

Dawn Ryan
24 Stagecoach Road
Wilton, New Hampshire 03086

May 24, 2021

Mr. Dawson Gay
Building Inspector
Town Hall – 42 Main Street
Wilton, NH 03086

Re: Application for a permit to replace existing bridge.

Dear Mr. Gay:

Enclosed please find:

1. My Application for Residential Building Permit;
2. Bridge Replacement Plan and Steel Framing Plan;
3. A graphic to show placement of the steel girders;
4. A summary of how the bridge was used before 1968;
5. Deed from Duggan/Ladd to the Deyschers
6. An analysis of Town Zoning Ordinances;
7. An analysis of NH DES regulations;
8. Counsel's opinion regarding my right to replace the existing bridge; and

Ben Tirey, a licensed professional structural engineer, drafted the attached bridge replacement plans. He has already discussed the project with you and Michele Decoteau. He will, of course, be available to answer any design questions you might have. K. Sweeney Construction will build the replacement bridge.

I cannot access my land that lies easterly of Mill Brook without a suitable bridge. The bridge lies within my easement over land owned by my neighbors. The easement was expressly created to provide access to my land that lies easterly of Mill Brook. Please read Item #5.

The bridge is old and rotting. It may soon be unsafe for crossing by me, my daughters, and animals that I plan to bring in. Also, any further landscaping of my land lying easterly of Mill Brook will require use of a pickup truck and a small tractor that cannot now safely cross the bridge.

I am submitting Items #4 – #8 to respond to observations you and Michele Decoteau have passed along to me or Mr. Tirey about the potential need for permits or approvals before the bridge can be replaced.

A. Vehicular use of the bridge is not an expansion of use. Rachel and Bart Hunter told me and Ben Tirey that prior owners of my property crossed the bridge with farm tractors and hay wagons since at least the 1950s. Please read item #7. Accordingly, the bridge replacement will continue a well-established use by both pedestrians and vehicles.

B. I am not required to apply for a permit under §10 of the Zoning Ordinance (Flood Plain Conservation District). My environmental engineering consultants (Fuss and O'Neill) have made a comprehensive review of Wilton's ordinances to determine what, if any, permits or approvals are needed before I can replace my bridge. Please read Item #6.

These consultants agree with your observation that I must apply for a building permit because it is a "structure." However, the bridge is not a "structure" for flood plain management purposes and the replacement structure will not adversely impact the flood plain. It is their opinion that I do not need to apply for a permit under §10. Please read ¶2 of Item #6.

C. I do not need a special exception under §11 of the Zoning Ordinance (Wetlands Conservation District) to replace the bridge. That is because Gove Environmental has concluded that the existing bridge abutments are outside of wetlands and that no dredging, filling, or draining are being proposed in wetlands. Please read ¶3 of Item #6.

D. A bridge is a permitted use under §12 of the Zoning Ordinance (Aquifer Protection District). Please read ¶4 of Item #6.

E. §14 of the Zoning Ordinance (Watershed District) does not apply to the replacement of the bridge. The replacement of an existing bridge is not prohibited under §14. Please read ¶5 of Item #6.

F. The bridge is not part of a driveway. Neither the existing bridge nor the farm road leading to and from that bridge is used as a driveway within the meaning of §G of Wilton's Land Use Regulations. Those merely facilitate access to my land on the other side of Mill Brook.

G. The replacement of the bridge does not require a permit from NH DES. Please read Jim Gove's opinion; Item #7.

H. I do not require William and Corinne Ryan's permission to replace the bridge. Please read my lawyer's response to your 5/21/2021 observation that the International Building Code requires me to get the Ryans' permission to replace the bridge on their land that is subject to my easement; Item #8.

Please contact me if you need anything further to complete your review and approval of my application.

Sincerely,

Dawn Ryan

Cc: Michele Decoteau, Land Use Administrator
Paul Branscombe, Town Administrator



Town of Wilton
42 Main Street, Wilton, NH 03086
(603) 654-3960

Permit # _____

Application for Residential Building Permit

APPLICATION DATE: _____

PERMIT ISSUED: _____

Posted

Building Address: **74 Stagecoach Rd.** Map: **A** Lot: **47-1**

District: (circle one) RES **RES/AG** Other _____

Owner/Contractor(s) Information

	Name	Address	Phone	Email
Owner	Dawn Ryan	74 Stagecoach Rd	917-607-7546	dryan@deloitte.com
G.C./ Arch./Designer	K.Sweeney Construction	364 Bible Hill Rd Bennington, NH 03442	603-562-7074	industrialarts364@gmail.com
Plumber/Gas Fitter				
Electrician				
Mechanical				

Signature of Owner/Agent*

Date: _____

*Owner/agent: your signature above gives permission for the building inspector and the town assessor or their agents to visit this property for the purposes of inspection and review.

- | | | |
|---|--|---|
| <input type="checkbox"/> New Single Family | <input type="checkbox"/> Garage (Att'd or Det'd) | <input type="checkbox"/> Pool |
| <input type="checkbox"/> New Two Family | <input type="checkbox"/> Porch | <input type="checkbox"/> Wood/Pellet Stove |
| <input type="checkbox"/> Alteration/Renovation | <input type="checkbox"/> Shed | <input type="checkbox"/> Solar PV _____ kW |
| <input type="checkbox"/> Addition _____ ft ² | <input type="checkbox"/> Deck | Roof _____ Ground _____ |
| | <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Other farm access way bridge |

Description of Scope of Work: **Remove existing rotten wood bridge framing, set precast piers in shallow excavation in uplands, erect steel framing, apply wood decking and curbs.**

Project Value \$ _____

Construction Documents Required Include:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Site Plan • Floor Plans All Levels • 4 Elevation Views • 2 Sectional Views • Building Details • Framing Plan, Include Trusses | <ul style="list-style-type: none"> • Electrical Plan • Plumbing Plan • HVAC/Mechanical Plan & Source • Well Or Town Water Permit • Septic design/Sewer Permit • Other reports required by Building Inspector |
|--|--|

CONTINUE ON REVERSE →

Land Use Compliance:

Is the property in an Aquifer Protection Zone? Yes No

Is the proposed worked within 250 feet of Souhegan River or Stoney Brook? Yes No

This project complies with Wilton Land Use Regulations Lot Size, Frontage, All Backs, etc.

