriate for a residential setting. The farm stand is modest in size, less than 100 square feet, and located on an existing pull-off that is already suited for safe access and parking. The keeping of small-scale animals and cultivation of produce aligns with the town's long-standing agricultural heritage and will be managed responsibly to avoid odor, noise, or safety concerns. By permitting these uses under variance, the Board would uphold the intent of the ordinance—protecting neighborhood character and safety—while allowing a property owner to make a productive, community-minded use of her land.

(Attachment #6)

Granting the variance would do substantial justice.

Denying the variance would prevent the applicant from making a reasonable and beneficial use of her property, despite the fact that the proposed uses are modest in scale, family-operated, and consistent with the rural setting of Wilton. The requested relief allows the property owner to contribute to her household livelihood and to the community by offering locally produced goods in a safe and appropriate manner. There is no identifiable public benefit that would result from strict enforcement of the ordinance in this case, whereas the hardship on the applicant would be

significant. Granting the variance balances the needs of the applicant with the interests of the town and neighbors, ensuring that fairness and equity are achieved.

(Attachment #7)

The proposed use will not diminish the surrounding property values.

The applicant's proposed use is small in scale, low-impact, and designed to complement the residential and rural character of the neighborhood. The farm stand will be an attractive, enclosed structure less than 100 square feet in size, placed neatly on the existing pull-off along Burns Hill Road, and maintained to remain visually compatible with the property. The keeping of small-scale animals such as hens or rabbits, located in the backyard behind the garage, will be managed in accordance with best practices to avoid odor, noise, or unsightly conditions.

Gardens and small farm activities are consistent with the rural aesthetic of Wilton and can even enhance neighborhood appeal by reinforcing the town's agricultural identity. For these reasons, the proposed use will not reduce property values and is more likely to maintain or support the overall desirability of the surrounding area.

(Attachment #8)

Literal enforcement of the provisions of the ordinance would result in unnecessary hardship.

This property has special conditions that distinguish it from others in the Residential District. The lot includes a preexisting pull-off area along Burns Hill Road that was created for safe vehicle access and is the only practical and safe location for a small farm stand. The property also includes backyard space behind the garage that is well suited for keeping small animals in secure enclosures and for cultivating gardens. These features make the lot appropriate for limited agricultural and home-occupation use, but the ordinance, as written, prohibits both agricultural activity and the placement of structures within the front setback. Without relief, the applicant would be unreasonably restricted from using the property for modest, traditional rural activities that are consistent with the character of the neighborhood and cause no harm to the public. Granting the variance allows the property to be used in a reasonable manner that takes advantage of its unique physical characteristics.