

March 27, 2025
File No. 2025-035

Gregory Mattison
Mattison Contracting, LLC
7 Arrowwood Dr.
New Boston, NH, 03070
gm@mattisoncontracting.com

Re: Third-Party Engineering Review
ZBA Case #03/11/2025-02
The Dawn Ryan Revocable Trust of 2021
74 Stagecoach Road
Wilton, New Hampshire

Dear Mr. Mattison:

As requested by the Town of Wilton Planning Office and authorized by Mattison Contracting, LLC, Aries Engineering, LLC (Aries) reviewed the Special Exception (SE) application for Wilton Zoning Board of Adjustment (ZBA) Case #03/11/2025-02 for The Dawn Ryan Revocable Trust of 2021 property (site) located at 74 Stagecoach Road in Wilton, New Hampshire.

Aries understands that The Dawn Ryan Revocable Trust of 2021 (Owner) has requested a SE under Section 11.4(b) of the Wilton Zoning Ordinance (ZO) and/or a SE under ZO Section 11.3 to allow the creation of a trail, including construction of a bridge (structure) over Mill Brook, on Lot A-47-1, 74 Stagecoach Road.

Aries further understands the Owner is legally restricted from accessing the eastern portion of their property from an off-site easement and existing, off-site bridge and has requested the SE to provide safe access to the eastern portion of their property by crossing through the Town of Wilton Wetlands Conservation District (WCD). The Owner is requesting relief to allow construction of a trail through the WCD, a permitted use under Section 11.3, and construction of a bridge across Mill Brook, which bisects her property and requires a SE under Section 11.4(b).

The findings and conclusions presented herein are not scientific certainties, but rather our professional opinions concerning our evaluation of information and data submitted by others. Aries anticipates variations in actual site conditions beyond those interpreted and would have to re-evaluate the report conclusions and recommendations if additional site data are made available. Aries conducted this report in general accordance with accepted consulting practices. Aries makes no warranty, either expressed or implied.

OBJECTIVE

Aries' objectives were to review the plans and documents submitted to the Town for Case #03/11/2025-02 and provide an opinion relative to the requirements of Section 11.4(b) that would require a SE to allow construction of a bridge (or structure) within the WCD.

SITE DOCUMENTS AND MAPS

In preparing this report, Aries reviewed the following documents and data:

1. Town of Wilton, 2024 Zoning Ordinance (ZO);
2. Application to the Zoning Board of Adjustment, dated February 25, 2025 (revised February 27, 2025) and Exhibits 1 through 6;
3. Wetlands Permit by Notification (PBN), prepared by Fuss & O'Neill (F&O) and dated March 10, 2025;
4. Proposed Trail Plans, prepared by F&O and dated March 12, 2025;
5. Email correspondence from F&O to the Town of Wilton Land Use Office, dated March 13, 2025; and
6. Correspondence from Gove Environmental Services, Inc. (Gove), dated March 25, 2025.

RELEVANT ORDINANCES

TOWN OF WILTON, 2024 ZONING ORDINANCE

4.0 GENERAL PROVISIONS

4.12 - Special Exceptions.

Any Special Exceptions permitted by this Ordinance may be granted by the Zoning Board of Adjustment only upon a finding that the proposed use, structure or activity:

- a. is not permitted by the Ordinance in the absence of a Special Exception;*
- b. is consistent with and will not substantially affect the character of the neighborhood in which it is proposed;*
- c. will comply with Sections 4.10 - 4.10.11 inclusive of this Chapter and will not jeopardize the health or safety of anyone on or off the site;*
- d. will not cause diminution of surrounding area property values;*
- e. will not have an unacceptable effect on traffic in the neighborhood or in the Town;*
- f. will have available adequate off-street parking, if required;*
- g. will not be detrimental to the attractiveness of the Town;*
- h. is consistent with the spirit of this Ordinance; and*
- i. meets all other criteria enumerated in the Section that permits the particular Special Exception.*

11.0 WETLANDS CONSERVATION DISTRICT

11.1 Purpose.

In the interest of public health, convenience, safety and welfare, the regulations of this District are intended to guide the use of areas of land with extended periods of high-water tables.