Any conditions to be noted on the Building Permit: _____

Land Use Administrator: _____ Date: _____

Building Permit Fee:

New Construction or Addition:

Total Square Feet _____

Permit Fee: _____ (\$100 min)

Alteration Fee: _____ (\$50 min)

Deck \$30 Pool \$50 PV Array \$100

Renewal: \$50 Other _____

Town Water hook-up fee \$1,200 _____

Town Sewer hook-up fee \$900 _____

Total Permit Fee: \$ _____

Other Fees:

\$5,409 Impact Fee: New Residential Dwelling

\$3,798 Impact Fee: "Other" Dwelling

Other Fee: _____

Certificate of Occupancy is subject to receipt of Impact Fee and other applicable fees (noted above) as required by the Town Ordinance and the NH State Statute.

Fee due with Permit Application: \$ _____

Total Fee(s) due for C.O. \$ _____

Invoice # _____ Date: _____

It is the PERMIT HOLDER'S RESPONSIBILITY to contact the building inspector for inspections. It is UNLAWFUL to progress to the next phase of construction without an approved inspection for prior inspected work.

Application Received:

Building Inspector Date

Application Approved: (Permit not valid unless approved by Building Inspector)

Building Inspector Date

PERMIT INVALID WITHOUT TWO SIGNATURES
CALL FOR INSPECTIONS: Work 603-654-3960 Cell: 603-801-1640

EXPIRATION DATE 180 DAYS FROM DATE ISSUED

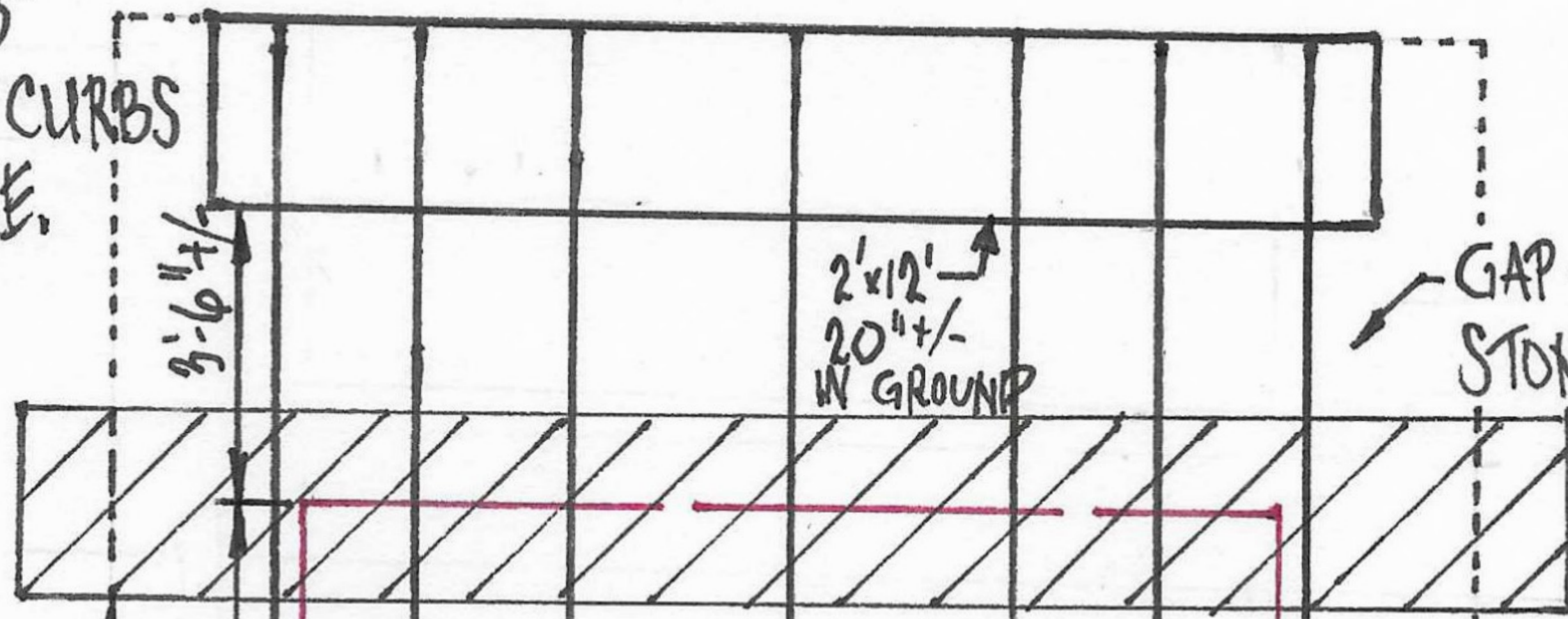
BRIDGE ON ACCESS EASEMENT
74 STAGECOACH RD. WILTON NH

4.8.21
5.13.21

ITEM #2

Ben Tiley, P.E. #5810
Sharon NH

BRIDGE DECKING TO BE 3"
WHITE OAK. 8"x8" WOOD CURBS
TO LINE NOMINAL 12' LANE.



GAP TO PRESERVE EXISTING
STONE WALLS LINING
STREAM BED

FLOW CROSS-SECTION
TO INCREASE

EXISTING
BRIDGE
DECK

EXISTING STONE-
WALLS LINING
STREAM BED AT
EXISTING BRIDGE
(TO BE UNDISTURBED)
16'+/- LONG & 20'+/-
CLEAR BETWEEN

W/O STEEL
BRIDGE GIRDERS
(WILL NOT
DISTURB EXISTING
STONE WALLS)
STEEL FRAMING
TO BE FABRICATED
IN BENNINGTON NH
& INSTALLED IN
3 PIECES

