

Town of Wilton, NH  
Zoning Board of Adjustment

**Notice of Development of Potential Regional Impact**

Pursuant to RSA 36:54-57, the Town of Wilton Zoning Board of Adjustment on Tuesday, September 10, 2019, determined that the development proposed in ZBA Case #7/9/19-1, if approved, reasonably could be construed as having the potential for regional impact. The ZBA has therefore afforded the towns of Lyndeborough, Temple, Greenville, Mason, and Milford, and the Nashua Regional Planning Commission, the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.

Please find enclosed the minutes of the September 10 meeting and the notice of the forthcoming hearing on ZBA Case #7/9/19-1.

Sincerely,

Neil Faiman, Chairperson  
Wilton ZBA

RECEIVED SEP 19 2019



Town of Wilton, NH  
Zoning Board of Adjustment

Monday, September 16, 2019

Dear Sir or Madam,

Quinn Properties, LLC has applied for a variance to section 8.2.6 of the Wilton Zoning Ordinance to allow the construction of an asphalt batch plant and silo on Lot B-10, 50 Quinn Drive, which would be 68 and 72 feet in height respectively, where the ordinance limits structures to a maximum height of 45 feet.

This will be a new hearing from the beginning on this case: testimony and discussion from the July 9, 2019 hearing will be disregarded except as it may re-arise at this hearing.

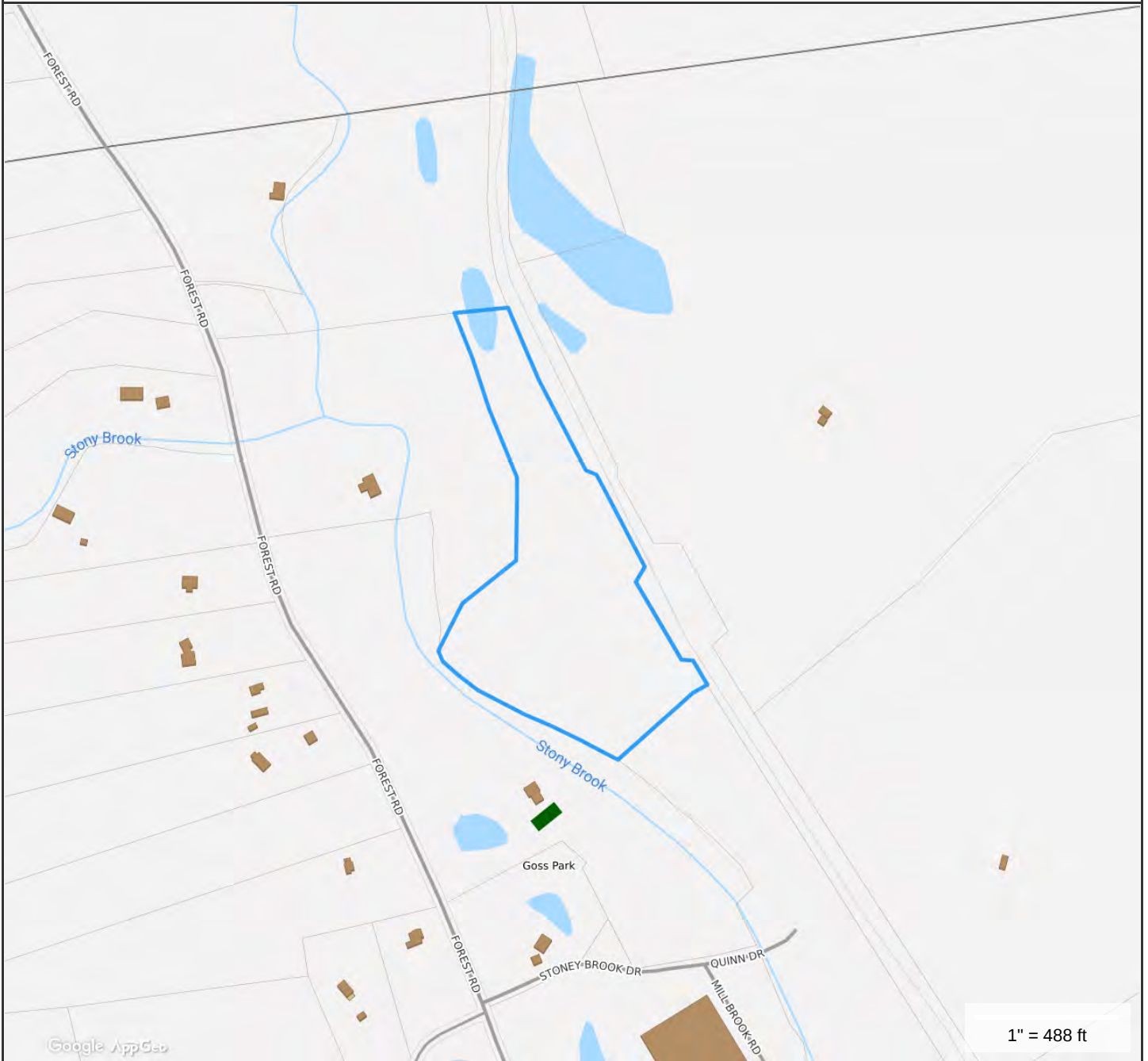
The Town of Wilton Zoning Board of Adjustment will consider this application in a public hearing in the cafeteria of the Wilton-Lyndeborough Cooperative High School on Wednesday, October 23, 2019 at 7:30 p.m.

The application, and any other documents that have been received by the ZBA in connection with this case, are available for inspection in the Land Use Office in the Wilton Town Hall, and may also be accessible at the Zoning Board web site at [www.wiltonzba.org/cases/2019070901](http://www.wiltonzba.org/cases/2019070901).