- a. To prevent the development of structures and land uses on naturally occurring wetlands which would contribute to pollution of surface and groundwater by sewage.*
- b. To prevent the destruction of natural wetlands which provide flood protection.*
- c. To prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands.*
- d. To encourage those uses that can be appropriately and safely located in wetland areas.*

11.3 Permitted Uses.

Any use that does not result in the erection of any structure or alter the surface configuration by the addition of fill or by dredging and that is otherwise permitted by the zoning ordinance.

- a. Forestry - tree farming;*
- b. Agriculture;*
- c. Wildlife refuge;*
- d. Parks and such recreational uses as are consistent with the purpose and intentions of this section;*
- e. Conservation areas and nature trails;*
- f. Open spaces as permitted by subdivision regulations and other sections of this ordinance;*
- g. Natural drainage-ways, i.e. streams, creeks or other paths of normal run-off water; and*
- h. Water impoundments and wells for water supply.*

11.4 Special Exceptions.

Special exceptions may be granted by the Zoning Board of Adjustment (ZBA) for the following uses within the Wetlands Conservation District (see also Section 4.12) (Amended March 2022):

- b. The undertaking of a use not otherwise permitted in the Wetlands Conservation District, which may include the erection of a structure, dredging, filling, draining or otherwise altering the surface configuration of the land, if it can be shown that the proposed use will not conflict with the purpose and intent of this section and if the proposed use is otherwise permitted by the zoning ordinance. Proper evidence to this effect shall be submitted in writing to the Zoning Board of Appeals and shall be accompanied by the findings of a review by a soil scientist certified by the New Hampshire Board of Natural Scientists selected by the Planning Board and/or the Zoning Board of Adjustment. (Amended March 1999).*

REVIEW COMMENTS

1. Conformance with Section 11.1 - Purpose

Available site plans, (Exhibits 1-6; PBN attachment; Proposed Trail Plans) depict the location of a 6-foot wide “turnpike” trail that bisects the site WCD from west to east with a 20-foot-long by 8-foot-wide bridge structure. The proposed turnpike trail is approximately 20 feet in length on the western side of the proposed stream crossing and is proposed in an existing lawn/field area that extends generally up to the southern bank of Mill Brook. The eastern portion of the trail is proposed to be constructed through forested wetlands for a distance of approximately 150 feet. A 20-foot bridge on 2-foot-wide abutments on either side of Mill Brook is proposed to be installed with a clearance elevation that is one inch above the current clearance elevation the off-site bridge, which is located approximately 180 feet upstream of the proposed site bridge location. Additionally, proposed bridge will have a 20-foot clearance width (footing to footing), while the existing upstream bridge has an 18-foot clearance width.

The proposed trail and bridge that would provide access to the Owner’s back land meet the above-stated requirements of Section 11.1 as they:

- a. Do not contribute to pollution of surface and groundwater by sewage;
- b. Do not cause destruction of natural wetlands (other than those anticipated to be allowed under a Standard Wetlands Permit by the New Hampshire Department of Environmental Services (NHDES)), while allowing for continued flood protection;
- c. Do not create unnecessary or excessive expenses to the Town; and
- d. Would allow for uses that can be appropriately and safely located in wetland areas.

2. Conformance with Section 11.3 - Permitted Uses

Section 11.3 allows for the construction of “nature trails” under subsection (e).

The Owner proposed to construct the trail in accordance with the Best Management Practices (BMPs) provided in the NH Trail Construction and Maintenance Manual¹, developed by the NH Department of Resources and Economic Development (DRED).

It is Aries’ opinion that construction of a trail following the NH Trail Construction and Maintenance Manual BMPs is consistent with the intent of Section 11.3. In addition, the trail is proposed to cross the WCD at the narrowest point, without encroaching on a high-value marsh (wetlands) area located approximately 10 feet north of the eastern terminus of the proposed trail.

¹ Revised January 2017.