PROPERTY LINE

EASEMENT
LINE

14' BRIDGE
DECK OF
PROPOSED
REPLACEMENT
BRIDGE

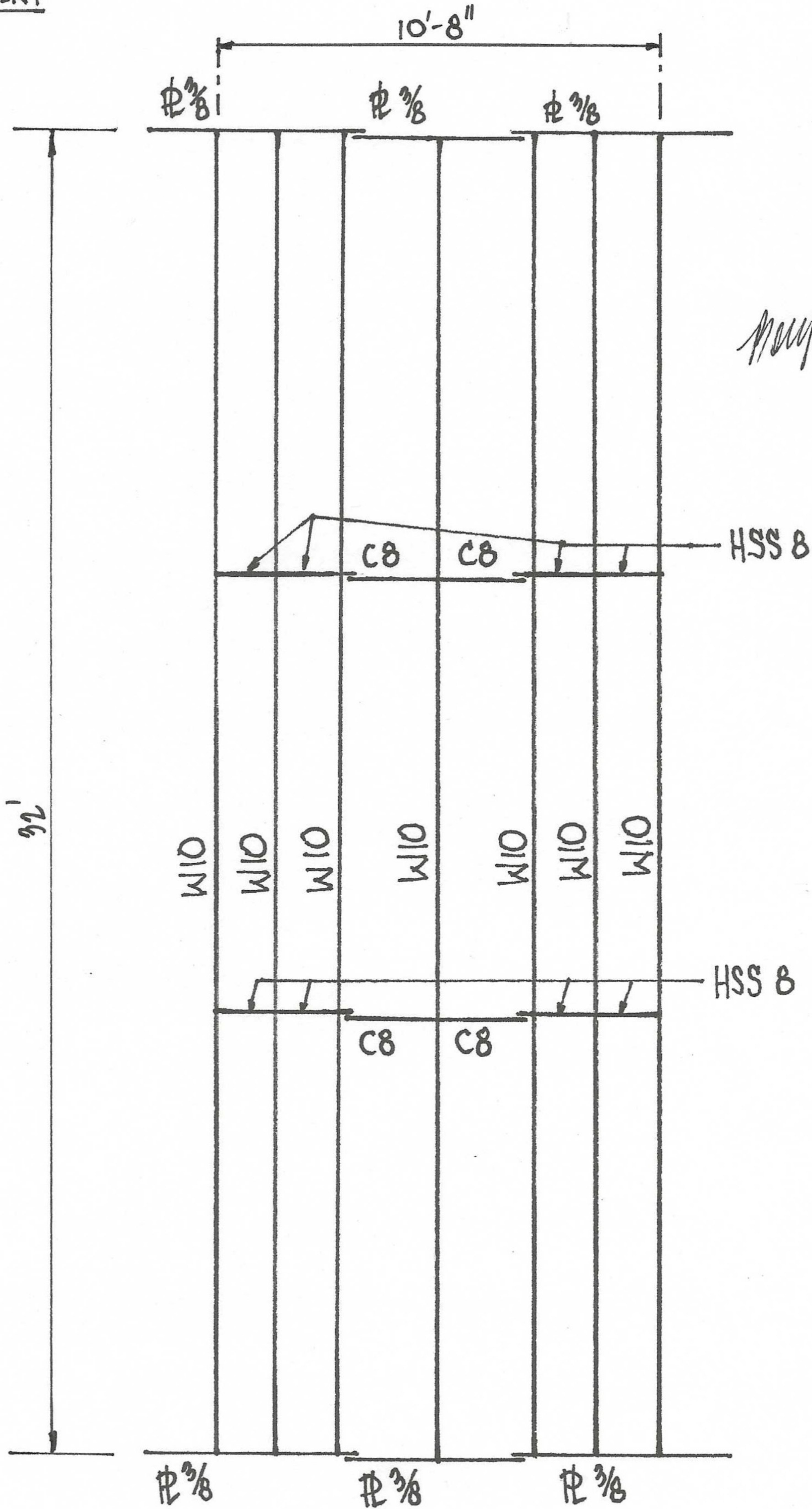
PRECAST SUPPORT FOR GIRDERS BOTH ENDS OF
BRIDGE (WILL REDUCE LATERAL PRESSURE ON
EXISTING STONE WALLS) PLACED ON UPLANDS

Existing conditions shown based on
Fuss & O'Neill dwg. EX-101A March 2021

BRIDGE REPLACEMENT PLAN - NORTH

BRIDGE REPLACEMENT
ON ACCESS EASEMENT

5.13.21

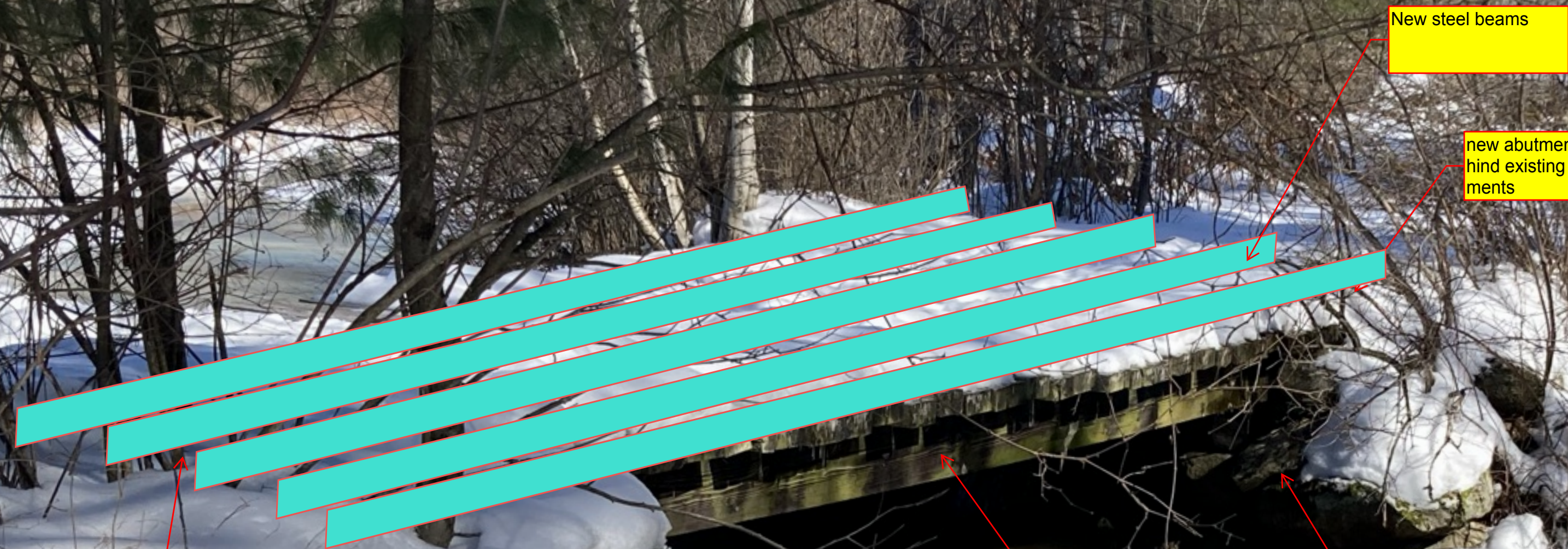


Ben Tirey, P.E.
Sharon NH
801-9703



RYAN BRIDGE STEEL FRAMING PLAN, 74 STAGECOACH RD, WILTON, NH
For the purpose of animal husbandry / agriculture.

