

Town of Wilton, New Hampshire
Zoning Board of Adjustment
Draft Minutes

DATE: October 23, 2019
TIME: 7:30 PM
PLACE: Wilton-Lyndeborough Coop HS Cafeteria, 57 School Road, Wilton
PRESENT: Neil Faiman, Chair; Joanna Eckstrom, Vice-chair; Jeff Stone; Paul Levesque; Peter Howd (Alternate); Bob Spear (Alternate); Judith Klinghoffer (Alternate)
Absent: Andy Hoar
Staff: Land Use Administrator Michele Decoteau
Attendees: Deb Abrahams-Dematte, Gail Agans, Sharon Akers, Eileen Anderson, Eileen A. Andrews, Natalie April, Elizabeth Auer, Karen Bailey, Chris Balch, Susan Ballou, Thomas Barnett, Dawn Beam, Jennifer Bennet Silvano Biffis, George Bixby, Patricia M. Bixby, Sharon Blackburn, Laurie Bourgoine, Ronald Brown, Joseph Broyles, Ralph Buschman, Pam Campman, Whitney Carpenter, Jessica Carson, Gail Coffey, Joe Coffey, Shannen Coffey, Elizabeth Collins, Donna Crane, Bill Crouse, Don Dion, Brian Drayton, Tim Dresser, Cheri Falk, Steve Falk, Andrew Finlayson, Dodie Finlayson, William Finlayson, Patricia Folz, Ronald Folz, Lincoln Geiger, Anthony Graham, Glynn Graham, Laura Grant, Robert Hadley, Richard Hamilton, Charles Hawthorne, Gail Hoar, Bart Hunter, Sherry Jennings, Guy Johnson, Gene Jonas, Marilyn Jonas, James Jones, Stephen Jones, eQuanimity Joy, Richard Kahn, Bill Keefe, Andrew Kennedy, Patrick Kenney, Sara Kenney, Amy Klein, Linda LaDoucer, Sandy Lafleur, Thomas R. Lafleur, Barbara Mahar, Robin Maloney, Mike McGonagall, Jillian Montmarquet, Bridget Mooney, Malcolm Nixon Lynne Pentler, Merle (Mickey) Pieterse, Gail Proctor, Patricia Quaglia, Tobin Renwick, Heidi Robichaud, Lynne Rocca, Bill Ryan, Cori Ryan, Ashley Saari, Elad Sadeh, Jessie Salisbury, Don Sargent, Helen Sargent, Jon Sargent, Susan Scenna, Susan Schictal, Robin Schoen, Corey Schutzman, Kristin Schwab Sussy Rose Shields, Donald Sienkoewicz, Katja Sienkoewicz, Robert Silva, Shannon Silva, Barbara Sim Robert Sim, John Slater, Anita Smith, Maddy Smith, Monty Smith, Ruth Smith, Amy Snedaker, Tara Sousa, Matt Swindle, Leo Trudeaux, Celia Tuttle, Gary Tuttle, Daniel TwoEagles, Aiyana Vergo, Karon Walker, Nancy Wallace, Lisa Wowianko, Mitchell Young, Lorey Zahn, John Zavgren

1. Call to order by the Chairperson.

Chairman N. Faiman called the meeting to order at 7:40 pm. N. Faiman stated that M. Decoteau was audio recording the meeting. N. Faiman said the Board may use this meeting for taking testimony and a subsequent meeting for deliberations.

P. Levesque suggested that the Board do a site visit.

J. Eckstrom MOVED to have a meeting Wed 10.30.19 at Town Hall. J. Stone SECONDED. Board will not take further input at that meeting, deliberate and make a decision. All in favor.

2. Minutes of previous meetings

- a) July 11, 2019
- b) Aug 13, 2019 Site Walk
- c) Aug 13, 2019
- d) Sept 10, 2019

Minutes and all other business were tabled until the next meeting.

3. Public hearings continued from previous meetings

Case #: 07/09/19-1

47 N. Faiman opened the Public Hearing by reading the public notice:

48
49 Quinn Properties, LLC has applied for a variance to section 8.2.6 of the Wilton Zoning Ordinance to
50 allow the construction of an asphalt batch plant and silo on Lot B-10, 50 Quinn Drive, which would be 68
51 and 72 feet in height respectively, where the ordinance limits structures to a maximum height of 45 feet.
52 (Case #7/9/19-1, continued from Sept 10, 2019).

53
54 7:45 PM J. Klinghoffer and P. Howd left the table and joined the audience. N. Faiman introduced
55 members of the Zoning Board of Adjustment to the public. B. Spear will be sitting in for A. Hoar.

