



Wilton Conservation Commission

To: Wilton Zoning Board of Adjustment

Re: Case # 03/11/2025-02

Date: March 10, 2025

The materials submitted for a Statutory Permit by Notification by the Dawn Ryan Revocable Trust were reviewed and discussed at the Conservation Commission meeting on March 4, 2025. The Commission is requesting more information since the drawings and descriptions provide inadequate information to determine if this project qualifies for this type of permit.

If a Trails Notification SPN is what is being referenced here, we question whether its use is appropriate when a more detailed standard dredge and fill permit may actually be needed. That would then trigger a more detailed planning process. Similarly for minimum impact forestry SPN, for permanent crossings, like a bridge or culvert, an SPN allows for a maximum 8' stream width, measured bank to bank of high water mark. According to our data, the surrounding wetlands appear to be "flood plain forests" which means this is a priority resource area and crossings within it would not be allowed under an SPN. We recommend a review of the DES wetlands permit planning tool to confirm.

A more detailed scaled plan with dimensions of the proposed crossing, trail width, and length across wetlands soils, including slopes and fill details, and actual scale drawing of the proposed crossing, with photos of existing conditions should be provided. If the impact per crossing is over 3000 square feet, this project is NOT eligible for an SPN.

The SPN system also puts the responsibility on the applicant or their agent to be sure what they are submitting fits the SPN criteria. Given this applicant has had several previous violations involving Mill Brook, the Commission has concerns about granting any permitting that does not require oversight.

The application specifies that a "trail SPN" has been applied for with NHDES. NH database lookup does not reveal that this permit has been entered in the public system. Could the ZBA please confirm the status of this application? Regardless of the permit status please request the application submission details, and if any communication has been received back from NHDES by the applicant. The NHDES SPN application has several questions that will provide additional detail to the board that were not included in the local application.

Please note that the SPN submission to NH DES will require a NHB data check. If the ZBA could seek the results of the NHB, it will reveal if any threatened or endangered species may be

flagged in the area. Local conservation commission knowledge of previous applications in this vicinity suggests a threatened species will be flagged in the plan area. This detail is essential to determine and further advise on potential impacts that this project may have on wildlife.

If the NHB has flagged a threatened species it appears the standard dredge and fill permitting process will be required.

**Projects Disqualified from the Minimum Impact Trails Notice process:**

- Projects that exceed the size limits set above OR
- New Trail construction of any size through a **marsh, bog, perennial stream, designated prime wetland, sand dune or tidal resource, an exemplary natural community** OR
- Projects that have been identified by the NHB to have documented rare and endangered species.

Source: <https://www.nhstateparks.org/getmedia/3c45de00-e174-4df0-b678-4670b254290d/Best-Management-Practices-For-Erosion-Control-During-Trail-Maintenance-and-Construction.pdf> (Page 9)

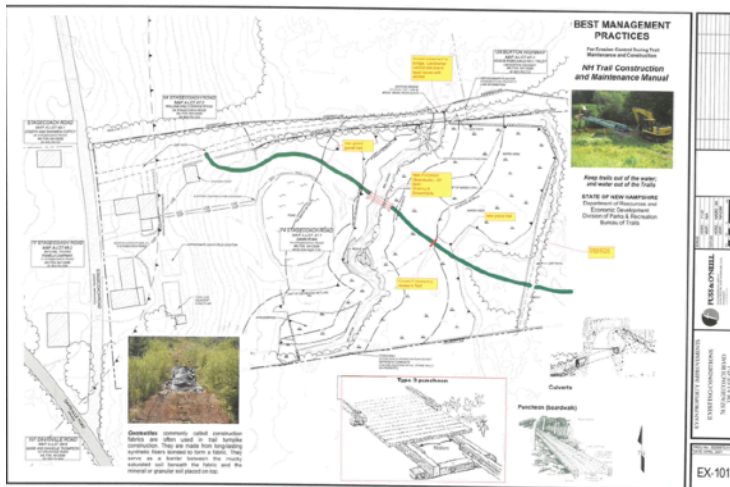
The Conservation Commission is unclear in terms of the overall impact area. The plan should provide more details including the location of any permanent and temporary structures. We also would like to know if this trail and associated structures will be accessible to any motorized vehicles, as this further threatens water quality and requires specific design criteria to minimize those impacts.

Plan document (EX-101) does not appear to have a required professional signature. The ZBA should seek clarification if this plan has been produced and signed by a professional soil scientist, or wetlands scientist, etc. The application directly implies this but from the plan documentation it is not possible to know what has been reviewed or produced by certified professionals. The application states the follow: "Please note that all exhibits have been reviewed and/or created utilizing professional services appropriate to the nature of Ms. Ryans request to review the need for possible special exception". The professionally signed plans that have been included within the application do not appear to have been produced for the applicant or this project. It would be recommended that the board seek a trail plan signed by a professional scientist(s) and request the following detail be added:

- Permanent wetland impact area calculations
- Temporary wetland impact area calculations
- Drainage detail which provides enough information to rule the project does not have impact on existing flow offsite

- More detailed topology including trail grades
- Wildlife specific mitigation measures such as culvert sizing that may be required due to NHB species flagging
- Trail and bridge width
- Fill material definitions as specified on the plan as “gravel”

Gravel specified on this plan implies wetland impact.