ITEM #3



New steel beams

new abutments behind existing abutments

new abutments behind existing abutments

Remove existing bridge

preserve abutments

Benjamin E. Tirey, P.E.
STRUCTURAL ENGINEERING CONSULTANT
182 McCoy Rd., Sharon, New Hampshire 03458
Phone 603-801-9703

ITEM #4

May 13, 2021

Dawn Ryan
74 Stagecoach Rd.
Wilton, NH

RE: Neighbors' Memories Regarding the Existing Bridge (pre-1968) in the Access Easement (1996)

Dear Dawn:

I met with you and your neighbors, Rachel and Bart Hunter, on May 4, 2021, to walk along the access easement connecting the front of your lot with the east, back part of your lot. The access easement is the farm road pathway to reach the east portion of your lot, as the east portion of your lot lacks road frontage.

Rachel Hunter lived opposite your house in the 1950's and 1960's, and is familiar with the existing bridge in the access easement, which she crossed or spent time on, nearly daily while growing up. Bart Hunter became familiar with the bridge starting in 1968. Rachel and Bart indicated that the existing bridge framing is the same bridge framing that was present when they first met, in 1968, in the Stagecoach Rd. neighborhood. Rachel recalled that the bridge timbers were creosoted before installation. That preservation treatment of the existing bridge timbers allowed the timbers to remain to the present.

Per Rachel, the mid-twentieth century farm use of the existing bridge included farm tractors and hay wagons. The bridge provided access to farm fields, east of the stream crossing, that had been used for the production of rye. Subsequently, the fields were farmed for hay production. Sheep were part of the farm operation during Rachel's youth. The bridge functioned as a vital part of the farming operation, as well as for recreational access by the people who lived in the neighborhood.

Bart recalled that the low area of the west approach to the bridge had occasionally flooded, without flood impact to the bridge. Rachel and Bart's recollections did not include a time frame for the date of construction of the existing wood framing of the bridge.

The existing stone abutments of the existing bridge pre-date the construction of the existing bridge superstructure. The abutments are sufficient for a bridge significantly wider than the existing bridge.

Sincerely,



Benjamin E. Tirey, P.E.

637898

96 AUG -5 AM 8: 21

WARRANTY DEED

KNOW ALL PEOPLE BY THESE PRESENTS, that we, ROSEMARY DUGGAN and WILLIAM M. LADD, wife and husband, both of 74 Stagecoach Road, Wilton, County of Hillsborough, State of New Hampshire, for consideration paid, grant to DAVID A. DEYSHER and ELIZABETH DEYSHER, husband and wife, both of 7 General Amherst Road, Amherst, County of Hillsborough, State of New Hampshire, as joint tenants with rights of survivorship, with WARRANTY COVENANTS,

A certain tract or parcel of land, with the buildings thereon, situated on the east side of Stagecoach Road, in Wilton, County of Hillsborough, State of New Hampshire, said tract being Lot A-47-1 as shown on a plan of land entitled, "Subdivision, Plan of Land, Rosemary E. Duggan and William M. Ladd, Wilton, New Hampshire, Scale: 1" = 100', April 18, 1996," said plan of land prepared by Monadnock Survey, Inc., Wilton Station, Main Street, P.O. Box 607, Wilton, NH 03086, and recorded at the Hillsborough County Registry of Deeds as Plan No. 28059, being more particularly bounded and described as follows:

Beginning at the northwest corner of the premises on the easterly side of Stagecoach Road at a 5/8" x 4" steel pin (set); thence


South 83 degrees 11 minutes 39 seconds east along a stone wall by land now or formerly of Rosemary Duggan and William M. Ladd a distance of 260.05 feet to a 5/8" x 4" steel pin (set); thence

South 11 degrees 38 minutes 03 seconds east across an 8' farm road by land of Duggan and Ladd a distance of 49.85 feet to a drill hole (set) in a 5" x 12" x 18" fieldstone bound (fnd); thence

North 80 degrees 05 minutes 16 seconds east by land of Duggan and Ladd a distance of 28.42 feet to a 5/8" x 4" steel pin (set); thence

South 84 degrees 46 minutes 37 seconds east along a stone wall by land of Duggan and Ladd a distance of 124.77 feet to a drill hole (set); thence

BK 5741 PG 0299

STATE OF NEW HAMPSHIRE			
DEPARTMENT OF REVENUE ADMINISTRATION			REAL ESTATE TRANSFER TAX
****3	THOUSAND	6	HUNDRED AND 50 DOLLARS
MO.	DAY	YR.	TAXID
08/05/1996		234095	\$ ****3650.00
VOID IF ALTERED			

South 79 degrees 32 minutes 40 seconds east along a stone wall by land of Duggan and Ladd a distance of 119.97 feet to a 5/8" x 5" steel pin (set); thence

South 80 degrees 40 minutes 48 seconds east by land of Duggan and Ladd a distance of 276.52 feet to a 4" x 4" x 9" granite bound set; thence

South 86 degrees 16 minutes 36 seconds east by land of Duggan and Ladd a distance of 276.93 feet to a 4" x 4" x 5" granite bound set; thence

South 03 degrees 43 minutes 24 seconds west by land of Duggan and Ladd a distance of 150.00 feet to a 4" x 4" x 4" granite bound set; thence

South 87 degrees 55 minutes 16 seconds east by land of Duggan and Ladd a distance of 242.33 feet to a 5/8" x 10" steel pin (set); thence

South 01 degree 42 minutes 18 seconds west along a stone wall by land of Duggan and Ladd a distance of 22.21 feet to a drill hole (set); thence

South 00 degrees 14 minutes 30 seconds east along a stone wall by land of Duggan and Ladd a distance of 94.70 feet to a drill hole (set); thence

South 04 degrees 24 minutes 50 seconds east along a stone wall and 8' bar way by land of Duggan and Ladd a distance of 91.97 feet to a drill hole (set); thence

South 02 degrees 11 minutes 48 seconds west along a stone wall by land of Duggan and Ladd a distance of 39.97 feet to a 5/8" x 8" steel pin (set); thence

North 83 degrees 12 minutes 30 seconds west along a stone wall by land now or formerly of Hubert M. Hoover Trust a distance of 192.08 feet to a drill hole (set); thence