56
57 N. Faiman framed the discussions on this case as the ZBA is NOT deciding whether the plant is desirable
58 or not desirable. Testimony about whether asphalt plants are toxic or will pollute the water will not affect
59 the outcome of the meeting. But, whether, according to NH law, the ZBA should relax the law in Wilton
60 restricting height in the Industrial Zone will be helpful. The Zoning Board is looking at one question:
61 should the applicant be allowed to build it taller than is allowed in the Industrial Zone. Please remember,
62 this is the first step in process. If the ZBA grants the Variance, then the Applicant will have to go to the
63 Planning Board for a Non-residential Site Plan. After that, there will be other required permits from state
64 and federal entities.

65
66 N. Faiman explained the process for a public hearing. First the applicant describes what they want to do,
67 why they need a variance, and why they believe the ZBA should give it to them. After the applicant has
68 elucidated their proposal, questions will be taken to clarify the application. Once the application is
69 complete and questions answered, then public input allowed. The applicant will be given an opportunity
70 to respond then return to public input. Questions should be addressed to the Board.

71
72 N. Faiman said, the Board has received two dozen written submissions, and the ZBA has read all of them.
73 Anyone is welcome to expand on what they wrote but, trust the ZBA members have read all the letters
74 and considered them.

75
76 R. Kahn asked if the comments handed in are official comments. N. Faiman said they are in the case file
77 and part of the official record.

78
79 K. Walker said that at the deliberation session, you usually reopen the hearing to see if anything was
80 missed. She asked , are you planning to do that again here? N. Faiman said that this is not a matter of due
81 process, but to make sure that we don't make blunders. But he said that the board will probably not take
82 that action in that case but it will be decided by the Board.

83
84 N. Faiman reminded everyone that this hearing is essentially starting over and this is all new testimony.
85 B. Keefe, applicant's representative, introduced J. Quinn (manager of Quinn Properties, LLC), Dr. Laura
86 Grant, Tom Quinn (manager of Quinn Properties LLC). They are proposing to build and operate an
87 asphalt batch plant on lot B-10. It is a 64 acre property that is westerly of the railroad and to the north is
88 the Lyndeborough town line. The plant will be placed on B-10. It is zoned Industrial and there is a quarry
89 on the property that was started before zoning and a quarry on Granite State concrete, the direct abutter.
90 The Quinns have submitted the plans for the operation that consist of two structures higher than is

91 allowed in Ordinance Section 8.2.6. The batch plant will be 68 feet high and 32 feet wide. The silo is a 12
92 foot diameter structure that is 72 feet high, and a covered conveyor belt will connect them. The plans
93 submitted are the same as what was submitted to the Planning Board in 1990. Access to the property is by
94 Stony Brook Drive, which is also the main entrance to Atlantic Prefab. This is a private way, not a public
95 way. Stony Brook Drive exits to Route 31. Dr. Grant is here to answer questions about environmental
96 issues and toxicology if the board wants to go beyond height.

97 98 Public Interest

99 B. Keefe said first let's look at would the variance be contrary to public interest. He said this plant will
100 look like the Brox plant on Caldwell drive in Nashua. Fredericks Pastries in Nashua is about 400 feet
101 from the plant. J. Eckstrom asked if B. Keefe knew the height of that plant. B. Keefe said that the Batch
102 plant there is about 68 feet. There is no silo.

103 B. Keefe continued, this is a batch plant because when you get an order for asphalt, you mix a batch of
104 stone, sand and asphalt binder to make asphalt. The formula will change a little bit depending on the
105 customer's use. A runway may be different asphalt mix than a driveway which is different than a road.

106 B. Keefe said this variance was approved in 1988. The reason he believed there was the 45 ft height
107 requirement was about the highest the fire department ladders would reach at that time. Wilton did not
108 have a ladder truck until 1991. The Fire Department has a letter in the file that says the current ladder
109 truck can go over 100 feet and they said they thought there was adequate water and they saw no fire
110 danger.

111
112 B. Keefe said the second question for a variance is – is the Spirit of the Ordinance observed. Lot B-10 is
113 industrial and has been used for a stone and gravel quarry for 45 years. The 45 foot height restriction is
114 specific to the Industrial District. The Industrial District is for locating industry, to give employment and
115 to diversify the tax base.

116 117 Substantial Justice

118 B. Keefe said the next question is substantial justice. He said there have been few if any changes in the lot
119 since 1988. There are a few new houses in the area and an aerial photo in 1988 would look quite similar
120 to an aerial photo today. The one thing that has changed since 1988 is that the standard for granting
121 variances has loosened. In 2001 the Simplex decision, took into account a property owners rights to use
122 their property as they see fit.

