



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

**General Information, Page 1 of 3**

**RECEIVED**

JAN 28 2014

**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 D, Lot 155 Lot Size approx. 1.8 acres

Street Address \_\_\_\_\_

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 NTV, LLC

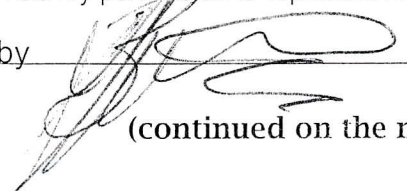
Mailing address 1020 Isaac Frye Hwy

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

Town, State, ZIP Wilton, NH 03086

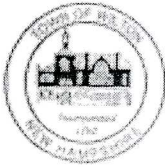
**This application must be signed by the owners of all lots involved in the application.**

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 NTV, LLC by  \_\_\_\_\_ Date 1/28/2014

(continued on the next page)

<b>clerk use only</b>	
Date and time received: <u>1/28/14 3:15pm</u>	_____
Received by: <u>D Miller</u>	Amount paid: <u>—</u>
Case #: _____	<input 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 NTV, LLC

Mailing address 1020 Isaac Frye Hwy

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  Resident Agent \_\_\_\_\_ Date 1/28/2014

**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 John P. Griffith, Esq.

Mailing address 1020 Isaac Frye Hwy

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

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  Agent \_\_\_\_\_ Date 1/28/2014

(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) 654-5351  Evening phone \_\_\_\_\_

Work E-mail woodwardpond@gmail.com  Personal e-mail \_\_\_\_\_

**Proposed Use**

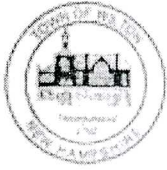
**Explain what you want to do with the property.** (Do you want to build a building, subdivide a lot, have a business, ...).

**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):

NTV rebuilt a fishing camp without a building permit, pursuant to the exemption for such structures under the Wilton Building Code Article II, Par. 2. The building inspector maintains that a building permit is necessary. NTV requests that Board determine that this camp is a fishing camp that was contemplated by Article II to be exempt from permits.



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**Appeal of an Administrative Decision**

If any Town official or board has denied you permission to do something, refused to issue you a permit or other approval, or has taken enforcement action against you, and the decision or action is based on what you believe to be an incorrect interpretation or application of the terms of the Wilton Zoning Ordinance, you may appeal that decision to the Zoning Board.

The Zoning Board does not have any authority to review a discretionary decision to commence formal or informal enforcement proceedings, or a decision based on any law or regulation other than the Wilton Zoning Ordinance.

If you wish to appeal an administrative decision to grant a permit or other approval for the use of property not belonging to you, please use the *Third-Party Appeal of Administrative Decision* Form.

For more information, please refer to RSA 674:33, I(a) and RSA 676:5.

**An appeal of an administrative decision must be filed within 30 days of when the decision was made.**

You must attach a copy of the decision notice with this appeal. If the decision was made by a board, you should also attach a copy of the minutes of the meeting at which the decision was made. **The Zoning Board cannot review an informal or verbal decision.**

What is the decision that you are appealing? \_\_\_\_\_

A July 30, 2012 letter from the Building Inspector, which purports to be an appealable decision

What Town official or board made the decision? Wilton Building Inspector

What sections of the Zoning Ordinance was the decision based on? Building Code Art II, Par 2

Why do you believe that the decision was incorrect? \_\_\_\_\_

See attached

## ATTACHMENT

NTV, LLC bought a dilapidated camp located between Stoney Brook and Forest Road, approximately 1 and ½ miles out of downtown Wilton. The family had a history of over 30 years with a former owner and had fished on the property. NTV purchased the property in December of 2011 with the intention of restoring and maintaining the original camp as a fishing camp.

On July 30, 2012, the Building Inspector wrote an unsolicited letter, which has been interpreted as deciding that NTV required a building permit for the restoration of the camp.

In the fall and winter of 2012-2013, NTV began the restoration of the camp and did not seek a building permit because of the provisions of the Wilton Building Code. Under Article II, Par. 2 of the Wilton Building Code, no permits are required for the construction of hunting, maple sugar, logging, fishing camps or for the repair of existing buildings.

The Town sued to enforce the Building Inspector's letter. NTV filed a motion for summary judgment and the Town filed a cross motion for summary judgment. The trial court denied both motions and held that "[i]f the Town believes the ZBA should first hear NTV's arguments on the building inspector's decision, the case will be dismissed without prejudice, granting NTV leave to appeal the July 30, 2012 administrative decision..." The Town has indicated that it wishes to have the ZBA hear NTV's arguments and agrees to the dismissal of its suit. This is being filed pursuant to the court's order and is being done without prejudice.

The issue is whether the Building Inspector was mistaken when he decided that the reconstruction of the camp, which is intended to be used as a small fishing and recreation camp, required a building permit, or is this camp truly a fishing camp that was contemplated by Article II to be exempt?