North 83 degrees 30 minutes 50 seconds west along a stone wall by land of Hoover a distance of 223.35 feet to a drill hole (set); thence

North 81 degrees 50 minutes 14 seconds west along a stone wall by land of Hoover a distance of 24.77 feet to a drill hole (set); thence

North 83 degrees 35 minutes 21 seconds west along a stone wall by land of Hoover a distance of 185.34 feet to drill hole (set); thence

BK5741PG0300

North 85 degrees 51 minutes 53 seconds west across a cart road by land of Hoover a distance of 19.63 feet to a drill hole (set); thence

North 83 degrees 19 minutes 25 seconds west along a stone wall by land of Hoover a distance of 382.60 feet to a drill hole (set); thence

North 84 degrees 20 minutes 53 seconds west by land of Hoover a distance of 63.50 feet to a drill hole (set); thence

North 82 degrees 24 minutes 55 seconds west along a stone wall by land of Hoover a distance of 63.19 feet to a drill hole (set); thence

North 83 degrees 42 minutes 25 seconds west along a stone wall by land of Hoover a distance of 170.34 feet to a drill hole (set); thence

North 82 degrees 48 minutes 18 seconds west along a stone wall by land of Hoover a distance of 82.60 feet to a drill hole (fnd) at the southwest corner of the premises on the easterly side of Stagecoach Road; thence

North 10 degrees 14 minutes 29 seconds east along the easterly side of Stagecoach Road a distance of 381.24 feet to a drill hole (set); thence

North 06 degrees 43 minutes 23 seconds east along a stone wall and the easterly side of Stagecoach Road a distance of 41.11 feet to the point of beginning.

Containing 11.291 acres, more or less.

Together with an access easement (such being an encumbrance running with the land constituting Lot A-47 on said plan of land) over a .386-acre area located on Lot A-47 (including a portion of the 8' farm road and bridge), as shown on said plan of land, for the limited purpose of allowing grantees, their heirs, successors and assigns access to and from that portion of the premises lying west of the stream spanned by said bridge and that portion of the premises lying east of said stream.

Subject to the right, running with the land, of John F. and Emily E. Giffin, their heirs, successors and assigns to maintain the drain onto the premises herein described near its southwest corner.

Also reserving and subject to a right, running with the land, by grantors, their heirs, successors and assigns to affect stream flow onto the premises by widening the bridge, as shown on said plan of land.

Further subject to Notice of Current Use Tax Classification and all easements and rights of way of record, and conveying all rights, if any, which grantors may have in that portion of Stagecoach Road which is contiguous to the premises.

Meaning and intending to convey and hereby conveying a portion of the premises conveyed to the within grantors by quitclaim deed of Rosemary Duggan, dated September 26, 1994, and recorded at the Hillsborough County Registry of Deeds in Book 5581, Page 886.

BK 5741 PG 0301

M E M O R A N D U M

TO: Dawn Ryan
FROM: Brian A Pratt, P.E.
Senior Project Manager
Fuss & O'Neill

DATE: 5/24/2021

RE: **Analysis of Town of Wilton Zoning Ordinances that may apply to the repair/replacement of your bridge across Mill Brook at 74 Stagecoach Road.**

-
1. Application for a building permit to repair/replace the bridge.

Section E of Wilton's Building Code at Article III B provides:

"No work to demolish, erect, construct, reconstruct, alter, remodel, relocate or repair any structure, including, but not limited to the following, or any portion or system thereof, may begin until the Building Inspector issues a building permit . . . (c) Any structure, not a dwelling unit, that exceeds 100 square feet in area.

Section 3.1.31 of Wilton's Zoning Ordinance defines the term "structure":

Structure. Any construction, erection, assemblage or other combination of materials upon the land which is made in such a manner as to imply that it will remain in position indefinitely or which in fact remains on the land for a period of time in excess of thirty (30) days. Structures do not include driveways, fences, stone walls, mailboxes, culverts, and drainage measures approved by the Planning Board as part of a subdivision or site plan.

Accordingly, our opinion is that you must file an application for a Residential Building Permit before any work can begin to repair/replace the existing bridge.

2. Whether a permit is required by Section 10 of Wilton's Zoning ordinance (Flood Plain Conservation District).

Although §10.2 of the ordinance provides that all *"proposed development in any special flood hazard area shall require a permit"* the bridge is not a "structure" for flood plain management purposes. See §10.1.27. No adverse impact to the floodplain will occur, in fact, because the bridge will be raised above the current floodplain level, it will provide a benefit to the flood capacity within the floodplain.

Dawn Ryan
5/24/2021
Page 2 of 3

Accordingly, it is our opinion that you do not need to apply for a permit under Section 10 of the ordinance.

3. Whether a special exception is required by Section 11 of Wilton's Zoning Ordinance (Wetlands Conservation District).

"The Wetlands Conservation District comprises all wetlands . . . located wholly or partially within the Town of Wilton." See §11.2

The existing bridge is not within the Wetlands Conservation District. I arrived at this conclusion because the existing bridge abutments are outside of the wetlands delineated by Gove Environmental, and because no dredging, filling, draining, or surface alterations are being proposed within the wetlands conservation district. In addition, the bridge does not conflict with the purpose and intent of this ordinance as no buffers are being altered as improvements are within the existing woods road and bridge abutments.

Accordingly, it is our opinion that you do not need to apply for a special exception under Section 11 of the ordinance.

4. Applicability of Section 12 of Wilton's Zoning Ordinance (Aquifer Protection District).

A bridge is a permitted use in this district. Maintenance and repair/replacement of any existing structure is also an allowed use. See §12.3 (g) & (h).

5. Applicability of Section 14 of Wilton's Zoning Ordinance (Watershed District).

The purpose of this ordinance is to "preserve the quality of the water and to protect the health and welfare of the residents of the Town of Wilton by minimizing sources of pollution." See §14.1. The repair/replacement of an existing bridge does not frustrate this purpose.

The purpose of the ordinance is achieved by creating 200' and 150' setbacks for structures. See §14.3.3. Therefore, the literal application of this ordinance to bridges would prohibit the construction of all bridges. However the definition of "structure" in the related floodplain ordinance does not include bridges as a structure for related floodplain purposes therefore we do not feel that a bridge should be considered a structure for these purposes.

Dawn Ryan
5/24/2021
Page 3 of 3

The existing bridge is accessed by a farm road and not by a driveway. See Wilton's Driveway Entrance Regulations. See Section G, 1.0. In addition, the repair/replacement of an existing bridge does not trigger the requirements for permitted changes within the setback area. See §14.3.5.