123
124 B. Keefe continued, using stone products from the plant is a logical extension of the current operation.
125 The stone is onsite already. Gravel and sand make up about 95% of the finished asphalt product. Asphalt
126 is a useful product. The Town is a significant user of the asphalt. The town paved many streets - about
127 2.75 miles of road this summer. Wilton has about 47 miles of paved road in total. Not included in that 47
128 miles is Route 31 and Route 101 that are State roads. Most of Route 101 was paved by the State this year.
129 The Quinns think it makes sense to have the product made here since it is used here. The asphalt industry
130 has gone the way of many industries. There are three main companies in New Hampshire now. These
131 companies use their own quarried materials.

132 133 The values of surrounding properties are not diminished

134 B. Keefe said Lot B-10 is an existing stone quarry. It is 65 acres in size. The Quinns own most of the
135 surrounding properties. B. Keefe showed a photo and a map (Exhibit A). J. Eckstrom asked if you will be

136 able to see the silo or the plant from anywhere off site. B. Keefe said yes from a great distance, but not
137 from Route 31 because much of B-10 is clear but there is a thick vegetative layer. The state highway is
138 about 1500 feet away. Houses can't be seen from the lot. B. Keefe showed a photograph looking out
139 toward the railroad from where the plant will be situated.

140
141 B. Keefe said another factor is that this has been industrial uses at B-10 and neighboring Granite State
142 Concrete for 45 years. The Quinns' ownership goes back to 1966. It has gone through a few changes in
143 corporate ownership when J. Quinn's brother died and his son took over part of the partnership. In the
144 past, there was a stone crushing hopper and that is the concrete abutments shown in the photo (attached).
145 He said there is a certain amount of traffic right now and if it is stone or asphalt in the trucks, there won't be
146 a big difference in the number.

147
148 No fair and substantial relationship exists between the general purposes of the ordinance provision and
149 the specific application of that provision to the property

150 B. Keefe said he and the Quinns believe the reason for the 45 foot height requirement is that the Fire
151 Department ladder trucks at the time didn't go much higher. You can't build a modern asphalt plant less
152 than this height due to the way these plants are designed and how it is manufactured. He said you won't
153 be able to see this from anywhere close to the plant.

154
155 B. Keefe continued stating this is variance would not be violating the public purpose of ordinance. This
156 will be on a small part of an industrially zoned property that is surrounded by other industrially zoned
157 properties.

158
159 The proposed use is a reasonable one

160 B. Keefe said the Industrial District is for Industrial purposes. This is a permitted industrial propose. We
161 do not believe this plant will be seen, heard, or otherwise noticeable. This is as isolated a location.

162
163 P. Levesque asked if the stone will come from the quarry. If not, how is the sand and asphalt coming into
164 the property? J. Quinn said that this will be stone dust that will come from the quarry. P. Levesque asked,
165 if the only thing that will be brought in is asphalt. J. Quinn said yes, it will be coming by truck. You can't
166 use the rail.

167
168 B. Spear asked about RAP, a recycled asphalt product. Is the product going to be 100% virgin or will you
169 need storage of recycled asphalt product. J. Quinn said that all plants will be using some RAP. There is a
170 very small percentage maybe 10% that he expects to use, certainly at the start. B. Spear asked if most of
171 the paving companies will be using RAP and will you be storing any of that. J Quinn said that yes, we
172 will be using some of that. Every plant has to take part of that in as part of that sale. B. Keefe said that the
173 recycling component is important here.

174
175 B. Keefe said he wanted the Board to consider that a substantial port of the materials being used in the
176 plant will come from the site, the plant won't be seen by anybody close by, and people are not going to
177 smell this and anyone who goes to Nashua gets to be up close and personal with this type of plant. We
178 think this is not going to diminish anyone's property values.

180 N. Faiman explained how the next portion of the meeting would work. The public were welcome to ask
181 questions of the applicant to clarify the application. These questions are for clarification only. Public
182 comments would be later.

