

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-004 Lot Size 0.70 AC

Street Address 68 Burns Hill Road, 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 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 _____

Date 08/26/25

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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

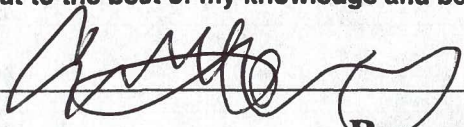
Mailing address 68 Burns Hill Road

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  Date 08/26/25

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 _____

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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 6033251067

☒ Evening phone 6033251067

☐ Work E-mail _____

☒ Personal e-mail Smlingley@aol.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):

I am requesting approval to operate a small-scale farmstead business and to keep farm animals on my residential property at 68 Burns Hill Road.

My home-based farmstead includes growing and processing herbs, vegetables, and fruit from my garden; producing handmade goods such as candles, leather journals, infused oils, and canned food items; and selling these goods at off-site markets and fairs. I would like to establish a pickup opportunity at my home for these items. These activities are consistent with the criteria for a Home Occupation under Section 5.3.1 of the Wilton Zoning Ordinance.

In addition, I am requesting a variance to allow limited agricultural use, specifically the keeping of small farm animals such as chickens for eggs, which are currently not permitted in the Residential District under Section 5.1. The animals will be kept in a clean, secure, and humane manner, and their presence will not negatively impact surrounding property values or neighborhood character.

This dual request supports a sustainable, low-impact farmstead that aligns with Wilton's rural values while respecting the Residential District's intent. I believe the proposed use meets the standards for both a Special Exception (Home Occupation) and a Variance (limited agricultural use with livestock) under the Zoning Ordinance.

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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):

I am applying for a Special Exception under Section 5.3.1 of the Wilton Zoning Ordinance to operate a home-based farmstead business at 68 Burns Hill Road. The business includes:

Growing herbs, vegetables, and fruit on the property

Producing and packaging items such as canned goods, infused oils, baked goods, and handmade crafts (e.g., candles, leather journals)

Selling these goods from my home as well as at off-site markets and fairs

All production occurs on-site via the NH Cottage Laws using ingredients and materials sourced from the property or locally. The residential character of the home will remain unchanged, with no alteration to the exterior. The use will not result in significant increases in traffic, noise, odor, or visual impact.

This use is clearly subordinate to the residential use of the property and complies with the criteria for a Home Occupation, as well as the general requirements for Special Exceptions under Section 4.12.

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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: Section 5.1 – Permitted Uses Residential District

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

The current zoning does not allow for agricultural use or the keeping of livestock in the Residential District. I am requesting a variance to allow small-scale agricultural use, specifically the keeping of a limited number of small farm animals such as chickens, on my residential property at 68 Burns Hill Road.

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: _____

The presence of small farm animals will not interfere with the health, safety, or general welfare of the neighborhood. Animals will be properly housed and fenced, with care taken to avoid odors, noise, or pests. This use aligns with Wilton's rural values and will not disrupt the residential nature of the area.

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

The spirit of the ordinance is to maintain the character and livability of residential neighborhoods. My plan supports this by maintaining a clean, quiet, and visually unobtrusive property while allowing responsible homesteading. The agricultural use will remain secondary to the home's residential function.

3. Granting the variance would do substantial justice: _____

This variance allows me to use my property in a traditional New England way — growing food and raising a small number of animals for personal use and small business support — without negatively impacting the community. Denying it would prevent reasonable use of my land without a clear public benefit.

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

The animals will be well cared for, the property maintained, and any enclosures or structures built with aesthetics in mind. There will be no commercial-scale activity, and my efforts will enhance, not detract from, the neighborhood's appearance and value.

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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:

The property is situated in a semi-rural area where neighboring properties are spaced apart and several residents engage in agricultural gardening or similar self-sufficient practices.

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:

There is no fair and substantial relationship between the general purpose of the ordinance — preserving residential character — and prohibiting responsible, small-scale livestock that does not affect neighbors.

iii. and the proposed use is a reasonable one:

The proposed use is reasonable and aligns with Wilton's agricultural heritage. The animals support sustainable living and are limited in number to avoid impact on the neighborhood.

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: