

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 Deyshers
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 the many neighbors who use the hiking path on my property, my daughters and I, and any animals I have or acquire. Furthermore I need vehicle access to my land lying easterly of Mill Brook so a pickup truck and a small tractor can safely cross the bridge. This is not possible now due to a severely rotted bridge structure due to lack of maintenance over the past 50 plus years.

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 Ben Tirey and I when we met recently, 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.

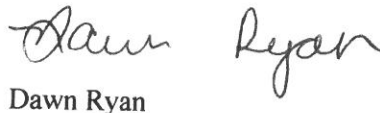
F. The bridge is not part of a driveway. Neither the existing bridge nor the farm road leading to and from that bridge is used as a driveway within the meaning of §G of Wilton's Land Use Regulations. Those merely facilitate access to my land on the other side of Mill Brook.

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