183
184 G. Graham (Abbott Hill Road, Wilton) said the trucks that are would be coming in and out of the
185 property, what about propane and fuels to make the plant hot? B. Keefe said they would need to bring in
186 fuel - heating oil or propane. G. Graham asked if this is brought in daily or big huge storage tanks? B.
187 Keefe said there would storage on site. G. Graham said she has smelled and heard the Amherst Asphalt
188 Plant, not every single time she was nearby, but when it was running. Did the Quinns build it and sell it?
189 J. Quinn said he leased the land to the company who built the plant and they had difficulty paying us so
190 we bought the plant. We sold the plant to Pike Industries and, along with selling the plant, we leased the
191 quarry to Pike. After about 15 years into a 99 year lease, they couldn't make a profit so they got out of the
192 lease. Then after he decided he wasn't going to operate the plant, he sold it to Brox who already had a
193 plant in the area. We are in the situation, in order to operate a quarry you need an asphalt plant or a
194 concrete plant. We need more of a market. G. Graham said, in the description of this application, how do
195 we separate height from asphalt plant? She continued saying Mr. Keefe spent most of his presentation
196 justifying an asphalt plant. How can you separate the plant from the height? G. Graham said Mr. Keefe
197 even said you can't separate them. N. Faiman said the Board will make the determination of relevancy.
198

199 M. Jonas (Wilton) asked if the Quinns ever consider petitioning the town to change the ordinance. N.
200 Faiman said that this is not a relevant question for a height variance. M. Jonas asked what kinds of fire
201 trucks are used to put out fires at an asphalt plant. B. Keefe said the Fire Department sent a letter stating
202 they were confident that they could put out a fire on the site.
203

204 R. Smith (Wilton) asked for clarification on the "use here what is produced here" statement. Does this
205 mean that the Quinn Brothers will have a captive market and the town will buy its asphalt here. Will the
206 Quinn brothers have preferential treatment in bidding? The ZBA members responded that this is beyond
207 their scope and they had no idea what the town would do for asphalt purchasing. R. Smith asked if the
208 Quinns will want to add additional plants on this property? B. Keefe said that at this time no. He
209 continued and explained that asphalt plants by their nature need to be small and local.
210

211 M. Young (Stagecoach Road, Wilton) asked if the Brox plant is it an active plant and a good comparison
212 to the output of the proposed plant. B. Keefe said it is similar but this is a question better answered by J.
213 Quinn. J. Quinn said it is bigger than what is proposed. M. Young asked if that plant is making as much
214 asphalt as the proposed plant. J. Quinn said that is bigger and they are doing more.
215

216 J. Slader (Cram Hill Road, Lyndeborough) said his house is less than 1000 feet from the plant. He is
217 directly in sight line, especially when there are no leaves, with the plant and 75 feet high is going to
218 interfere with his view.
219

220 A. Vergo (Hearthstone, Wilton), she is an environmental bio major. She said the height of an asphalt plant
221 has been shown to correlate with the dispersal of gasses. The taller the stack, the farther it is dispersed.
222 What would be coming off of this plant? Do we have any idea of how height affect that? B. Keefe said if
223 the Board wants to entertain the idea, Dr. Grant can answer it. A. Vergo asked if the silo was necessary

for Batch manufacturing? B. Keefe said if you are making a big load, you will need to store it and the materials. A. Vergo said if silos are for storage are they necessary. She also asked if they have any idea what route trucks will be taking? She added that she knew this didn't have to do height, but how necessary are all the parts of this plant and following that, how much do we need to extend the Ordinance. J. Quinn said that one way to explain this is how trucks have grown in size. We could put up a plant that is a lot lower, but it is about efficiency. All with the efficiency. A. Vergo asked if the route of trucks was through Wilton.

S. Acres (Lyndeborough) asked a question about the map. She indicated the 1,500 foot and the 1,000 foot radii and asked what is the significance of the measurements? If we were to continue, would we going into Lyndeborough? B. Keefe said the circles are just to show how far things are from the plant. The 1500 feet radius goes just over the line in Lyndeborough. This just shows the Quinns' property in Wilton.

P. Howd (Wilton Conservation Commission) asked if they were aware of commercial mix towers shorter than 45 feet? P. Howd handed out a printout showing batch plants with towers with 12 meters tall. J. Quinn said that he looked into Aztec but it is on the drawing board and not manufactured yet. There were none in the US. P. Howd asked if they have investigated the other height restrictions in other districts. J. Quinn said they had done some research into this and some districts didn't have a restriction. N. Faiman said this is not relevant to clarifying the application.

C. Schutsman (Richfield Way, Wilton) asked how does the applicant plan to conform to performance standards? How would the applicant meet the standard to not have odor detected at the property line. N. Faiman said we are making the presumption that this is a permitted use.

S. Jones (Dale Street, Wilton) said the Fire Chief said that they would not have trouble fighting a fire. Have we considered if the Lyndeborough Fire Department could fight a fire here since it is closer to the proposed plant. B. Keefe said Wilton has a ladder truck, in the unlikely event of a fire, we would use that. We didn't ask Lyndeborough.