Sincerely,

Neil Faiman, Chairperson  
Wilton ZBA

Case #7/9/19-1, continued from September 10



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

Nashua Regional Planning Commission makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/16/2018  
Data updated 10/25/2018

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

DATE: September 10, 2019  
TIME: 7:30 PM  
PLACE: Wilton Town Hall  
PRESENT: Neil Faiman, Chair; Joanna Eckstrom; Jeff Stone; Paul Levesque; Peter Howd  
(Alternate); Bob Spear (Alternate)  
Absent: Andy Hoar  
Staff: Land Use Administrator Michele Decoteau

Attendees: DJ Garcia, Asst. Fire Chief Ron Caswell, Justin Harrington, Judith Klinghoffer, Lincoln Geiger, Mike McGonagall, Robert Silva, Jess Carson, R. Kahn, Karon Walker, K. Schwab, D. Dion, Robin Maloney, Marilyn Jonas, Cori Ryan, William Ryan, Doreece Miller, Chris Balch, Paula Iasella, D. TwoEagles, Tim Dresser, W. Bart Hunter, Sherry Jennings, Karen Bailey, Stephen Jones, Heather Gray Wright, David Wright, Bridget Mooney, John Zavgren, Dodie Finlayson, Andrew Finlayson, Jennifer Bernet, Susan Brown, Patricia Quaglia, Sandy Gallo, Jessie Salisbury, Denise Duncan, Maggie Zavgren, Will Melcher, Anthony Graham, Glynn Graham, Hugh Renwick, Carol Renwick, Linda LaDoucer, Mickey Pieterse, Jillian Montmarquet, Kevin Forkl, Lynne Pentler, John Slater, Deb Slater, Ralph Buschmann, Helen Sargent, Jonathan Sargent, Lorey Zahn, Casey Cadrain, Kathryn Rockwood, Marjorie Lemay, Paul Lemay, Nancy Wallace, Bill Abrahams-Dematte, Deb Abrahams-Dematte, Gene Jonas, Asra Zahn, Matt Bangert, Nancy Elcock, Mercedes Olster, Zack Olster, Brandon McCarthy, Ben Hofstetter, Marissa Hamilton, Danelle Mellio, Brian Drayton, Lynn Rocca, Annette Hollenbach, Shannon Linn, Elizabeth Collins, Carrie Carson, Anthony Carson, Dawn Beam, Shannon Silva, R. Smith, Megan Gordon, Cory Schutzman, Nathan Walker, Tina Day, Richard Cheek, Joan Ross, Dan Ross, Jennifer Hanks, Sharon Akers, Lisa Wowianko, Roger Laducer, Robin Schoen, Police Chief Eric Oleson

**1) Call to Order: N. Faiman opened the meeting at 7:38 PM.**

N. Faiman reviewed RSA 36:54, Regional Impact Determination, and what that means for the cases before the Board. Moving forward, an RSA 36:54 review will be made on all cases and based on the applications.

#07/9/19-1 Quinn

P. Howd recused himself from this case.

J. Stone, P. Levesque, N. Faiman, J. Eckstrom, B. Spear (sitting in for Andy Hoar) will continue on this case.

40 W. Keefe for J. Quinn wrote a letter and N. Faiman read the letter (attached). IF the Board finds  
41 that there is regional impact, the Board will send out notices to municipal boards and NRPC.

42 RSA 36:55

43 I. Relative size - this did not seem relevant

44 II. Proximity to border - this abuts the border

45 III. Transportation networks - this would use transportation on the roads

46 IV. Anticipated emissions - N. Faiman said we don't know if this an issue - but intuition is that  
47 this would be a consideration - not a finding that there IS an impact, but a concern that  
48 there could possibly be emissions.

49 V. Proximity to aquifers - this was possible but not confirmed

50 VI. Shared facilities - we do share a school and streets, but the Board was unsure how this  
51 would impact the schools

52

53 J. Eckstrom asked for confirmation that the abutter notices were sent and particularly the notices  
54 to Lyndeborough abutters. M. Decoteau confirmed that all the abutters, including those in  
55 Lyndeborough, were noticed. Letters were sent July 2, 2019.

56

57 B. Spear clarified that the impact is outside the borders. What about the stream in Goss Park? N.  
58 Faiman said it comes from Lyndeborough and into Wilton.

59

60 J. Eckstrom clarified that the only change is notices are sent to other communities. N. Faiman  
61 said we would have to determine what Towns would be notified and we would have to notify  
62 Nashua Regional Planning Commission (NRPC).

63

64 J. Stone said it is clear that we can't find no impact. Most of the points made in RSA 36:55 apply  
65 or are relevant. They might be concerns.

66

67 The Board discussed the logistics of finding a meeting place large enough and noticing the  
68 public. N. Faiman said that the notices will be in the Milford Cabinet, the Post Office, Town  
69 Hall, The ZBA website, the ZBA page on town website, and the website calendar.

70

71 J. Eckstrom MOVED that the ZBA finds that there may be a regional impact for case #07/9/19-1  
72 Quinn, and in addition to NRPC, the Board will notify the Select Boards of Lyndeborough,  
73 Temple, Greenville, Mason, and Milford and Continue the case to the next regular meeting.  
74 October 8, 19 at 7:30PM tentatively at the High School cafeteria. B. Spear SECONDED.

75

76 Roll call vote

77 N. Faiman - yes

78 J. Eckstrom - yes

79 J. Stone - yes

80 P. Levesque - yes

81 B. Spear - yes. Motion carried.

82 P. Howd recused himself.

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Chief Eric Olesen offered to help finding the location.

J. Klinghoffer said that it is an issue the ZBA is having a meeting on Yom Kippur, the most important fasting day of the year in the Jewish faith. She said it was an issue as this will exclude everyone in the Jewish faith.

B. Hunter asked if this is going to be a new public hearing. N. Faiman said no, this will be a continuation but we will restart the testimony.

J. Slater said he lived on the odd side of the street and less than 500 feet from the street at the end of the property in question. He wanted to know why he was not included in the abutters list. N. Faiman said the list of who has to be notified is state statute. J. Slater said he should have been notified out of courtesy.

B. Spear MOVED that given the 8th falls on Yom Kippur, change the meeting date and time to Oct 15.

Discussion

The Board discussed scheduling and not everyone could make this date. B. Spear withdrew his motion.

B. Spear MOVED to change the October meeting to Oct 23, 2019, 7:30 PM for all ZBA cases at the High School cafeteria. J. Eckstrom SECONDED. All in Favor. Chief Oleson again volunteered to assist with finalizing the location for this meeting.