The repair/replacement of an existing bridge is not a prohibited use. See §14.4

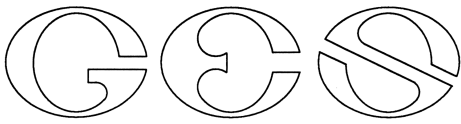
Finally, special exceptions to this ordinance are limited to proposed commercial and industrial uses. See §14.7.

It is our opinion in view of the foregoing that Section 14 of Wilton's Zoning Ordinance does not apply to your plans to repair/replace the bridge.

Respectfully,



Brian A Pratt, P.E.
Fuss & O'Neill
50 Commercial St
Manchester NH 03101



Memorandum

Date: 24 May 2021
To: Dawn Ryan
From: Jim Gove
Re: 74 Stagecoach Road, Wilton, NH
Subject: Replacement of Bridge Structure

The bridge structure in the right of way easement is in need of replacement to allow for vehicles to travel from the west side of your parcel to the east side. The following rules of the State of New Hampshire, Department of Environmental Services, Wetlands Bureau applies to this replacement. Each of the three sections provide direction in the replacement of the bridge structure.

Because this replacement will not involve the dredging or filling of any water, bank, flat, marsh or swamp, the activity does not require a permit, as noted in Env-Wt 308 (b).

“PART Env-Wt 308 ACTIVITIES ALLOWED OR PROHIBITED BY STATUTE Env-Wt 308.01 Activities Exempted By Statute from Permit Requirement. A permit under RSA 482-A shall not be required prior to undertaking any of the following activities in any jurisdictional area:

(a) As specified in RSA 482-A:3, IV(a) and as clarified in Env-Wt 308.02(a) and

(b), the replacement or repair of existing structures in or adjacent to any waters of the state that does not involve excavation, removal, filling, or dredging in any waters or of any bank, flat, marsh, or swamp;”

Further, there will not need any delineation of the area of activity as there are no vegetated wetlands involved, as noted under Env-Wt 406.03 (4).

“Env-Wt 406.03 Wetlands Delineation Not Required for Certain Projects.

(a) Delineation of wetlands, including vernal pools, shall not be required for the following projects:

(1) Any project that qualifies for a statutory permit-by-notification (SPN);

(2) Minimum impact exotic aquatic weed control or minimum impact native aquatic vegetation removal projects as provided in Env-Wt 510;

(3) Agriculture projects impacting less than 3 acres of wet meadow, provided the application and plan are prepared by the NRCS or a certified wetland scientist; and

(4) Shoreline structure projects at the shoreline of and extending over open water where there are no vegetated wetlands unless the exemption in (2), above, applies.”

Finally, there is no project classification requiring permitting, as this is a replacement of an existing legal stream crossing, as noted in Env-Wt 407.04 (c)(1).

“Env-Wt 407.04 Project-Type Exceptions (PTEs).

(a) Classification based on size as established in Env-Wt 407.03 shall not apply to any project that meets the requirements for an SPN under Env-Wt 308 and the applicable provisions in Env-Wt 500, however such projects remain subject to Env-Wt 307 and all other qualifying criteria.

(b) Classification based on resource type impacted shall not apply to a restoration/enhancement project under Env-Wt 525 that:

(1) Is funded in whole or in part with public funds, whether from a federal, state, or local agency;

(2) Is conducted under the supervision of a New Hampshire state agency established to manage or protect natural resources, the university of New Hampshire, the US Environmental Protection Agency, the US ACE, NRCS, the National Oceanic and Atmospheric Administration (NOAA), the US Forest Service, or the US Fish and Wildlife Service; and

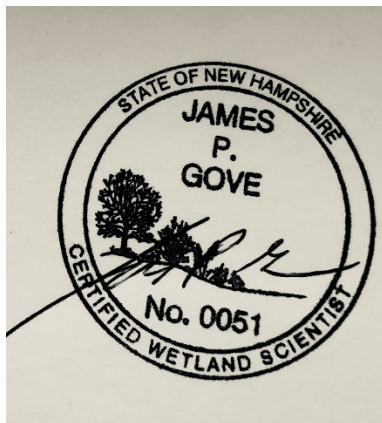
(3) Is not done to restore any area that is subject to a removal or restoration order.

(c) Classification based on resource type impacted shall not apply to:

(1) Maintenance, replacement, and replacement in-kind of existing legal shoreline structures, whether tidal or non-tidal;

In summary, it is the opinion of Gove Environmental Services, Inc. that the replacement of the bridge structure shall not require a permit from the Department of Environmental Services.

We have not investigated the need for any local requirement regarding the bridge replacement. It is our understanding that others are contacting the Town in this regard.



24 May 2021

David K. Pinsonneault
J. Bradford Westgate*
Kent M. Barker
John M. Edwards*

W&B
Winer and Bennett, LLP
Attorneys at Law

Brian C. Kelly*
Brenner G. Webb
Barbara W. Halevi*

*Admitted in NH and MA

Peter G. Webb (retired)
Peter W. Bennett (retired)
S. Robert Winer (1920-2019)
John V. Dwyer, Jr. (1946-2013)

May 24, 2021

Ms. Dawn Ryan
74 Stagecoach Road
Wilton, New Hampshire 03086

Re: Mr. Gay's 5/21/2021 email regarding your easement rights.

Dear Dawn,

I am responding to the Building Inspector's 5/21/2022 email to Ben Tirey that is attached as Annex 1. On April 29, 2021, Ben informed Mr. Gay that the International Building Code ("IBC") did not apply to the repair or replacement of your bridge. See Annex 2. Mr. Gay, to my knowledge, has not given Ben any reason to believe that his opinion was wrong.

Also, the IBC §105.1 makes no reference to easements, contrary to what is implied in Mr. Gay's email. In any event, I too have concluded that the IBC does not apply to your project.

Importantly, Mr. Gay's assertion that Wm. & Corinne Ryan must join in your application for a building permit to repair or replace the bridge is wrong as a matter of law.

I start with the creation of your easement. You purchased your land from Deysher. See deed recorded at the Hillsborough County Registry of Deeds in Book 9204 Page 139 (attached Annex 3). The Deysher deed refers to a deed from Duggan & Ladd to Deysher recorded in Book 5741 Page 299 (attached as Annex 4). The scope of your easement rights is defined by the highlighted section of the Duggan & Ladd deed to Deysher, which is on page 3 of Exhibit 4.

