



MEMORANDUM

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, stonewalls, 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.

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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.



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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.
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