



Civil Engineering / Land Planning / Construction Services

119 Storrs Street, Suite 201
Concord, NH 03301
Tel 603-226-1166
Fax 603-226-1160
www.northpointeng.com

May 12, 2024

Mr. Alec MacMartin, Jr. - Chair
Town of Wilton – Planning Board
PO Box 83 – 42 Main Street
Wilton, NH 03086

Subject: **4th Technical Review**
Isaac Frye Holdings (01-0123)
NPE Proj. No. 22063.2

Dear Mr. MacMartin,

Northpoint has received the following materials to review for the above-mentioned application:

- “Site Plan for an Excavation & Reclamation Grading Project known as Tax Map F-3-2 – Isacc Frye Highway - Wilton, New Hampshire”; prepared by: Rokeh Consulting, LLC.; dated: December 2, 2022; revised 4-5-24 sheets 1-7;
- Responses to Review Letter; dated: April 8, 2024
- Cut/Fill Report; dated: 2-15-2023; last revised: April 2024; prepared by: Rokeh Consulting, LLC

General Comments

1. The current plans depict the location of the existing Loam stockpiles that straddle the property line with Lot F/3-1. The proposed work will require work on private property (Daniel Dillon) beyond the existing driveway easement. We recommend that the applicant demonstrate that they have a common understanding of the proposed work with the neighbor to avoid future conflicts.

The developer has reported that he will work this out with Daniel Dillon. The Planning Board should determine if this is satisfactory to them. When we spoke with Mr. Dillon onsite he was concerned about any “encroachment” on his land.

2. The latest submission included a cut/fill summary stating it was generated on 2-15-2023. The report indicates that there is a net cut of approximately 6819 CY with a qualification related to the loam stockpiles.

We believe the grading plans have been revised since February 2023 and question how accurate this report is relative to the current design.

Ultimately, we recommend that the applicant and Planning Board have a common understanding about the export of materials during the completion of the site improvements.

The design engineer has provided updated data regarding cut & fills to reflect the current plans. The Planning Board should arrive at a common understanding with the applicant on the earth moving expectations as this has been subject of dispute in the past.

3. We understand a waiver has been submitted for impacts to the buffer. The Planning Board will need to act on this.

In the recent submission a letter from Bern Stein Shur provides justification for not minimizing the buffer impact by using the driveway easement on Lot F/3-1. The letter reports on page 2, 2nd paragraph "...While we appreciate that there is an easement of record which would allow us to use a portion of the southern neighbor's driveway, use of this easement would have a serious detrimental effect to the southerly neighbor as the new driveway would pass within a few feet of his home. Additionally, the neighborhood is better served with separate driveways serving each property rather than a shared driveway"

We acknowledge that the circumstances of the current situation are not ideal and developing an acceptable resolution to all parties after the fact is challenging. However, it is our understanding that a driveway easement is in place for the benefit of the subject lot (Lot F/3-2) across the southerly lot known as F/3-1. These rights have been known by both parties and were created presumably to navigate the challenging topography approximately 100 feet in from the roadway. It is unclear to us that preferences of the property owners is justification to not comply with the 50' buffer requirements of the RSA to the maximum extent possible given the current infractions to the buffer.

The Planning Board should contemplate the site conditions and legal rights conveyed by the easement in their consideration of the waiver.

4. We now understand that the details of the reclamation bond have been predetermined by the executed court settlement. We trust the applicant will submit financial security satisfactory to the town to comply with those expectations.

A project estimate worksheet has been provided by the design engineer. The descriptions states "the following itemized estimate to restore the site to original grades and stabilize the site." We are confused by this purpose as the current intent is not to restore the site to original grades.

Normally we would expect reclamation bonds to include drainage improvements to achieve design conditions and assure no offsite increase in runoff are occurring.

The Board should determine if they are satisfied with the reclamation bond taking into consideration court specified conditions.

Plan Comments

Sheet 3A (Grading Driveway Erosion Control and Reclamation Plan)

5. It appears that an encroachment into the 10-foot buffer has been made along F-2-2. The Planning Board should consider restoration of this area and any impacted 50-buffer to a disapproving abutter to the extent possible.

Waiver pending. The Planning Board should consider if buffer planting is desired / required.

Please feel free to call if you have any questions and/or if you wish to discuss any of these items in more detail. We expect that the design engineer will provide revised documents accompanied by a written response to our comments. We trust that this letter satisfies your current needs.

Sincerely,



Kevin M. Leonard, P.E.
Principal Engineer
Northpoint Engineering, LLC