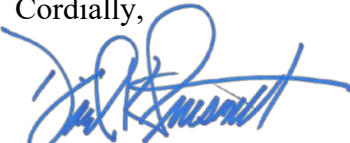
Accordingly, your easement over the Ryans' land confers upon you an absolute right to do what is necessary to maintain access to your land that otherwise would be stranded. I refer to the case of Choquette v. Roy, 167 N.H. 507, 515 (2015)(the holder of an easement "has a right and the duty to maintain an easement so that it can be used for the purpose for which it was granted").

111 Concord Street
Nashua, New Hampshire 03064
Tel (603) 882-5157 • Fax (877) 395-7335
WWW.WINERBENNETT.COM

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May 24, 2021

In addition, your easement gives you standing to apply for a permit without the Ryans' involvement or concurrence. To conclude otherwise would mean that the Ryans could frustrate the purposes of the easement by refusing to join in the applications for a building permit.

The law does not allow the Ryans to oppose the replacement of the bridge.

Cordially,

David K. Pinsonneault
dpinsonneault@winerbennett.com

PS: Mr. Gay is also wrong about your needing a DES permit for your project.



From: **Dawson Gay** <building-code@wiltonnh.gov>
Date: Fri, May 21, 2021 at 8:32 AM
Subject: Bridge Info for 74 stagecoach
To: Ben Tirey <ben.tirey@gmail.com>

Hello Mr Tirey, I have some more information on the proposed work to the bridge on 74 stage Coach rd. Permission is required by the owner, and the Bridge cannot be widened or lengthened without a permit from DES.

Section 105.1 of the 2015 International Building Codes states that any owner or owner’s authorized agent may apply for a building permit. The person who holds the easement on the property owned by someone else that purportedly permits the erection of a structure on that property must provide an authorization signed by the owner permitting that construction.

Please email me back with any questions

Thank you,

Dawson Gay

Building Inspector/Code Enforcement

Town Hall - 42 Main Street

PO Box 83, Wilton, NH 03086

(603) 654-3960 (Office), (603)-801-1640 (Mobile)

Building-Code@wiltonnh.gov

~Preferred pronouns he/him~

The Right-to-Know Law (RSA 91-A) provides that most email communications, to or from Town employees regarding the business of the Town of Wilton, are government records available to the public upon request. Therefore, this email communication may be subject to public disclosure.

From: Ben Tirey <ben.tirey@gmail.com>
Date: Thu, Apr 29, 2021 at 10:31 AM
Subject: Access Easement Farm Road Bridge Replacement
To: building-code@wiltonnh.gov

Hi Dawson,

It was nice to speak with you yesterday. Thank you for reviewing building permit requirements for the proposed project. Attached are a plan of the proposed replacement bridge and a site plan by Fuss & O'Neill.

2015 IBC Chapter 16 Structural Design refers to ASCE 7 Minimum Design Loads for Buildings and Other Structures. In ASCE 7, Other Structures are solid freestanding walls, freestanding solid signs, chimneys, tanks, open signs, lattice frameworks, trussed towers; non-building structures similar to buildings are pipe racks, steel storage racks, electrical generating facilities, structural towers for tanks and vessels, piers, wharves; non-building structures not similar to buildings are earth retaining structures, stacks and chimneys, amusement structures, special hydraulic structures (structures inside liquid-containing structures), secondary containment structures, telecommunication towers.

AASHTO (American Association of State Highway and Transportation Officials) publishes the Standard Specification for Highway Bridges used in highway design and construction. The design information covers transportation facilities including aviation, highways, public transit, rail and water.

IBC and AASHTO do not appear applicable to a farm access road bridge.

Wilton's Zoning Regulations defines "structure" and excludes driveways from the definition. It requires a building permit for any structure.

It would be helpful to receive your written opinion regarding a Town of Wilton building permit for the proposed farm road bridge replacement project. As discussed with you yesterday, the proposed replacement bridge footprint, and the existing bridge footprint, are in excess of one hundred square feet in area. The purpose of the access farm road and bridge is agriculture and forestry.

Please let me know if there is further information that I might provide to you regarding the proposed bridge to replace the existing, rotten, wood-framed bridge.

Thank you,

Ben Tirey, P.E.
Structural Engineering Consultant
Sharon, NH
801-9703



Return to:
Dawn Ryan
74 Stagecoach
Wilton, NH 03086



WARRANTY DEED

We, Elizabeth Deysher and David A. Deysher, Wife and Husband of 74 Stagecoach Suite 101, Wilton, NH 03086, for consideration paid grant(s) to Dawn Ryan, single, of 2500 Brintons Bridge Rd, West Chester, PA 19382, with WARRANTY COVENANTS:

A certain tract or parcel of land, with any buildings or improvements thereon, situated in Wilton, County of Hillsborough and State of New Hampshire;

Being shown as Lot A-47-1 on "Lot Line Adjustment Plan Tax Map A - Parcels 47-3 & 47-1, Burton Highway and Stagecoach Road, Wilton, NH for The Heidi B. Robichaud Revocable Trust and David A. & Elizabeth Deysher" prepared by Fieldstone Land Consultants, PLLC as recorded in the Hillsborough County Registry of Deeds as Plan Number 39688, to which Plan reference is made for a more particular description.

Meaning and intending to describe and convey the same premises conveyed to David A. Deysher and Elizabeth Deysher by virtue of a deed recorded in the Hillsborough County Registry of Deeds at Book 5741, Page 299 and Book 6150, Page 1952.

We, the grantors hereby release all rights of homestead in the above described premises.

Executed this 20 day of August, 2019.

Elizabeth Deysher

Elizabeth Deysher

David A. Deysher

David A. Deysher

State of New Hampshire
County of Rockingham

August 20, 2019

Then personally appeared before me on this 20th day of August, 2019, the said Elizabeth Deysher and David A. Deysher and acknowledged the foregoing to be his/her/their voluntary act and deed.