Case # 09/10/10-1 – ROCKWOOD

N. Faiman asked the Board if there would be any regional impact for a B&B in downtown Wilton? The Board discussed the application.

- I. Relative size - this did not seem relevant
- II. Proximity to border – it is not close to the border
- III. Transportation networks - this would use transportation on the roads, but not impact them
- IV. Anticipated emissions – none were anticipated
- V. Proximity to aquifers - - this did not seem relevant

B. Spear MOVED to find no regional impact for the B&B application. J. Eckstrom SECONDED. All in Favor.

Case # 09/10/10 -2 -HARRINGTON

123 N. Faiman asked the Board if there would be any regional impact for the antique store and a  
124 potential residence at 9 Greenville Road. The Board discussed the application.

- 125 I. Relative size - this did not seem relevant
- 126 II. Proximity to border – it is not close to the border
- 127 III. Transportation networks – the store and residence would use transportation on the roads,  
128 but not impact them. There was adequate parking on the property in the pasta and since  
129 this appears to be quite similar, expected the same.
- 130 IV. Anticipated emissions – none were anticipated
- 131 V. Proximity to aquifers - this did not seem relevant

132

133 B. Spear MOVED to find that this application could not be construed to have regional impact. J.  
134 Eckstrom SECONDED. All in Favor.

135

## 136 **2) Minutes from previous meetings**

137 B. Spear MOVED to put the minutes at the end of the meeting and review if there is time. J.  
138 Eckstrom Seconded. All in favor.

139 a) 07.11.19

140 b) 08.13.19 site walk

141 c) 08.13.19

142

## 143 **3) Public Hearings continued from previous meetings**

144

145 Case #07/9/19-1 Quinn

146 This case was address and continued.

147

## 148 **4) Public hearings on new appeals**

149

150 Case #9/10/19-1 - Rockwood

151 N. Faiman read the public notice.

152 B. Spear will sit on the case for A. Hoar.

153 N. Faiman reviewed the process.

154

155 K. Rockwood said she would like to offer lodging and possibly in the future continental  
156 breakfast. This home is new to her and she wants to positively impact Wilton. The space is  
157 perfect for guests. She wants to be open year-round. She is asking for a Special Exception for a  
158 B&B at her house.

159

160 The Business would be carried out by her primarily and no more than one other resident.

161 There will be no changes to the home. She said it is beautiful the way it is.

162 There will be no storage of any equipment or trash visible from the street.

163 Parking will accommodate 6 cars during the winter and in the summer there would be more.  
164

165 The house was built for a large family. Her intention is to live here forever and sharing it with  
166 family and friends. When they are not here and it is pretty big house for just her so that is when  
167 she will rent rooms out.  
168

169 N. Faiman asked about bedrooms. K. Rockwood said that she would rent three bedrooms.  
170

171 P. Howd said she showed the common spaces in the application. Are there owners' bedrooms,  
172 and a kitchen? K. Rockwood said there are two other bedrooms and one other bathroom in the  
173 back as well as and a half bath on the lower level along with a dining room.  
174

175 J. Eckstrom asked if you can you access the B&B rooms from your private space? K. Rockwood  
176 said yes, they are open.  
177

178 B. Spear asked about fire egress and if she'd had a fire inspection. K. Rockwood said yes she  
179 had the inspection. There are extremely large halls and windows. She is a ¼ mile from fire  
180 station, she has fire extinguishers. She has a system that monitors fire and carbon monoxide. She  
181 wants it to be safe for her and her guest.

182 J. Eckstrom said that the Fire Chief's letter said that she needed sprinklers if she had 6 guests.  
183 Assistant Chief R. Caswell clarified that this is a state law.  
184

185 J. Eckstrom asked about the bedrooms on the upper level and the lower level and noted that there  
186 is a common room and TV room. Does this mean all the guests have access to these? K.  
187 Rockwood said yes, there are and they do have access. J. Eckstrom asked if guests have access  
188 to the kitchen. K. Rockwood said no. There is a fridge in their room with a table. J. Eckstrom  
189 asked if there are bathrooms in each room. K. Rockwood said that there was a common  
190 bathroom for the three bedrooms.  
191

192 J. Klinghoffer said that we had a B&B for decades in Wilton, Stepping Stones, and there seems  
193 to be a need for that. T. Day said K. Rockwood is her neighbor and has one of the nicest  
194 properties and her guest have no effect on the neighborhood. She hopes this is granted. L.  
195 Laducer said they share a yard and they are all exceptionally close. She thought the way K.  
196 Rockwood runs the B&B is extremely gracious and it is very clean. P. Lemay said her yard and  
197 house are immaculate. Her guests are great people and a great addition to the town and  
198 neighborhood. M. Lemay said they share a driveway and her guests benefit from the quiet  
199 neighborhood. There is a large stairway in the house that is good in case of fire. K. Rockwood  
200 has promoted the neighborhood and the town. The business is a plus to the Town. Assistant  
201 Chief Caswell asked if K. Rockwood was planning to reduce the application for fewer than four  
202 people.



203  
204 J. Eckstrom asked if she wanted to do this year-round and if there is a time limit that you expect  
205 guest to come and visit. What is your intention for the length of stay? K. Rockwood said she has  
206 a policy that limits stays to 14 days. Generally people stay for 6 days. She is a real estate agent  
207 and can see that that a couple of weeks is a good max. B. Spear said what about 30 days? J.  
208 Eckstrom suggested 60 days.

209  
210 S. Jones asked if she was planning to do this a B&B or just as Airbnb. K. Rockwood said that  
211 she is planning on just using Airbnb. J. Eckstrom asked if people call her directly or does she  
212 only book through Airbnb? K. Rockwood said she is planning to do an Airbnb. N. Faiman said  
213 that for the Town of Wilton, there is no distinguishing Airbnb from any other B&B.

214  
215 B. Spear MOVED to close the public hearing. J. Eckstrom SECONDED. All in favor.

216  
217 J. Eckstrom said that we grant with the provision that no single reservation be longer than 60  
218 days.

219 P. Levesque said he didn't have a problem with this.

220 N. Faiman said that according to the zoning, this could be a duplex and this is infinitely better for  
221 the neighborhood and the town.