B. Silva (Barrett Hill Road, Wilton) asked what will the elevation of the top of the tower is. We sit topographically above the plant and would be looking right at it. Is it 680 feet roughly. B. Keefe said the base of the plant would be at about 55 feet. About 70 feet above this. Keep in mind these are not large - 12 feet in diameter. If you are 0.7 of a mile, this won't have a high visual impact.

R. Kahn (Barrett Hill Road, Wilton) asked if public opinion matters? N. Faiman said the test for finding for a variance is to look at the facts, apply the law, and come to a decision. The facts people bring to the table, but if the Boards' vote is swung by the tears, they are not doing their job.

S. Coffey (Stage Coach Road, Wilton) said that she was looking at the variance criteria and she has heard several times people wanting to say how their property values changed, but they were shut down. N. Faiman said the Board will encourage the public to share their ideas shortly, but this is the time for clarification of the proposal.

N. Wallace (Hearthstone, Wilton) said she is very concerned about the visual impact of the height. What would be helpful to her would be to see what the height looks like in the real space and with a site demonstration would be helpful. Can some sort of demonstration be set up so we can see it? To actually see what that might look like in our trees. The Board agreed that is a very reasonable idea.

T. Dresser (Hearthstone, Wilton) asked if there was anything more recent plans than the late 1980s plan that was posted. B. Keefe said no. T. Dresser asked if the equipment shown on that plan is available from the same vendors. J. Quinn said irregardless of the manufacturer, they are all pretty much standard. T. Dresser said he was looking for more detailed information about where they will be sited and he wants more information, and more recent information. He is nervous about old information being used to make decisions. J. Quinn said if you go to the one in Amherst, it will give you a pretty good idea of the proposed plant. T. Dresser said he was concerned about the specific information and the age of the information. J. Quinn said whether it is new or old, what we are asking for is 68 feet. He doesn't understand how the age of the plans are affects the decision. N. Faiman said if they haven't changed anything about the proposal. T. Dresser said he wants to see significantly more information and more recent information. How true will this be when the info is 30 years old?

L. Rocca (Country Way, Wilton) asked if the comments from the Fire Department said they ready to take care of a fire. Do we have the skills? B. Keefe said that the letter from the Fire Department is part of the case file. He said we take them at their word. The area around where the plants will be is cleared from brush and the base is mostly stone dust.

R. Kahn asked if the applicant and ZBA members had ever considered that if there is a height restriction, that we didn't need a fire truck that is 100 feet? This is not 1990 anymore and he was sure that many people have looked the research, can we move on to the public comments. N. Faiman said that the Board will move to public comments when everyone who wanted to ask a clarifying question had done so.

S. Jennings (Hearthstone, Wilton) asked if there a possible aquifer that Wilton may want to use in that area. Where is that on the map? B. Keefe said where the plant is going to be build that is over the aquifer. S. Jennings asked if the constructions plans affect the aquifer. B. Keefe said as far as he knows the answer is no.

A. Snedaker (Hold Road, Wilton) asked why was 45 feet established in the first place? What is the spirit? N. Faiman said there is no definitive answer, but there multiple hypotheses. The Fire Department is one. Visual impacts might be another. Some have suggested this was a back door way of limiting the size of Industrial use. There is no definitive document to his knowledge.

S. Jones (Wilton) asked how many tons of asphalt can a 72-foot silo hold? J. Quinn said 400 tons. S. Jones asked if there could be two smaller batch plants. Could the same capacity be achieved with two smaller plants? What structurally makes the batch plant need to be 68 feet tall? J. Quinn said everything has to drop down in to a truck so it has to be directly overhead. S. Jones said is there no mechanical way to make them shorter? J. Quinn said no that is what the manufacturers say.

J. Coffey (Stagecoach Road, Wilton) had questions about studies about the movement from toxic fumes from the higher the plant. The higher the silo the greater dispersal. He is concerned about the gasses and fumes, and we have not had any actual real studies been done to give scientific studies and not assurances. He wants to hear about local conditions, weather patterns, topography and specific to this location.

W. Carpenter (Hearthstone, Wilton) asked if the variance requested included all the needed height for the emissions. B. Keefe said I think that is correct. W. Carpenter asked if we know that height in this location or will they ask for the smoke stack be raised to meet other requirements? B. Keefe said if we needed to have a taller stack, then we'd have to come back for another variance.

C. Balch (Center Road, Wilton) asked if we could go to public comment? N. Faiman said the Boards wants to give everyone a chance for clarifying questions.

