



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by Michaelann Murphy for a variance to section 6.2.4 of the Wilton Zoning Ordinance has been granted. It will allow the installation of a 10 foot privacy/security fence closer to the front lot line than allowed by the Ordinance on Lot H-132-1, 291 Captain Clark Highway.

The decision was made by a vote of four in favor, one opposed, on a motion to approve at the Tuesday, July 14, 2026 hearing on the application.

This decision will expire if the construction or use permitted by it has not commenced within two years of the decision date. See Wilton Zoning Ordinance section 17.4.2

The selectmen, any party to the action or proceedings, or any abutter may request a rehearing of this decision. See N.H. RSA 677:2. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment within 30 days of the date of the decision using the form which is available on the Zoning Board web site at <wiltonzba.org/how_to_apply.html> or in the Wilton Land Use Office.

Findings of Fact

- Lot H-132-1 is located in the General Residence and Agricultural District.
- The lot is approximately 17 acres and has approximately 1300 feet of frontage on Captain Clark Highway.
- The lot is on the west side of Captain Clark Highway. Potter Road makes a T intersection with Captain Clark Highway opposite the lot.
- There are a house and barn on the property. The house is set back approximately 60 feet from Captain Clark Highway, and the barn is behind it. Its driveway is offset slightly to the south of the intersection with Potter Road.
- The property rises steadily away from the road.
- The applicant proposes to install a 10 foot high wood “privacy / security fence”, 80–100 feet in length and approximately 15–20 feet from the front lot line, to “provide privacy and protection” from observation and photography by a neighbor on the other side of the intersection.

Conditions of Approval

The placement will be as observed by members of the Zoning Board during a site visit on June 13, 2026: approximately 60–70 feet in length, and set back approximately 15–20 feet from the stone wall which delineates the edge of the Captain Clark Highway right-of-way.

The Proposed Use is not Permitted as of Right

Section 6.2.4 of the Wilton Zoning Ordinance states:

Setbacks: Thirty-five (35) feet from all lot lines. No building, or use that requires a building permit, is permitted in the setback.

Article III, Section B, "Building Permits," of the Wilton Building Code, states:

Notwithstanding any exemptions set forth in s. 105.1.2 of the IBC and s. R105.2 of the IRC, work as identified in the preceding paragraph of this Section III (B) involving the following structures shall require a building permit: [...] 6. Fencing over six feet in height.

The installation of a ten foot high fence is therefore a use that requires a building permit, and is not permitted less than 35 feet from any lot line.

Reasons for the Decision

- **Granting the variance would not be contrary to the public interest and would be consistent with the spirit of the Ordinance** because, while the proposed fence would be visually inconsistent to some extent with the character of the neighborhood, and the preservation of that visual character may be seen as a purpose of the ordinance restriction, it is not to a marked or extreme degree, especially since the fence will occupy only 60–70 feet of the 1300 foot frontage of the lot, and will be separated from the road by a scrubby tree line..
- **Granting the variance would do substantial justice** because there will be no obvious public detriment from the proposed fence to set off against the owner's reasonable desire for privacy.
- **Property values:** No evidence beyond a single conclusory statement from one abutter was presented to suggest that the fence will have an effect on neighboring property values.
- **Hardship:** Owing to the topography, a six foot fence, which would be legal in the setback, would not block the view of the property, which would negate the desired privacy and security motivations for erecting the fence; while a ten foot fence built 35 feet from the lot line, which would also be legal, would cut directly through an expensive loop driveway which was built to the recommendations of the Fire Chief when the applicant started an in-home child care facility.

Sincerely,



Joanna Eckstrom,
Acting Chairperson
Wilton ZBA
July 15, 2026

Case #6/9/2026-1, decided Tuesday, July 14, 2026