222  
223 J. Eckstrom MOVED to grant the Special Exception as requested with the stipulation that no  
224 individual rental is more than 60 days. J. Stone SECONDED.

225  
226 J. Eckstrom MOVED to reopen the public hearing. B. Spear SECONDED. All in favor.

227 Discussion

228 Hearing none, the Board voted on the motion to approve.

229 J. Stone - yes 232 N. Faiman - yes

230 P. Levesque - yes 233 B. Spear – yes. The Motion carries.

231 J. Eckstrom - yes

234  
235 N. Faiman reviewed the appeal process.

236 Case #9/10/19-2 Harrington and Diffley

237 P. Howd sitting on this case for A. Hoar.

238 N. Faiman read the Public Notice.

239 W. Keefe, representing D. Diffley, presented the case. This the White Home Building was built  
240 in 1882. He reviewed the history of the property. In 2003, Deb Diffley got a variance to use the  
241 property both as a residence and for the sale of collectables and antiques. She lived there until  
242 she got married in 2006 and moved to Temple. Since then it has only been used for the sale of  
243 antiques. Justin Harrington will be continuing the same use.

244

245 W. Keefe provided the Notice of Decision for case #1/13/04-2.

246

247 W. Keefe provided the site plan from the planning board approved in 2004 with updates. The lot  
248 is small and it is almost entirely setbacks so there isn't much room to do anything new.

249 N. Faiman asked if the previous Special Exception expired? W. Keefe said there was a variance  
250 for living there. N. Faiman asked about the Special Exception and if was still in place. W. Keefe  
251 said the question is do you need to re-establish the Special Exception with the variance for  
252 residential use. What we are proposing is consistent with the neighborhood. It is mixed  
253 residential and commercial.

254 J. Eckstrom asked if there been any changes to the residential area of the structure? W. Keefe  
255 said the kitchen and bathroom are on the first floor and the bedrooms are on the second floor,  
256 some of the bedrooms were used for display space, but nothing had been altered. P. Howd asked  
257 if there was any separation. W. Keefe said no there wasn't.

258

259 W. Keefe went through the questions for a variance. Granting this variance, is:

- 260 • Not contrary to public interest - this would provide economic value to the town
- 261 • Spirit of the ordinance - it is a mixed use neighborhood
- 262 • Substantial justice - this lot isn't useful for much else since it is so small and would  
263 continue this current use

264

265 J. Klinghoffer asked about signage? N. Faiman said the sign was addressed in the variance. W.  
266 Keefe said they plan to re-use the current sign.

267

268 S. Jones asked if the owner would be the occupant. W. Keefe said no, this is a lease and Mr.  
269 Harrington has the option to purchase. The Board discussed the residential use and the ownership  
270 relationship. J. Stone asked if the residential portion could be only used by the business owner.  
271 Could they be rented separately? J. Harrington said he was planning to live there. W. Keefe said  
272 that would be impractical to rent the residence to someone other than the business owner without  
273 rehabbing the building since it is open. P. Howd asked if someone could address if the old  
274 variance has any influence. N. Faiman said only in that the reasons that were used previously  
275 might inform our decision now.

276

277 J. Klinghoffer said she understood having the objection to a commercial use in a residential area  
278 but why object to a residential use in a commercial area? P. Howd said this is zoned industrial.

279 N. Faiman said that the town voted to put the industrial uses along the main roads and then  
280 limited the residential use in that zone.

281

282 N. Faiman said this is historically a house and the applicants are asking to be allowed to use it for  
283 a residence. Furthermore the character of the lot limits what you can do with it. If anything, a  
284 residential use might reduce slightly the intensity of the use. The access works. The lot is what is

285 it and Deb Diffley did a pretty nice job getting value from it. If the purpose of the restriction of  
286 the residential use in an industrial location. P. Howd said he had a concern about a comingling of  
287 a commercial and residential use. It is the direction this is going. N. Faiman said site plan review  
288 wouldn't address how the uses comingle inside the building, He thought they would be more  
289 concerned with Parking,

290

291 K. Walker what if the variance were to the expiration of a variance? How would that change the  
292 hardship questions? N. Faiman said this discussion is hypothetical.

293

294 The Board discussed the substantial justice. P. Howd asked for clarification on the business plan  
295 that residential use be a requirement for this business. J. Harrington said that for his business, he  
296 does clean outs and works long hours and this is a way to solve that issue. N. Faiman said that  
297 security might be a reason. P. Howd said if we are starting as an industrial property and we've  
298 said there is no longer a non-conforming use, we are starting new looking at the request for  
299 residential use. Why are we going to allow him to violate that term in the ordinance? If the Board  
300 looks through the hardship statement - this isn't unique.

301

302 J. Stone said he would argue that is unique that is a small lot unsuitable for much else. There is  
303 space there that doesn't lend itself to the commercial side. Using it residentially works, we've  
304 seen that.

305 B. Spear asked if it is the grandfathered non-conforming use, does that still stand. J. Eckstrom  
306 that lapsed. If the use is abandoned for more than a year.

307

308 J. Klinghoffer asked if the property is unique because it is located in a spot that has heavy traffic  
309 in both directions. It makes sense to have a caretaker on site for security.

310

311 S. Jones said his concern was that if the two things are separate, a decision that is too vaguely  
312 worded, would allow for two separate uses in the future. K. Daily said it was stated that this  
313 could be an owner occupied variance? But in this case, it is not the owner who is occupying.

314

315 The Board discussed if this could be a rental property and if there were conditions they should  
316 impose to keep the uses in tandem. B. Spear said he wanted to think of this as a caretaker  
317 position. P. Levesque said that he saw this as a home and it has been a home for long time. B.  
318 Spear said that is how he was thinking but then this was turned in to a business and the  
319 residential use lapsed.