Richard D. Shea

Notary Public/Justice of the Peace
Commission expiration:



637898

96 AUG -5 AM 8: 21

WARRANTY DEED

KNOW ALL PEOPLE BY THESE PRESENTS, that we, ROSEMARY DUGGAN and WILLIAM M. LADD, wife and husband, both of 74 Stagecoach Road, Wilton, County of Hillsborough, State of New Hampshire, for consideration paid, grant to DAVID A. DEYSHER and ELIZABETH DEYSHER, husband and wife, both of 7 General Amherst Road, Amherst, County of Hillsborough, State of New Hampshire, as joint tenants with rights of survivorship, with WARRANTY COVENANTS,

A certain tract or parcel of land, with the buildings thereon, situated on the east side of Stagecoach Road, in Wilton, County of Hillsborough, State of New Hampshire, said tract being Lot A-47-1 as shown on a plan of land entitled, "Subdivision, Plan of Land, Rosemary E. Duggan and William M. Ladd, Wilton, New Hampshire, Scale: 1" = 100', April 18, 1996," said plan of land prepared by Monadnock Survey, Inc., Wilton Station, Main Street, P.O. Box 607, Wilton, NH 03086, and recorded at the Hillsborough County Registry of Deeds as Plan No. 28059, being more particularly bounded and described as follows:

Beginning at the northwest corner of the premises on the easterly side of Stagecoach Road at a 5/8" x 4" steel pin (set); thence

South 83 degrees 11 minutes 39 seconds east along a stone wall by land now or formerly of Rosemary Duggan and William M. Ladd a distance of 260.05 feet to a 5/8" x 4" steel pin (set); thence

South 11 degrees 38 minutes 03 seconds east across an 8' farm road by land of Duggan and Ladd a distance of 49.85 feet to a drill hole (set) in a 5" x 12" x 18" fieldstone bound (fnd); thence

North 80 degrees 05 minutes 16 seconds east by land of Duggan and Ladd a distance of 28.42 feet to a 5/8" x 4" steel pin (set); thence

South 84 degrees 46 minutes 37 seconds east along a stone wall by land of Duggan and Ladd a distance of 124.77 feet to a drill hole (set); thence

BK 5741 PG 0299

STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION

REAL ESTATE TRANSFER TAX

THOUSAND 6 HUNDRED AND 50 DOLLARS

08/05/1996 234095 \$ 3650.00

VOID IF ALTERED

South 79 degrees 32 minutes 40 seconds east along a stone wall by land of Duggan and Ladd a distance of 119.97 feet to a 5/8" x 5" steel pin (set); thence

South 80 degrees 40 minutes 48 seconds east by land of Duggan and Ladd a distance of 276.52 feet to a 4" x 4" x 9" granite bound set; thence

South 86 degrees 16 minutes 36 seconds east by land of Duggan and Ladd a distance of 276.93 feet to a 4" x 4" x 5" granite bound set; thence

South 03 degrees 43 minutes 24 seconds west by land of Duggan and Ladd a distance of 150.00 feet to a 4" x 4" x 4" granite bound set; thence

South 87 degrees 55 minutes 16 seconds east by land of Duggan and Ladd a distance of 242.33 feet to a 5/8" x 10" steel pin (set); thence

South 01 degree 42 minutes 18 seconds west along a stone wall by land of Duggan and Ladd a distance of 22.21 feet to a drill hole (set); thence

South 00 degrees 14 minutes 30 seconds east along a stone wall by land of Duggan and Ladd a distance of 94.70 feet to a drill hole (set); thence

South 04 degrees 24 minutes 50 seconds east along a stone wall and 8' bar way by land of Duggan and Ladd a distance of 91.97 feet to a drill hole (set); thence

South 02 degrees 11 minutes 48 seconds west along a stone wall by land of Duggan and Ladd a distance of 39.97 feet to a 5/8" x 8" steel pin (set); thence

North 83 degrees 12 minutes 30 seconds west along a stone wall by land now or formerly of Hubert M. Hoover Trust a distance of 192.08 feet to a drill hole (set); thence

North 83 degrees 30 minutes 50 seconds west along a stone wall by land of Hoover a distance of 223.35 feet to a drill hole (set); thence

North 81 degrees 50 minutes 14 seconds west along a stone wall by land of Hoover a distance of 24.77 feet to a drill hole (set); thence

North 83 degrees 35 minutes 21 seconds west along a stone wall by land of Hoover a distance of 185.34 feet to drill hole (set); thence

BK5741PG0300

North 85 degrees 51 minutes 53 seconds west across a cart road by land of Hoover a distance of 19.63 feet to a drill hole (set); thence

North 83 degrees 19 minutes 25 seconds west along a stone wall by land of Hoover a distance of 382.60 feet to a drill hole (set); thence

North 84 degrees 20 minutes 53 seconds west by land of Hoover a distance of 63.50 feet to a drill hole (set); thence

North 82 degrees 24 minutes 55 seconds west along a stone wall by land of Hoover a distance of 63.19 feet to a drill hole (set); thence

North 83 degrees 42 minutes 25 seconds west along a stone wall by land of Hoover a distance of 170.34 feet to a drill hole (set); thence

North 82 degrees 48 minutes 18 seconds west along a stone wall by land of Hoover a distance of 82.60 feet to a drill hole (fnd) at the southwest corner of the premises on the easterly side of Stagecoach Road; thence

North 10 degrees 14 minutes 29 seconds east along the easterly side of Stagecoach Road a distance of 381.24 feet to a drill hole (set); thence

North 06 degrees 43 minutes 23 seconds east along a stone wall and the easterly side of Stagecoach Road a distance of 41.11 feet to the point of beginning.

Containing 11.291 acres, more or less.

Together with an access easement (such being an encumbrance running with the land constituting Lot A-47 on said plan of land) over a .386-acre area located on Lot A-47 (including a portion of the 8' farm road and bridge), as shown on said plan of land, for the limited purpose of allowing grantees, their heirs, successors and assigns access to and from that portion of the premises lying west of the stream spanned by said bridge and that portion of the premises lying east of said stream.

Subject to the right, running with the land, of John F. and Emily E. Giffin, their heirs, successors and assigns to maintain the drain onto the premises herein described near its southwest corner.

Also reserving and subject to a right, running with the land, by grantors, their heirs, successors and assigns to affect stream flow onto the premises by widening the bridge, as shown on said plan of land.

Further subject to Notice of Current Use Tax Classification and all easements and rights of way of record, and conveying all rights, if any, which grantors may have in that portion of Stagecoach Road which is contiguous to the premises.

Meaning and intending to convey and hereby conveying a portion of the premises conveyed to the within grantors by quitclaim deed of Rosemary Duggan, dated September 26, 1994, and recorded at the Hillsborough County Registry of Deeds in Book 5581, Page 886.

BK 5741 PG 0301