



# Town of Wilton, NH Zoning Board of Adjustment

## Notice of Decision

The request by Faby Gagné and Luc Sirois for a special exception for a home occupation on Lots A-21-1 and A-30, 325 Burton Highway and Stiles Farm Road, under section 6.6.1 of the Wilton Zoning Ordinance, to allow rental of the dressage ring on Lot A-21-1 for riding practice and lessons, has been denied.

### Case History

The applicants submitted an application on February 24, 2026 for special exceptions to allow a variety of uses as home occupations. The Board held a hearing on March 10, a site visit on April 2, and a second hearing on April 14, where the Board made decisions on all of the proposed uses except for the rental of the dressage ring. A third hearing on May 12 resulted in this decision.

### Context and Description of the Proposal

This description is based on the application, information presented by the applicant and by abutters during the hearings and site visit, observations by the Board members during the site visit, and a "Site Plan Application Annex" submitted by the applicant at the April 12 hearing containing details about the proposed conduct of the "Workshops" proposed use (allowed by the April 14 decision) and the "Fenced Paddock Rental" proposed use (the subject of this decision).

- The applicants own Lots A-21-1 and A-30, located on Burton Highway and Stiles Farm Road (also known as Old Peterborough Road).
- Previous owners built a house and barn on Lot A-30, on the north side of Stiles Farm Road, and created a dressage ring on Lot A-21-1, on the south side of Stiles Farm Road, across from the house.
- The previous owners kept horses in the barn and rode them in the dressage ring,
- The applicants do not own horses and have no present intention of owning horses.
- The applicants propose to rent out the dressage ring as a way to earn income from what is, for them, an otherwise useless improvement on the property.
- Riders would rent the arena for a specific block of time, bring their own horses by trailer, ride, and then leave with their horses.
- Trailer parking would be at the barn.
- Riders would be responsible for cleaning up after their horses.
- The applicant would maintain the ring using a UTV tow bar and would dispose of manure.

### The Zoning Ordinance

Lots A-21-1 and A-30 are located in the General Residence and Agricultural District, where uses permitted as of right are "Any use permitted in the Residential District" and "All general farming and forestry activities." (§6.1)

§3.1.12 defines a home occupation as “A business operated in a building that is incidental and subordinate to the use of the building or lot for residential purposes in compliance with the criteria established for home occupations in section 5.3.1 or 6.6.1 of this Ordinance.”

§5.3.1 permits home occupations by special exception in the Residential District subject to a list of requirements, including:

- a. Home occupations shall be incidental and secondary to the use of the associated dwelling unit as a residence.
- b. Home occupations shall be carried on by the resident owner of the dwelling unit, resident members of the owner’s family, a resident tenant, or resident members of the tenant’s family.

§6.6.1 permits home occupations by special exception in the General Residence and Agricultural District. It states that “The provisions of Section 5.3.1 shall govern home occupations in this district except as otherwise provided for below.”

### **Reasons for the Decision**

1. The proposed use is not “a business operated in a building,” and therefore is not a home occupation as defined in §3.1.12.
2. The proposed use is not “subordinate and incidental to the use of the building or lot for residential purposes,” and therefore is not a home occupation as defined in §3.1.12. The rental of the riding ring bears no particular logical connection to the residential use of the property. The owners could move out, the house could fall into ruins, but the riding ring rentals could continue unimpeded.
3. By the same token, the proposed use does not satisfy the requirement of §5.3.1(a) that “Home occupations shall be incidental and secondary to the use of the associated dwelling unit as a residence.”
4. The rental of facilities on a property cannot reasonably be described as being a business “carried on by” the property owner, and therefore the proposed use does not satisfy the requirement of §5.3.1(b).

Sincerely,



Neil Faiman, Chairperson  
Wilton ZBA  
May 13, 2026