Town of Wilton, NH
Application to the Zoning Board of Adjustment
(Revised January 2011)

RECEIVED

General Information, Page 1 of 3

JUL 25 2016

TOWN OF WILTON NH

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 F-10 Lot Size 0.823 Acres

Street Address 575 Gibbons Highway

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 Rodney A. & Penelope J. Sanders

Mailing address 598 Gibbons Highway

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 Rod Sanders Date 7/21/16

(continued on the next page)

clerk use only

Date and time received: 7/25/16 1:45 pm

Received by: D Mills Amount paid: 142.00

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 _____

Mailing address _____

Mailing address _____

Town, State, ZIP _____

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 Rod Sanders Date 7/21/16

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 Monadnock Survey, Inc.

Mailing address 99 Main Street

Mailing address P.O. Box 607

Town, State, ZIP Wilton, NH 03086

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

Signature Rod Sanders Date 7/21/16

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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) 654-2345 ☐ Evening phone _____

☑ Work E-mail phil.monadnock@tds.net ☐ 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 (use this page; attach additional pages as necessary):

The applicant wishes to replace the on-site septic system, which is currently behind the house, where it violates town and state wetland setbacks. Because the town ordinances do not allow leachfields to be constructed within the building setback, and because of the configuration of the lot, there is no legal area in which to construct a new system. The applicant seeks relief from the town setback requirements, which would permit construction of a new system meeting all state regulations. The house and septic system pre-date zoning.

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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: 4.2.1 Individual Systems
6.2.5 Location of On-site Disposal Fields

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

The ordinance requires that no sewage disposal field be located within the 35' building setback, and not within 125' of wetland if in soils with a permeability of 6 inches per hour throughout. The applicant seeks to reduce these setbacks to 10 feet and 75 feet respectively, in accordance with NHDES regulations.

To grant a variance, the Zoning Board must decide that it will satisfy each of the following five conditions. Please explain why you believe that each of the following statements is true. (Use additional sheets of paper if necessary.)

1. Granting the variance would not be contrary to the public interest:
The proposal will conform to all NHDES rules for septic system design.

2. Granting the variance would be consistent with the spirit of the Ordinance:
The stated intent of this section of the ordinance is to "avoid high concentrations of effluent discharge in a localized area". The abutting lot does not have a system nearby, so there would be no high concentration. The proposal would also relocate the system further from the wetland and seasonal brook.

3. Granting the variance would do substantial justice:
Granting the variance would allow for continued use of the house, which existed prior to zoning.

4. The proposed use will not diminish surrounding property values:
Having an up-to-date system in a more suitable location on the lot will enhance the value of this property, and will have no negative impact on the abutting properties.

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5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship.
Complete just one of sections 5(a), 5(b), or 5(c):

5(a) i. 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:

ii. The proposed use is a reasonable one:

iii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

5(b) i. The property cannot be reasonably used in strict conformance with the ordinance:

There is no location to place the system that would conform to the town's ordinances.

ii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

The property pre-dates zoning and is the remainder of a lot subdivided in the 1950's. Wetland along the east side of the property, along with the permeability of the upland soils and the narrow shape of the lot puts the entire property within the town setbacks for septic systems.

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:

MONADNOCK SURVEY, INC.
99 MAIN STREET P.O. BOX 607
WILTON, NEW HAMPSHIRE 03086-0607
Tel: (603) 654-2345 Fax: (603) 654-9894

July 20, 2016

Abutters List

Rodney A. Sanders
Penelope J. Sanders
Lot F-10
Gibbons Highway

Lot Number	Name
F-10, F-9 & F-167	Rodney A. Sanders Penelope J. Sanders 598 Gibbons Highway Wilton, NH 03086
F-6-3	Alan Lovett 627 Gibbons Highway Wilton, NH 03086
F-7 & F-8	Edna L. Tuttle Trust Edna L. Tuttle, Trustee 589 Gibbons Highway Wilton, NH 03086
F-11	Michelle A. Hutchinson Jeffrey E. Hutchinson 15 Hutchinson Road Wilton, NH 03086
F-12-1	Good News Bible Church Of Wilton New Hampshire 581 Gibbons Highway Wilton, NH 03086
F-166	Abby L. MacFarland 572 Gibbons Highway Wilton, NH 03086

Dawn B. Tuomala, PE, LLS, CWS
Monadnock Survey, Inc.
PO Box 607
Wilton, NH 03086-0607