

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 F-29 Lot Size 12.5 acres 700' road frontage

Street Address 369 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 MARK HAMAN, LEE MUIR-HAMAN

Mailing address 67 Meadow Road

Mailing address _____

Town, State, ZIP TOWNSEND, MA 01469

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 4.10.24

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clerk use only	
Date and time received: _____	
Received by: _____	Amount paid: _____
Case #: _____	<input type="checkbox"/> 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 *Madeline J. Zito* Date 4.10.24

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 978-407-0079 Evening phone 978-407-0079

Work E-mail leemuir@comcast.net Personal e-mail leemuir@comcast.net

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):

See Attached

April 11, 2024

In October of 2020, after several years of looking for the right place for our final home, we saw an advertisement for the property at 369 Gibbons Highway and attended an open house there. Just driving up the driveway for the first time, we fell in love, with my wife exclaiming, "Oh, my God!" three times in the third of a mile between the main road and the house. As we took in the rest of the property, we knew we would have room not only for ourselves but also for other members of the family, as was a big part of our dream. Not long after the purchase, since we were not yet ready to leave our home in Massachusetts, our youngest son, Tristan, moved into the 1770 farmhouse as our caretaker and got started on planting the apple orchard that was part of his own dream for The Farm, as we started calling our sixty-plus acres. Since then, we've held a number of family gatherings on the property, including our recent Easter egg hunt and winter sliding gatherings for our grandchildren.

Once Tristan had moved into the farmhouse, we realized that he was falling in love with it and was investing time and money in a variety of gardening and home improvement projects. We didn't want to displace him and had also realized that the narrow stairs to the second floor bathroom and bedrooms were going to be difficult for us to negotiate as we are moving further into our seventies. Our current home is not geezer-friendly, either, and the possibility struck us that we might be able to afford to build a new home as our final landing place just down the hill from Tristan. The new plan pleased him, too, as he was excited about being close enough to help us out when his aging parents needed him. That new home would have virtually all its living spaces on one floor, an increasingly important consideration for us after my stroke two summers ago.

At no time, prior to the sale, during the sale, or after the sale of the property, was it ever mentioned to us that the property was zoned for industrial use; nor did our recent review of the paperwork from our closing reveal any reference to the land's being zoned industrial. The idea of having room for our family to enjoy a final property with us has always been an essential part of Lee's and my dream. We have come close to exhausting our funds in pursuing our current plan and at this point don't have an alternative to it to fall back on. We do feel that our request for a variance is reasonable given the nature of our hardship and the lack of negative impact that the house would have on the surrounding area; the lot does border residential zoning, and thus building a residence on it would not alter the neighborhood significantly. Furthermore, our own bordering lot, while also zoned for industrial use, has had a residence on it since 1770; thus, building a residence on the second lot would not alter the ambience of the neighborhood. We will be using the already-existing driveway and will not have to put in a second one, and building this forever home on our land will allow us to preserve the beautiful natural surroundings, something that no other kind of development could do. We are very worried that all our plans will unravel now just as they were about to take tangible form.

Mark Haman

▶ REVISED ◀
APR 10 2024

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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: B.1 and B.5 DS 4/19/2024

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

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: SINCE a farmhouse has existed on the second lot of the property since 1770, the proposed structure will not change the nature of the neighborhood.

2. Granting the variance would be consistent with the spirit of the Ordinance: SEE #1 above.

3. Granting the variance would do substantial justice: Justice would be done because the current owners bought the property under the impression that it was residential, and they intended and still intend to keep it that way.

4. The proposed use will not diminish surrounding property values: Putting a residential home on an industrial lot will likely have little impact on surrounding properties and will provide no competition for businesses in the area.

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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 owners purchased the property with the understanding that they would be able to build a home designed for an elderly couple next to the home where their youngest son is and will be living.

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:

The owners bought the property assuming it was residential because it already had a residence on it.

iii. and the proposed use is a reasonable one:

The proposal seems reasonable because a residence already exists on the adjoining lot, which is also zoned industrial and is part of the whole property.

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

same as 5a. above.

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:



WILTON Information

Property ID F-24|1236|485
Location GIBBONS HIGHWAY
Owner HAMAN, MARK S



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Nashua Regional Planning Commission makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 7/5/2023
Data updated 08/22/2023

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.