R. Hadley asked if the silo they are asking for is 74 feet. Is that the top of the silo or does that count the safety rails? B. Keefe said no that is just silo. R. Hadley said then you are asking for an additional 4 feet and he said at this height do you need lighting? B. Keefe said no this not tall enough for aircraft lighting. R. Hadley said that by NH law, this has to be lit 24 hours per day. B. Keefe said they not aware of this but we can light this if need be. R. Hadley said he used to work for Granite State, by emsha rule it has to be lit 24 hours per day for trespassers. The Amherst is not a silo plant, they are a batch plant. The silo at 78 feet will need to be lit. J. Quinn said whatever we have to do, we will put in the lighting. The total height is 72 feet.

J. Slader said there are four people in the room with elevations of 75 feet and we will be looking at the plant and the lighting. J. Quinn said no one will see it. We will see it. J. Quinn said that the height is such that he didn't see how they could see the plant.

D. Finlayson (Heald Road, Wilton) asked if this application presumes that you can ask to break any law that we've had for a long time. N. Faiman said the way a variance works is that this is an escape valve. The state law provides a framework for the how this works. D. Finlayson asked if we have a height of 45 feet allowed and the five criteria needed for a variance, how can you possibly talk about this variance? What is it allowing? Is it allowing a building exactly? Is it exactly like the building in Amherst? It is a little like the building in Amherst? It is very imprecise. One of the most egregious of this is B. Keefe's assertion about the fire trucks and yet he is unable to find anything. Yet there is lots of information in plans and minutes from that time. This process is confusing. Not sure if you are giving a variance to the whole property. What if the Quinns sell this property? None of this is clear. And yet you are asking for clarity from the towns people.

M. Smith (Lyndeborough) asked how the height of the towers affect the distraction of particles and in what direction are the pollutants and particles blown?

A. Finlayson (Wilton) asked if the expert was being paid by the applicant? N. Faiman said she was hired by the applicant. We know that every expert has some point of view. Someone who studies a topic has some knowledge. A. Finlayson asked if this expert had expertise in air transmissal?

A. Vergo reiterated her questions for the expert. *How is the height going to affect dispersal patterns? What chemicals are we going to deal with? How you actually fight a fire in an asphalt plant.*

A. Kennedy (Wilton) said that the Board consistently cut people off who wanted to talk about something other than height. Why is a toxicology expert talking about something other than height? N. Faiman said a questioner asked about the change in the height and how it affects environmental issues. A. Kennedy asked J. Quinn if this variance was about making more profit. Is that the primary reason for the variance?

Dr. Grant said there is a concept for all sources of emissions called GEP, Good Engineering Practice Height that is a fixed ratio to the width of the building. If the stack is too short, it will be like an inversion, emissions form a wake and the emissions could rain down. The fundamental reason this has to be 68 feet is directly a result of GEP - to avoid downwash and have proper dispersion. This has nothing to do with toxicology. Someone mentioned a shorter plant that would be a terrible idea. It would be dangerous.

A Vergo said she was asking about toxicology and asked what is dispersing and where is it going? Things come off the conveyor belt. The height alone could warrant an environmental impact study - if we are building this at the proper height for good dispersal, we don't know how this is affecting our air.

Dr. Grant said it is very well know that what is emitted from hot mix asphalt plants. The EPA extensively studied two plants in 2001 (one in CA, one in MA), with many published studies and we use this to scale down. The fundamental emissions are dependent on the fuel used. The major determinate that determines the characteristics of the emission is the fuel that is burned to heat the rock. The emissions from a hot asphalt mix plant is similar to other types of plants due to the type of fuel. Once the specific plan is complete, a dispersion model will be done - they are done at the property line - if air quality standards are violated at any point, J. Quinn said they will have to site it somewhere else or make less. There are a lot of details and it is a process and if this facility can't build a

A. Vergo said she appreciated Dr. Grant's answers. The height has a pivotal role in air pollution. We need a much more detailed look at the fuel and plans that are 30 years old. A much more detailed look is entirely necessary when looking at height.

N. Faiman opened the meeting to general comments. He reminded the attendees that things directly relevant to the height variance will be considered.

T. Dresser (Hearthstone) said was concerned about the lack of a site study that would include topography and the height of the stack and that is relative to the size. How is the air going to flow around that? I am uncomfortable looking at old plans and trusting they're accurate.

J. Slater asked if it is possible to get a yay or nay. N. Faiman said no, the Board is not making a decision. J. Slader said he meant that if the public people are in favor of this or not.

