



Town of Wilton, NH Zoning Board of Adjustment

Notice of Decision

The request by The Dawn Ryan Revocable Trust of 2021 for a special exception under section 11.4(b) of the Wilton Zoning Ordinance has been granted. It will allow the creation of a trail through a wetland area, including a bridge over Mill Brook, on Lot A-47-1, 74 Stagecoach Road.

This decision shall expire if the construction or use permitted by it has not begun by Thursday, April 8, 2027. (Wilton Zoning Ordinance section 17.4)

The selectmen, any party to the action or proceedings, or any abutter may apply for a rehearing of this decision. A request for a rehearing must be filed in writing with the Zoning Board of Adjustment on or before Thursday, May 8, 2025, and must fully specify all grounds on which the rehearing is requested. (N.H. RSA 677:2)

Conditions of Approval

- The bridge is to have a width of no more than eight feet, and a carrying capacity of no more than 4,000 pounds.
- The route and construction of the trail through the wetlands are to be substantially as described and depicted in the documents which were presented by the applicant to the Zoning Board and which are included in the case file, particularly the plan "EX-01" amended March 13.

Grounds for the Decision

- Based on the Applicant's written submissions and verbal presentations, and the observation of the Board members during a lengthy site visit conducted on Saturday, March 15, the Board found that the proposed trail and bridge did not conflict in any way with the purpose and intent of the Wetlands Conservation District.
- This opinion was confirmed by a review conducted at the Board's request by Aries Engineering, an independent third-party engineering firm, which is included in the case file.
- Aries requested a report from James Gove, a NH Certified Soil Scientist. Mr. Gove provided Aries with a signed review letter expressing the same opinion.
- The Board reviewed the additional requirements of section 4.12 of the Zoning Ordinance, and found that the proposed use was consistent with all of them.

Notes

- It was understood by all parties that the Applicant's proposal was largely motivated by the desire for access to an otherwise inaccessible portion of her lot. (See N.H. Supreme Court Case No. 2023-0301, William Ryan & a. v. Dawn Ryan.) However, the application and the ZBA decision pertain solely to the bridge and trail *through the wetlands*. Nothing in this decision should be construed as expressing any opinion or imposing any conditions regarding the applicant's use of any of her property otherwise.

- The Wilton Conservation Commission questioned at the April 8 hearing whether the applicant's proposal might be in violation of provisions of Chapter 14, "Watershed District," of the Wilton Zoning Ordinance. That question is distinct from and independent of the determination of whether the proposed use satisfies the requirements of for a Special Exception under Section 11.4(b), and the Zoning Board's approval of the special exception does not represent any opinion regarding it.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Faiman". The signature is fluid and cursive, with a long horizontal flourish at the end.

Neil Faiman, Chairperson
Wilton ZBA
April 9, 2025

Case #3/11/2025-2, decided Tuesday, April 8, 2025