320

321 N. Faiman said that having a caretaker on site is a value.

322

323 S. Jones said his point is that the two uses shouldn't be separate. J. Harrington said he had no  
324 problem in keeping the two uses together. W. Keefe said we hope that Mr. Harrington  
325 eventually buys the business and has no problem. The property is suited to a mixed use.  
326

327 B. Spear said if the business goes away, the owner and/or operator would be living in the  
328 residence. J. Stone asked if it had to be the owner if the building was leased. N. Faiman said the  
329 way the variances are worded, you could use the property as a commercial venture or as a mixed  
330 use, but not as residential use. P. Levesque said the uses are not tied together. N. Faiman said it  
331 is reasonable to add the residential use with the commercial use, but if you take away the  
332 commercial use, could you continue the residential use? The Board discussed various options of  
333 keeping the two uses tied together and if a future variance would be required if the use was to be  
334 solely residential.  
335

336 N. Faiman said that the language in the public notice would be a guide. He asked the owner's  
337 representative and the applicant if they were comfortable with a mixed use.  
338

339 J. Eckstrom MOVED to grant the variance to 8.5 and 8.1 for the use of the house as a retail shop  
340 selling collectables and antiques and as a single family residence to be occupied by the owner of  
341 the property or the owner of the business. P. Levesque SECONDED.  
342

343 Discussion

344 J. Stone said the Variance would restrict the kind of use. Is there a value to the town restricting  
345 the commercial use. N. Faiman this does seem awfully specific but 15 years ago we were  
346 specific and they had to come back.  
347

348 Noting the time was getting late, the ZBA will not take testimony past 10:30PM without a vote  
349 to do so.  
350

351 At 10:28 PM, J. Eckstrom MOVED to continue for 15 minutes. B. Spear SECONDED. All in  
352 favor.  
353

354 Roll call vote on the motion to grant the variance:

355 J. Eckstrom- yes

356 P. Howd - no

357 J. Stone - yes

358 P. Levesque - yes

359 N. Faiman – yes. Motion carries.

Application for the Special Exception.

J. Stone MOVED to deny the Special Exception for 8.6.1. for the following reason: The Special Exception granted in 2004 is still in effect and is not necessary. P. Howd SECONDED.

Roll call vote on the motion deny the Special Exception:

P. Howd - yes

P. Levesque- yes

N. Faiman - yes

J. Eckstrom - yes

J. Stone – yes. Motion to deny is carried.

P. Howd MOVED to table minutes to next meeting. J. Stone SECONDED. All in favor.

**5) Other business**

- a) Fall planning conference. Sat Oct 5, 2019. Please see M. Decoteau if you want to register on paper or register on line and have the invoice sent to Town Hall.
- b) Budget - Noted

**6) Adjourn**

J. Stone MOVED to Adjourn at 10:35 pm, B. Spear SECONDED. All in favor.

Respectfully Submitted by Michele Decoteau, Land Use Administrator

Approved on XXXXXXXXXXXXXXXX

Exhibits on file in the Land Use office

B-010.Letter from W. Keefe Quinn Properties, LLC Variance Application on B-10 Advance Statement Regarding Regional Impact

***KEEFE & KEEFE P.A.***

Attorneys At Law  
P.O. Box 599, Main Street  
Wilton, New Hampshire 03086-0599

Tel. 603-654-6101  
Fax 603-654-6102  
Email [keefeandkeefe@tds.net](mailto:keefeandkeefe@tds.net)

William Keefe

September 10, 2019

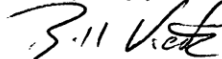
Neil Faiman, Chair  
Zoning Board of Adjustment  
Town of Wilton

Re: Quinn Properties, LLC Variance Application on B-10  
Advance Statement Regarding Regional Impact

Dear Neil:

A question has arisen regarding whether it is necessary to provide Lyndeborough and the Nashua Regional Planning Commission with notice of our variance application pursuant to the Regional Impact statute (RSA 36:54). One of the tests for a finding of regional impact is proximity to the borders of a neighboring community. The proposed plant would be on a small portion of 65 acre Lot B-10 but since part of the northerly boundary of B-10 is the Lyndeborough town line the safer course of action is to give the notices and to otherwise continue the application process to the next meeting.

Very truly yours,



William Keefe

WK/



**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
 (Revised January 2011)

**General Information, Page 1 of 3**

**Property Information**

Describe the lot involved in the application (the lot that you want to build a building on, subdivide, conduct a business or other activity on, etc.). If more than one lot is involved, then describe them all in this space if it is convenient, or attach additional copies of this page.

Tax Map and Lot Number B-10 Lot Size 65 Ac.

Street Address 50 Quinn Drive

Zoning District (check one):

- Residential     General Residence and Agricultural  
 Commercial     Industrial     Office Park

Relevant Overlay Districts (check any that apply):

- Research and Office Park     Floodplain Conservation     Watershed  
 Wetlands Conservation     Aquifer Protection     Elderly Housing

**Owner**

If the application involves multiple lots with different owners, attach additional copies of this page.

Name Quinn Properties, LLC

Mailing address PO Box 909

Mailing address \_\_\_\_\_

Town, State, ZIP Amherst NH 03031

**This application must be signed by the owners of all lots involved in the application.**

I approve the submission of this application. If an applicant or representative is named on the next page, the person named there has my permission to represent me before the Wilton Zoning Board.

Signature [Signature] MEMOR Date 6/21/2019

**(continued on the next page)**

<b>clerk use only</b>	
Date and time received: _____	_____
Received by: _____	Amount paid: _____
Case #: _____	<input type="checkbox"/> Abutter list and labels included



**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
 (Revised January 2011)

**General Information, Page 2 of 3**

**Applicant**

The applicant is the person who actually wants to build the building, conduct the business, etc. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.

Same as owner

Name \_\_\_\_\_

Mailing address \_\_\_\_\_

Mailing address \_\_\_\_\_

Town, State, ZIP \_\_\_\_\_

**Signature of Applicant or Owner**

**I certify that to the best of my knowledge and belief, all information provided in this application is accurate.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Representative**

Fill out this section if the application is being submitted by a realtor, surveyor, engineer, attorney, etc., on behalf of the actual owner or applicant.

Name William Keefe Esq.

Mailing address PO Box 599

Mailing address \_\_\_\_\_

Town, State, ZIP Wilton NH 03086

**I authorize the above-named representative to submit this application and to speak before the Zoning Board on my behalf.**

**Signature of applicant or owner**

Signature [Signature] Date 6/24/2019

(continued on the next page)





**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
**(Revised January 2011)**

**General Information, Page 3 of 3**

**Contact Information**

How can we get in touch with the applicant or the applicant's representative, if there are questions about or problems with the application? Provide at least one of the following. If you provide more than one, please check your preferred form of contact.