C. Balch (Center Road) said he was a science teacher for years and taught chemistry and physics. He want to talk about the essential character of the neighborhood. Within the 2 miles of the plant, the EPA sets that as the toxic zone and within that zone are Goss Park and two schools, over 200 residential homes. The

neighborhood as it exists fits the master plan vision and an asphalt plant does not. He cited a study about healthy. He cited statistics about health concerns of people living close to asphalt plants. Wilton's neighborhoods and the changes since 1988. We are more environmentally conscious. We know more about pollution. NH didn't have the highest rate of pediatric cancer. Do we need another industry that contributes to this? Urges the board to not approve.

G. Graham (Abbot Hill Road, Wilton) said she looked at the ZBA hand book and the Land Use Laws to learn about this. She understands the five criteria for granting a variance. They were reiterated in 2009. She will address the spirit of the ordinance. There isn't any specific information about height. In 1981 they rewrote all the zoning regulations in town. What they articulated is what moved them. The height ordinances isn't specifically mentioned but while much has changed, this part has not changed. The Regional Master Plan speaks the need to balance rural character, sense of community balanced with economic opportunities. She quoted from various master plans and how they all want to preserve the rural character and how they wanted to restrict certain industries. This is absolutely contrary to the height restriction and the whole land use document and master plan. Clearly there was intent to restrict certain uses. This is contrary to the whole Master Plan and Land Use documents.

M. Jonas said she wanted to speak to hardship criteria, The applicant has to show their property is substantially different than others in the in the zone and it has to be unduly burdened. She looked at soil types with NRCS and Granite state's proper has the same soil type and slope. Looking at aerial photos it is indisputable from neighboring properties. Since they've been using the property for a nonconforming use for many years.

S. Acres (chair of Conservation Commission in Lyndeborough) read the letter from the Town Administrator and Select Board. The letter is part of the file.

R. Brown (Isaac Frye, Wilton) wanted to point out lines of sight. The lowest point on the map is the route 31 but this is also where the land drains into stony brook. When the leaves are down he can see in to the Quinn property. Occasionally he gets a misdirected package and goes to his neighbors and they are higher in elevation, they look down on the Quinn property. He walks his dog in this area and there is a vast swath of land that will have sight lines. When there is blasting going on, there isn't any buffer. Because we have a valley, as Dr. Grant mentioned, there is an inversion cycle and it is obvious with the diesel trucks in the area. Route 31 only handles a portion of the traffic, the private drive is where the truck drivers leave the property, they go on Isaac Frye, which is very narrow. Traffic may be more numerous if there is an asphalt plant. There is a lot that goes into the flat map - there is topography, pollutants, and traffic. All this will impact property values, both the Quinns' and the neighbors.

L. Geiger (Temple Conservation Commission) said they sent a letter but Monandnock region starts in Wilton and it is important to keep this in a peaceful community setting as it is today. As other towns build up, we need to keep as clean as possible for recreation. We would be able to see it at night if there is a light on. If we had a serious incident of fire, we have concerns and that needs a close look. If there is burning asphalt, would foam be needed? We know that a large portion of Merrimack was contaminated from foam. This would be a serious mistake to have an asphalt plant in close proximity to

M. Brown (Hearthstone) said as a truck driver, he feels that we are not prepared for the traffic. Large trucks will be tearing up the roads.

S. Coffey (Wilton) said unfortunately we thought we had more time and would not have purchased her house if there was an asphalt plant in the town. There will be people wanting to move to Wilton, if they hear that there is an approved Asphalt plant in Wilton. This will cause property value decline.

P. Howd (Wilton Conservatism Commission) said there are batch plants available that meet the height restrictions and therefore this would not restrict them using their property. The Con Com letter we went through a lengthy analysis of the hardship section. To sum financial advantage is not the same as financial hardship. Wanting a silo and a 68 batch plant because it provides economic advantage is different than economic hardship. The Conservation Commission is strongly against this.

R. Folz (Stiles Farm, Wilton) asked three questions of the Board.

1. What is the benefit to the town?
2. What is the benefit to the citizens?
3. If there is no answer, please think on that in your deliberation.

S. Shipple (East Road, Temple) said this was already approved at 48 feet. She asked for clarification.

A. Finlayson (Heald Road, Wilton) wants to thank the board for all the time they put in to protect the the town. It is not just the members of the Board today but the boards in the past who came up this law. We should not be defending this. The 45 foot law protects the town. Things have stayed pretty similar and we want to keep. How can you say that after the plant is built we will figure out what the pollutants are is a crucial part of deciding about the height.

R. Kahn said he looked at the height restriction like the speed bump subtly that remind us to not speed. The 45 high restriction is the same thing, it subtly reminds us to keep our rural character. It is interesting that the expert is telling us about how we will be protected from the nastiness coming out of this plant. He urged the ZBA to enforce the law.

