



Wilton Conservation Commission

To: Wilton Zoning Board of Adjustment

NHDES, Amanda Barker-Jobin, *Wetlands Permitting*

NHDES, Darlene Forst, *Wetlands Bureau Administrator*

Re: Case # 03/11/2025-02, Letter 2

Date: April 8, 2025

This case was again discussed at the Wilton Conservation Commission meeting and the observations of Commissioners, Preston and Silva who participated in the site walk on Saturday, March 15, 2025 had several concerns. We also discussed the peer review by Aries and have some questions we think the ZBA should further explore.

Based on evidence to date and the discussion at the last ZBA meeting on March 11, 2025, we are unclear as to the purpose of this project. It has been referred to as a walking trail with a boardwalk, an access road, and a snowmobile trail. The applicant's letter submitted in hard copy at the ZBA public hearing on March 11, 2025 also stated a desire to house livestock on parcel "B". And the construction of the bridge suggests a road access sufficient to carry a tractor, truck or excavation equipment. The size and construction of the bridge is not consistent with a "walking trail boardwalk" that will cross the wetlands. There was no specific location identified during the site walk. So we do not have sufficient information to determine the wetland impacts.

The Commission recognizes this application before the ZBA is specific to the wetland crossing and therefore the structure itself. However, approval of any permanent structure that crosses Mill Brook requires an understanding of what type of vehicles are expected to use that conveyance.

Site Walk Report

Note: The Commission requested formal permission from the applicant to revisit the restoration area along Mill Brook during the scheduled site walk. This was granted, however there is no mention of this fact in the ZBA minutes from March 11, 2025. We request this be added to the approved minutes. *

Key points of observation during the site walk:

- It was observed the snowmobile trail already traverses the property owner's property.
- The proposed trail directly crosses a previous wetland violation area.
- It was stated that small tractors would cross the proposed bridge.

- The trail areas outside of the direct wetland crossing were easily traversed on foot and gravel for foot travel most likely would not be required.
- It was stated that footings would be required for the new bridge and that these would be directly poured.
- The applicant was unclear on the exact trail connection to the snowmobile trail. It was observed that no easy exact path currently exists that connects the bridge location to the snowmobile trail at the back of parcel "B". This resulted in the site walk having to traverse offsite.

Conclusions from the site walk:

- The applicant already has direct access to parcel B via snowmobile using the existing snowmobile trail. It may be an inconvenience to get a snowmobile there but it's not outside of existing access ability.
- The trail location directly crosses a previous wetland violation area*, which appears like it will impact the remediation planting, this would need to be revisited in terms of the impact and further remediation.
- The bridge use has been expanded to include tractors, the use of **any** motorized vehicles does not meet the definition of a nature trail.
- Poured footings and the bridge size would meet the definition of a structure, it is assumed this would require a building permit and planning board review. Being a structure this also would expand to watershed district ordinances.
- Gravel specified on the current plan implies that this bridge will be used for uses outside of a nature path. The ground outside of the direct crossing was easily traversed by foot during the wettest of conditions. During any snowmobile use the ground would be frozen and not require gravel to operate. Gravel would only be required outside of the direct bridge crossing location for use of motorized vehicles beyond snowmobiles.
- Additional cutting of vegetation would most likely be required due to the uncertainty of existing trail connection. No further logging can be done on this property for another 20 years since the maximum limit has already been cut.

The application excludes the fact that this project also falls in the Watershed district. It is the Conservation Commission's position that the proposed bridge meets the definition of a structure which would require additional exceptions within the Watershed District.

14.3.2 Frontage. A minimum of three hundred (300) feet on a Class V or better road. *(Amended March 1992.)*

14.3.3 Setbacks. No residence, building, structure, feed lot, outflow from building drainage, septic system or its containment area shall be located less than two hundred (200) feet from open water and perennial streams nor less than one hundred-fifty (150) feet from intermittent streams, the 100 year floodplain, the deeded flowage rights to the State of New Hampshire Flood Control System, or any wetland or water body. *(Amended March 1992, March 2003, March 2020.)*

The applicant has referred to the bridge as a structure, also reinforcing that this would be a structure within the watershed district.

Response to Sharon Blackburn's Comments:

- There will be no further wetland impact areas on site. Proposed trails will be routed around wetlands if encountered, however it should be stressed that the area of the rest of the proposed trail is outside of the purview of this application and board. This application is for the structure/boardwalk crossing Mill Brook only. Even if trails did cross wetlands elsewhere on the property, nature trails are an allowed use within wetland areas per 11.3e of the zoning ordinance and outside of the purview of this application.