This information is for:  the applicant  the representative.

Daytime phone 654 6101  Evening phone \_\_\_\_\_

Work E-mail keefe@keefe-ctds.net  Personal e-mail \_\_\_\_\_

**Proposed Use**

**Explain what you want to do with the property.** (Do you want to build a building, subdivide a lot, have a business, ...).

**Explain why you need the Zoning Board to let you do it.** (The building will be too close to the lot line; the Planning Board wouldn't approve your subdivision; your lot is in a zoning district where businesses aren't allowed; ...).

**Be specific.** Identify the section or sections of the Zoning Ordinance that apply. If lot sizes or configurations or building placements are relevant, provide a scale drawing or plan showing all relevant information, such as lot lines, setbacks, present and proposed structures on your lot and neighboring lots, etc.

Description of proposed use and need for ZBA approval (use this page; attach additional pages as necessary):

\_\_\_\_\_  
See Attached  
\_\_\_\_\_  
\_\_\_\_\_



**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
**(Revised January 2010)**

**Application for a Variance, Page 1 of 2**

When, because of the specific characteristics of your property, the Zoning Ordinance unreasonably restricts your use of your property without a corresponding public benefit, the Zoning Board may grant a Variance, which modifies or sets aside particular requirements of the Ordinance.

The specific section of the Zoning Ordinance to be varied: See Attached

The requirement in that section that you want to change, and how you want it changed:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To grant a variance, the Zoning Board must decide that it will satisfy each of the following five conditions. Please explain why you believe that each of the following statements is true. (Use additional sheets of paper if necessary.)

1. Granting the variance would not be contrary to the public interest: See Attached  
\_\_\_\_\_  
\_\_\_\_\_

2. Granting the variance would be consistent with the spirit of the Ordinance: ..  
\_\_\_\_\_  
\_\_\_\_\_

3. Granting the variance would do substantial justice: ..  
\_\_\_\_\_  
\_\_\_\_\_

4. The proposed use will not diminish surrounding property values: ..  
\_\_\_\_\_  
\_\_\_\_\_

(continued on the next page)



**Town of Wilton, NH**  
**Application to the Zoning Board of Adjustment**  
**(Revised January 2010)**

**Application for a Variance, Page 2 of 2**

5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship.  
**Complete just one of sections 5(a), 5(b), or 5(c):**

**5(a)** i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property:

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ii. The proposed use is a reasonable one:

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iii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

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**5(b)** i. The property cannot be reasonably used in strict conformance with the ordinance:

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ii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

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**5(c) Hardship resulting from a physical disability.**

i. The variance is necessary to make reasonable accommodations to allow a person with a recognized physical disability to reside in or regularly use the premises:

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ii. The variance is in harmony with the general purpose and intent of the zoning ordinance:

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**Attachment to Quinn Properties, LLC. Variance Application (B-10):**

**Description of Proposed Use and Need for Variance:**

The applicant proposes to construct and operate an asphalt batch plant to manufacture and sell bituminous asphalt as an extension of the existing sand and stone extraction operation on Lot B-10. There would be two industrial structures. The silo will be 72 feet high. The batch plant will be 68 feet high. A variance is required from Section 8.2.6 which limits buildings or structures to 45 feet in height.

## **Attachment to the Quinn Properties Variance Application:**

### **1. Granting the variance would not be contrary to the public interest:**

a. The proposed variance to exceed the 45' height limit was granted by the Zoning Board of Adjustment on December 28, 1988 and the overall plan was approved by the Planning Board on May 16, 1990. Market conditions resulted in that variance and site plan not being used. The current proposal is virtually identical to the variance approved in 1988 and the plans being submitted with this application are the same ones approved by the Planning Board on May 16, 1990.

b. It is unclear what the public interest is in limiting industrial structures to 45 feet in height. The applicant believes that the 45 foot limitation was the height the fire department's ladder could reach when the Zoning Ordinance was enacted. The Wilton Fire Department did not have a ladder truck in those days but it does now (and, in fact, recently replaced its ladder truck.) The average ladder truck ladder can reach about 100'.

### **2. Granting the variance would be consistent with the spirit of the Ordinance:**

a. B-10 is in the Industrial District and the site has been used for industrial purposes (the removal and processing of stone) for 45 years.

b. The 45 foot height requirement is limited to the Industrial District. For example, a farm silo in excess of 45 feet would be permitted in the General Residence and Agricultural District.

c. The Industrial District provides a location for industrial operations to promote employment opportunities and broaden the tax base.

### **3. Granting the variance would do substantial justice:**

a. As mentioned, the proposed variance was granted once before. It was just then; it will be just now.

b. Using stone products in asphalt is a logical extension of the existing stone extraction operation. On-site stone, gravel and sand will make up about 95% of the finished product.

c. Asphalt is a useful product and everyone drives on it every day. The Town uses a significant amount of asphalt every year to repair and resurface roads. Individuals use it to repair and pave driveways. Hauling that asphalt a long distance is not particularly good for the environment or roadways.

d. The asphalt industry has gone the way of Walmart and drug stores. Three big producers, Continental, Pike and Brox, have bought up most of the other stone producers and asphalt plants. The big players get their stone from their own quarries. The result is reduced demand for stone from independent quarries and less competition and higher prices.

**4. The proposed use will not diminish surrounding property values:**

a. B-10 is an existing stone quarry located on 65 acres in the industrial zone.

b. In addition to Lot B-10's 65 acres, Quinn entities own another 33 acres in Wilton and 47 acres in Lyndeborough bringing the total to 165 acres. The asphalt plant will occupy about 2 acres. The Brox plant at 5 Caldwell Drive in Amherst was erected on a 2 acre lot (additional acreage was added long after the plant was built.)

c. B-10 is bordered on the west by the B&M Railroad (now owned by the State of New Hampshire) and on the south by Granite State Concrete which operates another stone quarry on Granite State's 73 acres. Granite State operates daily in season and on a good day ships up to 30 railcars of stone through Wilton.

d. The surrounding properties are mainly owned by Quinn properties, a competing quarry or the State of New Hampshire's railroad with a 20 car siding.

e. The proposed plant will be located about 800 feet from the nearest public road (Route 31). Stoney Brook Drive is a private right of way.

f. The plant structures will not be visible from Route 31 or any other location nearby.

