



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

General Information, Page 1 of 3

**RECEIVED**

JUL 26 2016

**Property Information**

TOWN OF WILTON NH

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 H-124 Lot Size 7.517 AC

Street Address 326 Captain Clark 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 Sylvia L. Mansfield

Mailing address 25 South Main St.

Mailing address \_\_\_\_\_

Town, State, ZIP Brookline, NH 03033

**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 [Signature] Date 6/27/16

(continued on the next page)

<b>clerk use only</b>	
Date and time received: <u>7/26/16</u> <u>7:55</u>	
Received by: <u>D. M...</u>	Amount paid: <u>154.00</u>
Case #: _____	<input checked="" type="checkbox"/> Abutter list and labels included



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**General Information, Page 2 of 3**

**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 Spencer M. Meigs Date 6-27-16

**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 \_\_\_\_\_

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**

Signature \_\_\_\_\_ Date \_\_\_\_\_

(continued on the next page)



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**General Information, Page 3 of 3**

**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 603-801-4802  Evening phone Same

Work E-mail SLM724@aol.com  Personal e-mail SLM724@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 (use this page; attach additional pages as necessary):

Build a driveway across wetlands to serve a residential lot.  
Building a driveway across wetlands is allowed by Special Exception in this District.

Section 11.4a of the Wilton Zoning Ordinance allows, by Special Exception, access way through the wetlands Conservation District. The access way is essential to the use of dry land and is located to cause minimum impact to wet lands.

Please see attached addendum



**Town of Wilton, NH**  
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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: 11.3

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

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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: \_\_\_\_\_

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

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3. Granting the variance would do substantial justice: \_\_\_\_\_

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

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(continued on the next page)



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**Application for a Variance, Page 2 of 2**

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:

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ii. The proposed use is a reasonable one:

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

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

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

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**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:

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ii. The variance is in harmony with the general purpose and intent of the zoning ordinance:

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**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
**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. 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 4.4 of the Zoning Ordinance.**

What section of the Zoning Ordinance defines the Special Exception that you are applying for? 11-4 a.

Explain why your proposed use satisfies the requirements of the Zoning Ordinance:

See attached Addendum

**Addendum to Request for Special Exception to Zoning Ordinance §11.3  
(Permitted Uses in the Wetlands Conservation District)  
for Wilton Map H, Lot 124 (~~Paul Joseph Poisson~~) Sylvia L. Mansfield**

The applicant is confident that the special exception to section 11.3 of the Zoning Ordinance is appropriate for the reasons listed below. The ordering of these reasons tracks with the ordering of the items listed in § 4.4 of the Ordinance, which details requirements for special exceptions.

- a) The proposed driveway, which would pass through a region of wetland, is not specifically permitted by § 11.3 but can be allowed by special exception per § 11.4.
- b) The site is in the general residential & agricultural zoning district. Driveways are certainly permitted in this district. The site has undergone extensive analysis by a certified wetland scientist at Todd Land Use Consultants (Todd). Following that analysis, Todd developed a plan for the driveway that includes a wetland crossing where an old woods road already crosses the wetland. This also happens to be the location affording the least wetland impact. The proposed upgrade of the decades-old woods road into a standard vehicular driveway is consistent with the character of the neighborhood and would have little or no effect on said character.
- c) Regarding § 4.6 of the Ordinance which addresses performance standards, construction and use of the proposed driveway will not cause significant ground vibrations noise (except of course that which may occur during the brief construction period), nor will it cause odor, smoke, or hazardous discharges. The topography on the site ensures that storm water run-off will be directed into the wetland region near the center of the lot where it will be treated naturally. The driveway is intended to serve one residential home, for which there is ample space provided for outside the 50-foot wetlands conservation district setback lines.
- d) The proposed driveway will not cause any unreasonable diminution of surrounding area property values.
- e) The effect of the proposed driveway will likely be to add entry & exit by one or two additional vehicles onto Captain Clark Highway on a daily basis. This minuscule increase in traffic flow in the neighborhood will be almost imperceptible and therefore generally acceptable.
- f) The proposed subdivision would not use public sewer or water, but would instead be serviced by a private well and EDA on-site.
- g) There will be ample off-street parking space available for the proposed building lot.
- h) The proposed driveway servicing the proposed new lot would not be detrimental to the attractiveness of the town. The building site will not even be visible from the road.
- i) The proposed driveway is consistent with the spirit of the Zoning Ordinance. Single family houses are permitted in this district, and driveways are essential to service such houses. A wetland crossing is necessary to access the large region of buildable land at the rear section of this property. A site walk will readily confirm that the proposed wetland crossing (where a woods road has crossed the wetland for decades) will have minimal impacts on the quality of the wetland. For these reasons, the proposed driveway is very much in keeping with the spirit of the Ordinance.
- j) The proposed driveway meets all other criteria enumerated in § 11.4 of the Ordinance. It is essential to the productive use of the land and is located and will be constructed so as to minimize any detrimental impact on the associated wetlands.

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**LaBOMBARD**

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**ENGINEERING, LLC**

July 6, 2007

Carla Walters, Selectman's Assistant  
P.O. Box 83  
Wilton, NH 03086

Re: **Poisson Subdivision – Captain Clark Highway – Map H, Lot 124**

Dear Carla,

I have completed a review of the two drawings provided to me by Michael Carter of Todd Land Use Consultants, LLC via email and visited the site. These plans indicate a proposed subdivision of one lot into two at the above referenced site. The access to the proposed rear lot requires a wetland crossing for the driveway. I have been asked to review the wetland crossing for the Zoning Board of Appeals.

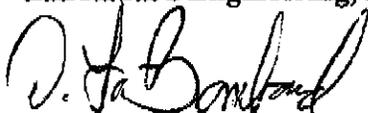
The site is wooded and just south of Potter Road. Potter Road runs along the approximate ridgeline in that area. The wetland crossing for this project is fed by runoff from the west end of Potter Road that flows south. There are two wetlands that cross this parcel flowing north to south.

The proposed driveway crosses at the narrowest point of western wetland. There is no way around this wetland without leaving the property. The delineation of the wetlands seemed reasonable to me during my site visit. I only looked in the area of the proposed crossing.

The crossing itself has been kept to a minimum. Two culverts are proposed to allow passage of storm drainage under the driveway in existing areas of shallow concentrated flow. Stone headwalls are proposed to retain soil at each end of each culvert, although a better headwall detail would be desirable. The "1:1" side-slopes down to the top of each headwall should be flattened to a 2:1 or 3:1 by raising the height of the headwalls. The height of the driveway was kept to a minimum so as to limit the side slope fill into the wetlands. There are stone apron encroachments into the wetland in 4 places but these are needed for erosion control. The proposed driveway does not cross the eastern wetland.

Assuming the subdivision is allowed to proceed, I do not see anything that can be done to significantly reduce the wetland impact. The width of the driveway seems reasonable and needs to be able to provide access for emergency vehicles. Vertical side (retaining) walls would only save a few square feet of wetland, be expensive to build and possibly create a hazardous condition due to a drop off. Possibly additional boulders could be used to line each side of the driveway to reduce the side slopes.

Sincerely,  
**LaBombard Engineering, LLC**



Dennis LaBombard, P.E.

RECEIVED  
JUL 05 2007  
TOWN OF WILTON, NH

Cc: NRPC

Todd Land Use Consultants

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12 Rideout Lane Brookline, NH 03033-2462

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