The ZBA should verify the state of the NH DES SPN and if this project meets the state's definition of a trail. The application status currently states, "NOTIFICATION DISQUALIFIED". As stated previously by the Wilton Conservation Commission we do not believe that this permit was appropriate for the project proposed. The reason for the disqualification should be made public to the board. If a dredge and fill permit is required according to RSA 482-A, it is recommended that the board be provided with the plan details associated with any additional DES permitting as this may alleviate abutters concerns of impact. The applicant will be required, as part of any additional permitting, to prove no off-site impact.

Aries review was based on available information which does not include the actual path this "trail" will take. It does suggest this bridge has more capacity than the upstream bridge which can carry a truck. The route through the wetland would therefore be a road, not a nature trail, as stated in the application.

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

The project documentation does not, as of this writing, have a professional wetland scientist signature.

According to our data, the surrounding wetlands are "flood plain forests" which means this is a priority resource area. There was also evidence of a vernal pool. Vernal pools are a resource protected from unregulated alteration under the NHDES Wetlands law and rules. This high value natural resource is not indicated on the submitted plans.

A more detailed scaled plan with exact locations and routes, dimensions of the proposed crossing, trail width, and length across wetlands soils, including slopes and fill details, with photos of existing conditions should be provided.

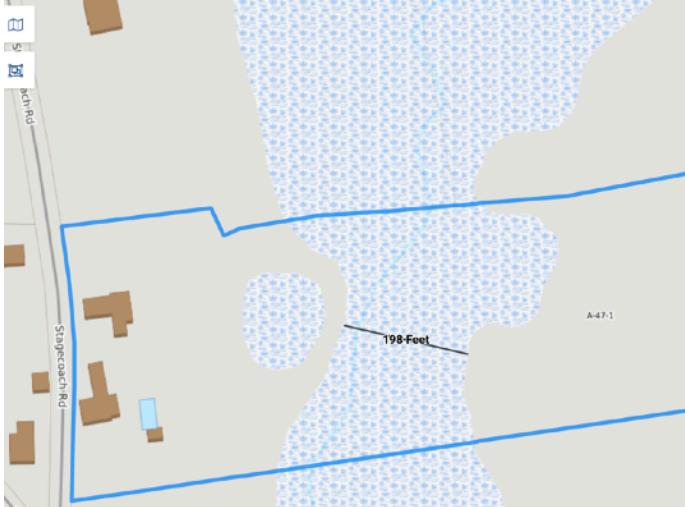
The Conservation Commission is unclear in terms of the overall impact area. The plan should provide exact details including the location of any permanent and temporary structures. We also would like to know if this trail and associated structures will be accessible to any motorized vehicles, as this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

Any permanent structure within a wetland will require a building permit and review by the Wilton Planning Board.

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
- Fill material definitions as specified on the plan as "gravel"

Gravel specified on this plan implies wetland impact.

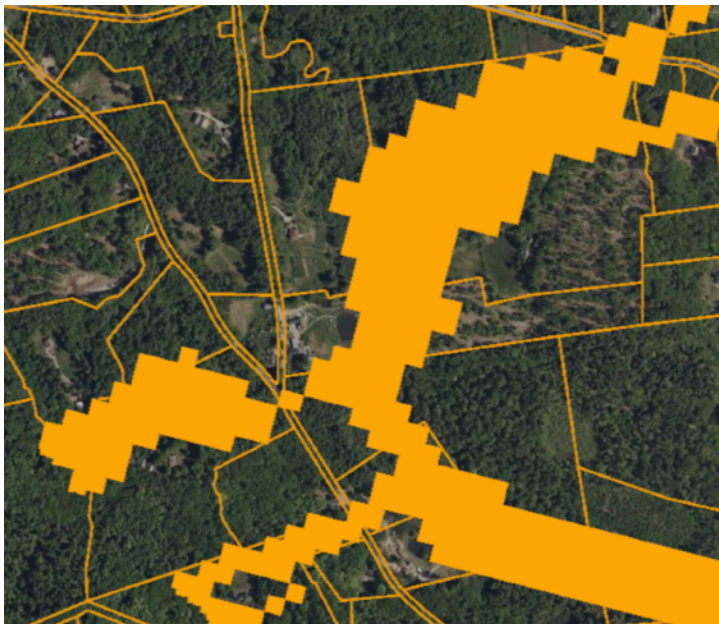


NH Granit View with the wildlife corridor overlay reveals that the trail location will be bisecting a wildlife corridor for this area. The applicant and ZBA should review any NHB hits and the impact to those species should be considered. The Commission is also requesting to review any correspondence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

https://granitview.unh.edu/html5viewer/index.html?viewer=granit_view

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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