B. Keefe said he appreciated all the comments. He reminded everyone that they drove here on asphalt. We think there are certain benefits of it and we have certain property rights to use our property and capitalize, better or worse makes the world go round.

G. Agans (Hawthorn Drive, Wilton) is concerned about how high the dispersal is compared to the height of the cliff and if it is high enough no to have an inversion. The height is not just in ration to the width but the topography has an impact. What is the elevation of the cliff and the elevation of the stack?

L. Rocca said she lives close enough that when they blast, the dirt comes to her house. No matter how tall the stack is, it will come to her house. She is not affected by the dust as much as she will be the dispersal of material. Traffic is of concern. The track is in rough in shape. This is going to add to traffic. You are going to have some impact. If a gravel truck tips over, you get a loader, if asphalt tips over, what happens.

485 Is this worth it to Mr. Quinn and his family. They have owned the property and have been good to Wilton.
486 It is this worth it?
487
488 G. Graham said lives on Abbott Hill, but wants to mention the children who swim at Goss Park and if this
489 variance is just for height but it implies everything else.
490
491 J. Coffee (Wilton) said there is new technology for scrubbers that since this is burning hydrocarbons. It is
492 something we should look at and if everyone else has the hardship of property values and health. This
493 should be considered.
494
495 L. Geiger said he noticed that the night time paving and if we have a big paving project like we did in
496 Nashua and this won't be pleasant sleeping. It think that is a serious consequence. Nighttime nuisance.
497
498 S, Coffey said she is concerned about the application and rail transportation and how it is economically
499 viable because of rail transportation. But in the meeting they have said that this is going to be just
500 trucking and how the rail is not viable. J. Quinn said he has no control over the rail line. He said that we
501 can run 150 trips per day per acre according to the law. S. Coffey the most numbers of the pollutants are
502 released when it loaded and transported.
503
504 M. Jonas said J. Quinn assures us that he would never run more than 150 trips but this variance runs with
505 the property and we have no idea what a new owner would do.
506
507 A Vergo said while the trucks don't go through downtown, but it does go right by the school.
508
509 D. Finlayson asked is the variance only allowed if the building of the plant is according to the plan
510 submitted. N. Faiman said usually have he language we use restricts the building to what was submitted.
511 The variance would be for a particular asphalt plant built to a particular plan. D. Finlayson said she wants
512 to be sure she understands that is only allowed to build the specifications shown in those drawing. Why is
513 the whole issue of this variance being granted, why is this continually brought up as if this was just.
514
515 A. Finlayson asked the Board about what happens if this is granted. Would it encourage other LLCs to
516 move into the area? N. Faiman said variance are determined by the particular conditions of the particular
517 case. They don't sent precedents.
518
519 K. Walker (Wilton) said you don't get the right to build the plant that is on those plans. An applicant has
520 to go through the Site Review and Planning Board process. N. Faiman, said thank you for reminding
521 everyone of that. As was stated at the start of the meeting, this is the beginning of the process.
522
523 N. Faiman asked the board if they wanted a site walk or a balloon test. B. Speak said a balloon test and
524 leave it there for one week allow people to get visual record of the impact. Ms Rocca could a computer
525 based program to put a building on the photo. N. Faiman the photo recreation may not be as easy as we
526 think.

527 The Board discussed the logistics of a balloon test. J. Quinn asked if this would solve anything. The
528 Board asked the Quinns to determine if this was possible. The Quinns requested that people take photos.
529 Put up the balloons on Thursday November 7 through Monday November 11, 2019.

530

531 It was requested to have lighting on the balloon test but that was not going to be practical. The test is not
532 going to be scientific, but just to help people determine if they will see the plan.

533

534 B. Spear MOVED to continue hearing to Nov 12, 2019, at 7:30 at a location to be determined and
535 continue hearing only if balloon test happens. All in favor

536

537 J. Klinghoffer said she was concerned that the Board is not going to take testimony between deliberations
538 by reopening the hearing. She doesn't see the rational to deviate the process here. It strikes her as
539 unnecessary troublesome. N. Faiman agreed that it looks like this case would be treated differently. The
540 Board discussed this. This meeting format is not a statutory requirement but a habit.

541

542 7) **Other new business**

543 a) Budget for 2020

544 b) Calendar

545

546 8) **Communications and miscellaneous**

547

548 9) **Adjournment**

549 B. Spear MOVED to Adjourn at 11:32PM. P. Levesque SECONDED. All in Favor.

Quinn Properties LLC