3. Conformance with Section 11.4(b) - Special Exceptions

Because the proposed site bridge is considered a structure² under ZO Section 3.1.31, a SE is required to be granted for the erection of a “structure” within the WCD under Section 11.4(b). A SE may be granted if it can be shown that (1) “...*the proposed use will not conflict with the purpose and intent of this section,*” and (2) “...*the proposed use is otherwise permitted by the zoning ordinance.*”

In response to the first requirement and as previously discussed in Comment 1, the proposed trail and bridge that would provide access to the Owner’s back land meet the above-stated requirements of Section 11.1 as they:

- a. Do not contribute to pollution of surface and groundwater by sewage;
- b. Do not cause destruction of natural wetlands (other than those anticipated to be allowed under a NHDES Standard Wetlands Permit, while allowing for continued flood protection;
- c. Do not create unnecessary or excessive expenses to the Town; and
- d. Would allow for uses that can be appropriately and safely located in wetland areas.

Further, with respect to flooding and stormwater conveyance, available information indicated that the proposed trail and bridge would not adversely affect conveyance of floodwaters. According to the available project description in the March 13, 2025, F&O email, the proposed trail construction details include the following:

- In upland areas, minimal changes to the surface are proposed. Existing grass will be used and reinforced as needed with gravel or seeding if it gets rutted after use as a trail.
- In wetland areas, the trail will be constructed as a “turnpike”, which is a slightly elevated gravel trail with small ditches or logs on either side to divert water. A geogrid will be provided where necessary.
- The trail would be at or slightly above existing grade in most locations but would be built up to cross the brook and provide flood clearances below the bridge. The buildup will require minimal fill.
- The proposed bridge is designed to provide more capacity than the bridge upstream, as it is proposed to be installed above the elevation of the existing, upstream bridge and with a clearance width that is 10% greater than the clearance width of the existing upstream bridge.
- The trail through the wetlands will be at grade and will not affect water flowing across it if the brook channel backs up.
- According to F&O, the proposed bridge and trail will have no adverse impacts to stormwater or floodplains.

² ZO Section 3.1.31 - 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.

During Aries' site walk on March 18, 2025, Aries observed the woods road in the off-site easement to the north (upstream) to be highest ground surface feature in the vicinity of the proposed stream crossing. According to the March 12, 2025, F&O plan, the ground surface elevation of the easement woods road is approximately 658 feet or higher, while the ground surface at the top of bank at the proposed stream crossing is approximately 656 feet, or approximately two feet below the off-site woods road. Because the easement woods road bisects the WCD upstream from the proposed stream crossing at a higher elevation, it is anticipated to cause a flow restriction upstream of the proposed stream crossing, with surface water flowing beneath the existing bridge and impounding upstream of the off-site woods road. Surface water that passes through this restriction will easily pass across the proposed trail (that will be constructed a lower elevation) and bridge (that will be constructed at a higher elevation). Based on this observation, the proposed trail and bridge are anticipated to allow floodwaters to pass without the same restrictions caused by the upstream easement woods road and off-site bridge. Additionally, should floodwaters inundate the site WCD area, the floodwater would flow around the proposed elevated bridge and flow over the proposed trail without creating a significant impoundment.

In response to the second requirement, Aries understands that a bridge/stream crossing would otherwise be allowed to span the WCD if the abutments were not present within the WCD, as no structure would be located within the WCD. This is consistent with NHDES Stream Crossing Rules (Env-Wt 309.02(h)), which do not require a wetlands permit if bridge footing stay out of the regulated wetlands jurisdiction.


Finally, Section 11.4(b) requires that the findings of a review by a soil scientist certified by the New Hampshire Board of Natural Scientists be included. To meet this condition, Aries requested a report from James Gove, NH Certified Soil Scientist #004. Mr. Gove provided the following summary statement in his March 25, 2025, review letter:

"In conclusion, the crossing is the least impacting alternative and I do not anticipate this improvement will cause any adverse impact to abutting properties, wetlands floodplain, wildlife, erosion or the environment. My opinion as a Certified Soils Scientist is that it will not conflict with the purpose and intent of the Wetlands Conservation District."

Aries concurs with this opinion.

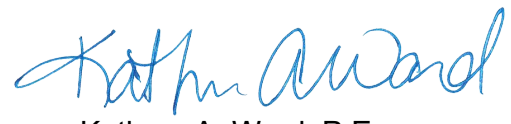
Please contact me at (603) 228-0008 if you have any questions regarding this proposal.

Sincerely,
Aries Engineering, LLC



George C. Holt, P.G.
Principal Hydrogeologist

GCH:pj



Kathryn A. Ward, P.E.
Principal Engineer