**5(a) i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of the provision to the property:**

- a. As discussed above, the rationale behind the 45 foot limit as applied to an industrial structure is unclear.
- b. Without a variance the property can't be used for an asphalt plant because they are by design more than 45 feet high.
- c. A variance for structures with a height of more than 45' does not violate the general public purposes of the ordinance because the silo and the plant attached to it would be located on a small piece of a much larger parcel (Lot B-10) that itself is bordered by other industrial users, a state owned rail corridor and other industrial zoned parcels owned by the applicant. It is highly unlikely that the silo and associated plant equipment will be seen, heard or otherwise noticeable by residents outside of the boundaries of the Quinn Properties LLC existing quarry operation.

**5(a)ii. The proposed use is a reasonable one:**

- a. The proposed use is reasonable given the location and current use of Lot B-10 and the surrounding properties.

**5(a)iii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:**

- a. The property is not flat and rises more than 200 feet above the base elevation of the proposed plant which would be near the railroad tracks at the bottom of the lot in terms of elevation. The top of the 72' structure will be considerably lower than industrial operations higher up on B-10.
- b. The property is already a stone quarry and use as a stone quarry diminishes the ability to use it for other industrial purposes.
- c. The next door neighbor, Granite State, is an operating quarry and would not be a good neighbor for many traditional operations.

d. Because the industry has changed so that quarries and asphalt and concrete plants have linked ownership, a quarry needs an asphalt or concrete plant to survive.



Re: Wilton Asphalt Permit

(16)

1/3 3

WILTON  
LAND USE LAWS AND REGULATIONS: BOARD OF ADJUSTMENT

BOARD OF ADJUSTMENT  
WILTON, NH

Any citizen has the right to appeal to the Board of Adjustment the decision of the Building Inspector. He also has the right to request a special exception or variance in the Zoning Ordinance. The following application form is an example of what is required when making an appeal.

S A M P L E

APPLICATION FOR APPEAL

Please do not write in this space.

To: BOARD OF ADJUSTMENT, TOWN OF WILTON, NH

Case No.

Date Filed 12/17/88

Name of Applicant Quinn Bros. Corp.

*[Signature]*  
Signed Clerk

Address 13 Columbia Drive, Amherst, NH 03031

Owner of Property Concerned Quinn Bros. Corp.

Address 13 Columbia Drive, Amherst, NH 03031

Location of Property off Forest Road, Wilton, NH 03086

Description of Property (Give length of frontage, side and rear lines)

58 ac, parcel 2,200'+ X 2,100'+ X 1,314'+ X 1,650'+

Proposed use, or existing use affected Asphalt plant with storage silo.

Fill out Section 1, 2, or 3. DO NOT FILL OUT MORE THAN ONE

SECTION 1: APPEAL FROM AN ADMINISTRATIVE DECISION

The undersigned alleges that an error has been made in the decision, determination or requirement by the Building Inspector on \_\_\_\_\_ to \_\_\_\_\_ in relation to Article \_\_\_\_\_, Section \_\_\_\_\_ of the Zoning Ordinance and hereby appeals said decision.

Section 2: APPLICATION FOR SPECIAL EXCEPTION

The undersigned hereby requests a special exception as provided in Article \_\_\_\_\_, Section \_\_\_\_\_ of the Zoning Ordinance.

Section 3: APPLICATION FOR VARIANCE

The undersigned hereby requests a variance to the terms of Article VIII, Section J and asks that said terms be waived to permit the plant and silo to be 68' and 72' respectively.

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitutes an unnecessary hardship in that it prohibits further use of property for current use of the processing of earth materials.

Signature of Applicant by Thomas M. Quinn Pres.

G-1. Quinn Bros. Corp.

15

17



ZONING BOARD OF ADJUSTMENT  
WILTON  
NEW HAMPSHIRE 03086

2/3

December 16, 1988

Dear Sir or Madam:

You are hereby notified that the Town of Wilton Zoning Board of Adjustment will hold a public hearing on Wednesday, December 28, 1988 at 7:30 PM in the Town Hall Courtroom to consider the request of Thomas Quinn, Quinn Brothers Corp, Amherst, for a variance to the terms of Article VIII Section J of the Zoning Ordinance. Applicant proposes building structures of 68' and 72' each for asphalt plant on Lot B-10, Forest Rd in the Industrial Zone. Ordinance sets 45' height limit on buildings.

Signed:

Joanna K. Eckstrom  
Secretary



TOWN OFFICES  
WILTON  
NEW HAMPSHIRE 03086

3/3

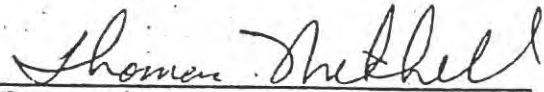
December 28, 1988

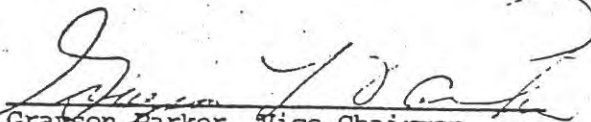
NOTICE OF DECISION

BOARD OF ADJUSTMENT - Town of Wilton, N.H.

You are hereby notified that the request of Quinn Bros. Corp.  
Amherst, NH for a Variance  
to the terms of Article VIII, Section J-1, of the Zoning  
Ordinance has been GRANTED, conditional upon asphalt plant not to be  
located in the Aquifer.