Review of the NWI data mapper is showing the narrowest crossing at 203 ft of potential wetland impact, with an unknown square footage impact without trail width details. NRPC is measuring at 198 ft.

Sources:

National Wetlands Inventory

<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>

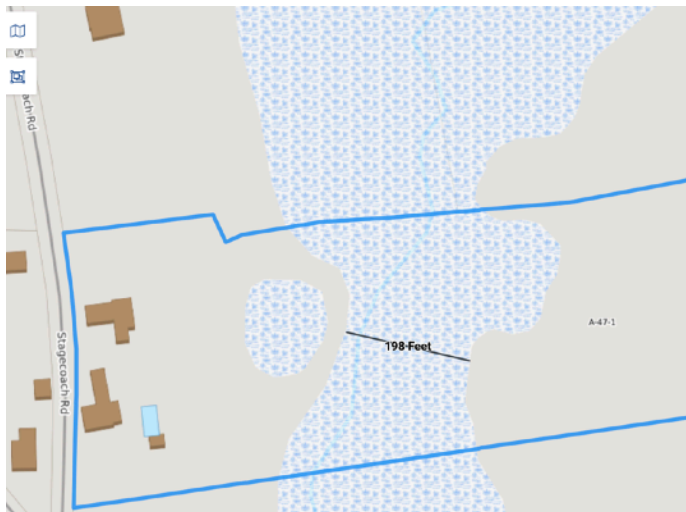
NRPC Mapping

<https://nrpcnh.mapgeo.io/>

NWI Data Mapping



NRPC Data Mapping



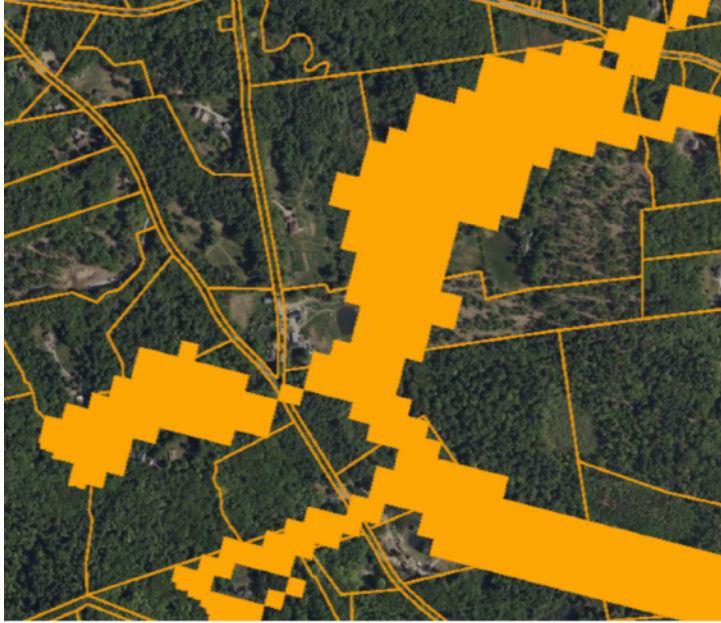
NH Granit View with the wildlife corridor overlay reveals that the trail location will be bisecting a wildlife corridor for this area. The applicant and ZBA should review any NHB hits and the impact to those species should be considered. The Commission is also requesting to review any correspondence or recommendations from New Hampshire Fish and Game

Source:

[https://granitview.unh.edu/html5viewer/index.html?viewer=granit\\_view](https://granitview.unh.edu/html5viewer/index.html?viewer=granit_view)

Wildlife corridor data layer

Wildlife corridor parcel view:



Wildlife corridor regional view:



The Conservation Commission requests the ZBA further clarifies the following applicant statement “will not alter the surface configuration of the wetlands”. The concern being that the gravel areas specified on the plans appear to meet the definition of surface impact. The project is also located in the 100 year flood plain and is designated as marsh and shrub wetland in terms of wildlife habitat.

The conservation commission would recommend that a site walk as soon as possible to visually inspect the trail location. The spring thaw currently occurring will allow the ZBA board the ability to visualize if this project is feasible based on the proposed application. Lastly, it is recommended that peer review by a certified wetland scientist be a requirement for this

application, being a wildlife corridor, and a potentially high impact area, this requirement is a necessity to ensure the wetland impact is accurately reflected.

Mill Brook is a tributary of Stoney Brook and the Souhegan River, both of which are federally protected water bodies. Given the Town's MS4 status, which requires Environmental Protection Agency's oversight, we need to be particularly diligent when reviewing any projects that impact that watershed area.

Respectfully Submitted,  
Wilton Conservation Commission  
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