

TOWN OF WILTON

ZONING BOARD OF ADJUSTMENT

OCTOBER 12, 1994

VOTING BOARD: Chairman Neil Faiman; members Steve Blanchard & Tom Mitchell;  
alternate member Joanna Eckstrom.

CLERK: Diane Nilsson

AGENDA: Charles L. & Claire Barnes - special exception or variance  
Diana Proctor - special exception  
Marcia L. Calderara - variance

Chairman Faiman called the meeting to order at 7:35 p.m. and stated that all voting members had visited all three sights before the meeting.

Case 10/12/94-1 BARNES

Charles L. & Claire Barnes, Lot F-013, 51 West Intervale Road, in the Industrial District requested a special exception under the terms of Section 8.6.1 or a variance to the terms of Section 8.2.4 of the Wilton Zoning Ordinance to permit a storage shed with less than the required setback from the public right-of-way.

Mr. Faiman explained that due to the four-member Board, the Barnes' could postpone their hearing if they so desired. The Barnes' agreed to go ahead with the four-member Board. Mr. Faiman then stated that the setback requirements in the industrial zone are 100' from Route 101, 75' from all other streets and 35' from other lot lines.

Mr. Faiman then read from Sections 8.6.1 & 8.0 of the Wilton Zoning Ordinance and stated that the Barnes' lot is .4 acres and because of its configuration does not meet many of the setback requirements even without the proposed shed.

The Barnes' wish to store fabric, used for a home business, and yard equipment in the shed.

Mr. Faiman stated that any new construction for commercial or industrial purposes must go before the Planning Board for Site Plan Review.

Ms. Barnes stated that she has very little commercial traffic in association with her sewing business.

No abutters spoke to the request.

MOTION: Mr. Blanchard moved to approve the special exception under the terms of Section 8.6.1 of the Wilton Zoning Ordinance and to require the applicant to obtain a Site Plan Review from the Planning Board for the expansion, seconded by Mr. Mitchell with all in favor.

Mr. Faiman stated that the special exception was unanimously approved and that the applicant would receive written notice of approval within a few days. He also stated that the selectmen, any party to the action or proceedings, or any person affected thereby 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 **Tuesday, November 1, 1994**, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Case 10/12/94-2 PROCTOR

Diana Proctor, Lot F-048, 84 Intervale Road, in the Residential District requested a special exception under the terms of Section 5.3.1 of the Wilton Zoning Ordinance to allow her to perform reflexology as a home occupation.

Ms. Proctor wished to go ahead with the four-member Board. She then presented the Board with a sketch of her property, a definition of reflexology and stated that her hours would be 9 a.m. - 8 p.m. four days a week and 10 a.m. - 5 p.m. on Saturday. She would have only one person/one car at a time. Visits will be by appointment only and there will be no additional employees. She will erect a small sign with only her name on it. Parking will be in the driveway.

Mr. Faiman stated that the parking and road access is adequate for the use described.

No abutters spoke to the request.

MOTION: Mr. Mitchell moved to accept the application as presented with the restriction "by appointment only", seconded by Ms. Eckstrom with all in favor.

Mr. Faiman stated that the application was approved and that the applicant will receive written notice of approval in time for the required Planning Board Site Plan Review scheduled for Wednesday, October 19, 1994. He further stated that selectmen, any party to the action or proceedings, or any person affected thereby 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 **Tuesday, November 1, 1994**, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Case 10/12/94-3 CALDERARA (VALLIER)

Marcia L. Calderara (Vallier), Lot D-057, 24 Holt Rd., in the Residential/Agricultural District requested a variance exception to the terms of Section 6.2.4 of the Wilton Zoning Ordinance to allow her to build a garage less than 35' from a lot line.

The Calderara's agreed to go ahead with the four-member Board. Mr. Calderara stated that he wishes to build a 24' X 24' garage one story (16') tall. He does not want to attach it to the house and he stated that the spot he has chosen is the only workable location. He stated that the land behind the house, which is 3/4 of the lot, floods in the Spring.

The applicants' location for the garage is 28' from the edge of the road and 20' from the stone wall.

Ms. Eckstrom stated that she saw the property in the daylight and felt that the location for the garage is the most reasonable spot.

The Board discussed where the actual property line is, whether the edge of the road or the stone wall marks the spot. There was no determination made. It was unclear how far from the property line the proposed garage location is.

Ms. Eckstrom felt that the variance is within the spirit of the ordinance because Mr. Calderara is not overcrowding his lot and is allowing for access of fire & safety equipment and is not impinging on the road in any way.

Mr. Mitchell felt that there were other places for the garage on the property and that the property is not so unique that the garage could not be relocated.

Mr. Faiman pointed out that in the late 1970's, when the house was built, the setback requirement was less than 35' for that property.

Mr. Blanchard saw a hardship in the wetness of the lot and the configuration of the corner area where the road curves around the property.

Mr. Faiman formulated a possible hardship criteria: The narrowness of the lot & the large quantity of land which is unbuildable due to its wetness in the Southern portion of the lot creates a unique condition leaving only the chosen spot as a reasonable place for the construction of a garage.

One abutter spoke in favor of granting the variance.

MOTION: Ms. Eckstrom moved to approve the variance exception for a one-story garage to be located as shown on the plan, seconded by Mr. Blanchard.

VOTE: Ms. Eckstrom - yes  
Mr. Blanchard - yes  
Mr. Mitchell - no  
Mr. Faiman - yes

Mr. Faiman stated that the variance was approved and that the applicant will receive written notice of approval shortly. He further stated that the selectmen, any party to the action or proceedings, or any person affected thereby 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 **Tuesday, November 1, 1994**, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

#### VARIANCE CRITERIA

1. The proposed use would not diminish the surrounding property value because **the garage would blend in with the house.**
2. Granting this variance would be in the public interest because **the construction of the garage will increase the tax base in the Town of Wilton.**
3. Denial of the variance would cause unnecessary hardship because of the following special circumstances which make this property unique from other properties in the same zone: **The narrowness of the lot, the quantity of land which is unbuildable because of seasonal wetness means that there is no reasonable location for a garage that is more suitable in terms of the setbacks called for in the ordinance, than the proposed location.**
4. Granting the variance would do substantial justice because **it would enhance the property and keep cars out of sight.**
5. The use is not contrary to the spirit of the ordinance because **a minor reduction in the setback requirement is appropriate in order to allow a garage, which is generally recognized as a reasonable use of property.**

#### NEW BUSINESS

MINUTES - June 8, 1994

MOTION: Mr. Mitchell moved to approve the 6/8/94 minutes, seconded by Mr. Blanchard with all in favor.

A motion was made and seconded to adjourn the meeting, and the meeting was adjourned at 8:55 p.m.

ATTEST:

*Diane Nilsson*  
Diane Nilsson, Clerk

POSTED: 10/18/94