



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Nickolas Carlson, Melissa Eastley, and John Eric Harold Jacobsen (owners) and Melissa Eastley (applicant) for a special exception under section 5.3.1 of the Wilton Zoning Ordinance has been granted. It will allow a dog boarding-and-training business as a home occupation on Lot M-66, 87 Abbot Hill Acres Road.

This decision shall expire if the construction or use permitted by it has not begun by Thursday, September 10, 2026. (Wilton Zoning Ordinance section 17.4)

The selectmen, any party to the action or proceedings, or any person directly 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 Thursday, October 10, 2024, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Findings of Fact

- The subject property is a single-family home on a one-acre lot in an established neighborhood of single-family homes on one-acre lots in the Residential District.
- The applicant has an existing dog training business. She proposes to use her home for boarding of up to three client dogs for training primarily elsewhere, with limited training inside the home, and no training outside the home.
- The Zoning Board conducted a site visit at the property on Sunday, September 5, 2024, and were able observe the neighborhood, the outside of the property, and the inside of the basement where the client dogs will be boarded.

Conditions of Approval

The approval of the special exception is subject to the following conditions on the operation of the home occupation. Note that these conditions do not apply to dogs owned by the applicant or other residents of the property, although such personally owned dogs are subject to all Town dog regulations.

These conditions are mostly taken from a document titled “Paws from Heaven Board & Training Information and Daily Routine” (included in the case file), and were agreed to by the applicant at the hearing on the application.

- A maximum of three client dogs will be kept in the home.
- Aggressive or reactive dogs will not be accepted for boarding on the property.
- Client dogs will never be left alone. The applicant will always be present when they are in the house.
- There will be no client visits to the property. Clients will drop off and pick up their dogs elsewhere, and the applicant will transport them to and from the property.

- All training will take place either inside the house or off site, never outside the house or elsewhere in the neighborhood.
- Client dogs will be taken outside only for “potty” sessions in the applicant’s back yard or when being transported to or from the property.
- All client dogs will wear 2 leashes when outside (one 6' tabbed slip lead and one 15–20' longline attached to a flat collar), and must be fully under control at all times.
- Barking will be subject to the requirements of Section 4.10.2, “Noise,” of the Wilton Zoning Ordinance.
- The applicant has provided a document titled “Paws from Heaven Fire Plan” (included in the case file), which indicates how client dogs will be securely restrained in the event that emergency evacuation should be necessary.

Reasons for Approval

- The proposed home occupation obviously satisfies requirements of paragraphs (a) through (g) of Section 5.3.1 of the Zoning Ordinance. (Paragraphs (h) and (i) do not define distinct actionable requirements.)
- Because the activity associated with the home occupation will be almost entirely inside the house, it should have a negligible effect on the character of the neighborhood.
- Although some neighbors expressed the opinion that the home occupation will adversely affect neighborhood property values, the only formal opinion submitted was an opinion by realtor Matthew Blier of Coldwell Bankers Realty (included in the case file) with the opposite conclusion.
- The Zoning Board found that the applicant’s description of the procedures to be followed when handling client dogs, which are included in the Conditions of Approval above, adequately addresses safety concerns raised by some neighbors.

Sincerely,



Neil Faiman, Chairperson
Wilton ZBA
September 11, 2024

Case #8/13/2024-3, decided Tuesday, September 10, 2024