Case # 23.88

  
Thomas Mitchell, Chairman

  
Grayson Parker, Vice Chairman

Vote: 3 to 2

Grayson Parker, George Infanti and Herbert Klein - In Favor  
Arlene Laurenitis and Thomas Mitchell Against

NOTIFICATION OF SITE PLAN APPLICATION ACCEPTANCE AND APPROVAL

- Subdivision Site Plan Review Application
- Lot Line Adjustment
- Cluster Site Plan Review Application
- Non-Residential Site Plan Review Application
- Home Occupation

Re: ASPHALT PERMIT

PLAN ACCEPTANCE:

Let this be the official notification and record that the Site Plan Application has:

BEEN ACCEPTED by the Wilton Planning Board. Conditions for acceptance set by the Board, based on to the Town of Wilton's Land Use Laws and Regulations, are as follows:

NOT BEEN ACCEPTED by the Wilton Planning Board. A decision for non-acceptance has been rendered for the following reasons of non-conformance with the Town of Wilton's Land Use Laws and Regulations:

PLAN APPROVAL:

Let this be the official notification and record that the Site Plan Application has been:

APPROVED by the Wilton Planning Board. Conditions of approval set by the Board, based on to the Town of Wilton's Land Use Laws and Regulations, are as follows:

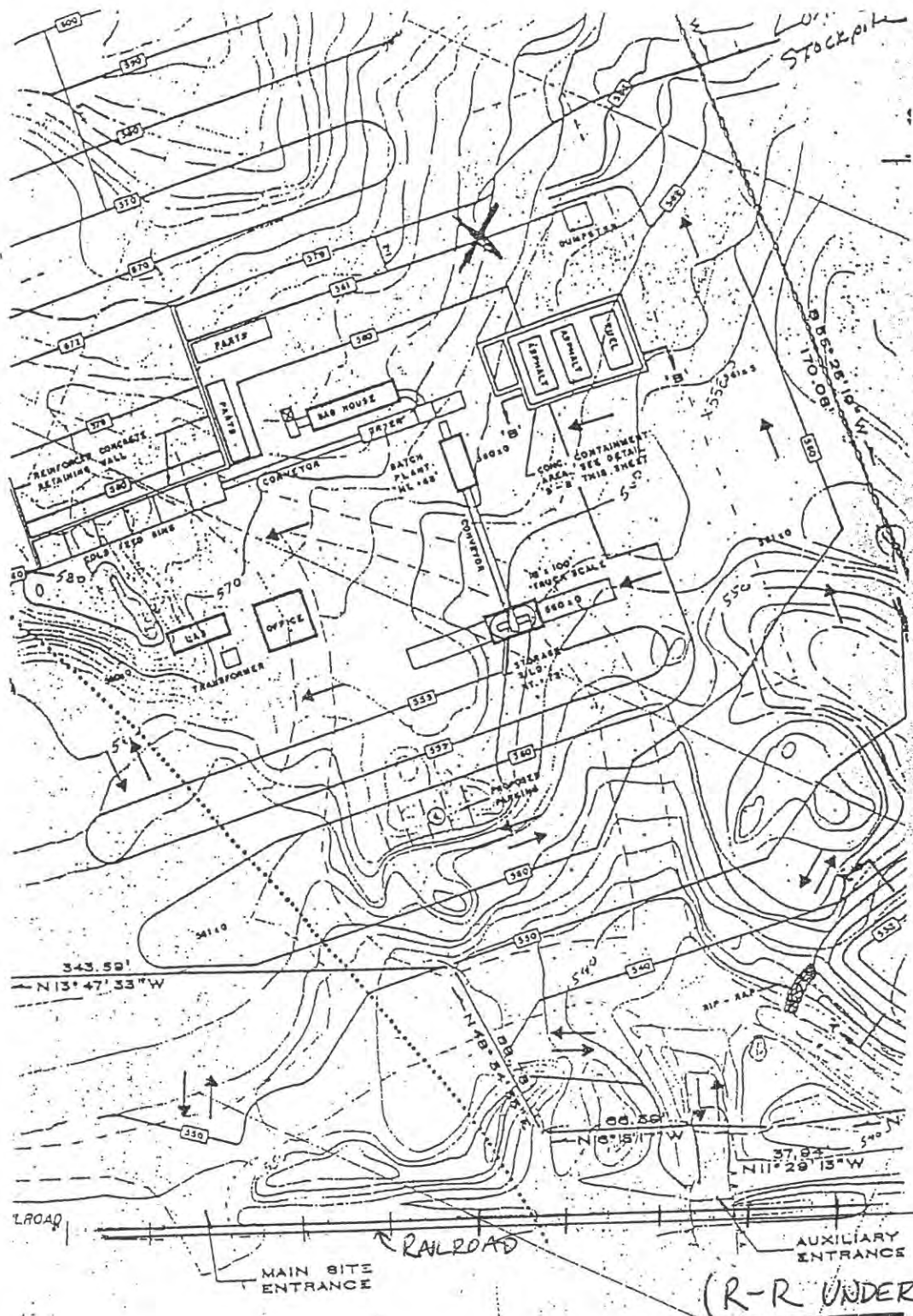
Conditions: 1. Pave under aux entrance  
2. Detention area SW of aux entrance to handle 0-4 drainage 4/18/90

DISAPPROVED by the Wilton Planning Board. A decision for disapproval has been rendered for the following reasons of non-conformance to the Town of Wilton's Land Use Laws and Regulations:

Conditions met 5-16-90 charges \$80.

Signed: [Signature]  
Chairman, Wilton Planning Board

Date: 5-16-90



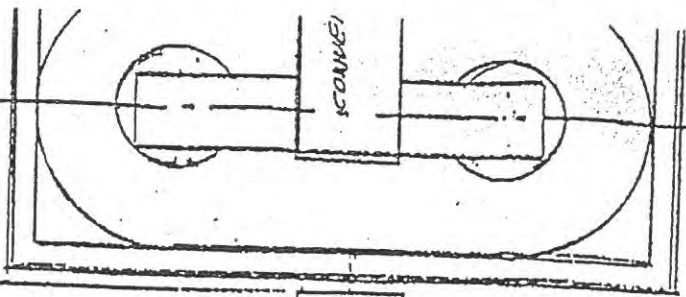
BOUNDARY INFORMATION  
 REFERENCE NO. 1.  
 TOPOGRAPHY TAKEN  
 NO. 2.

WILTON, N. H.

15 BIN  
TRUCK SCALE

P.O. Box 4867  
Rumford, RI 02916

EL. 631'±

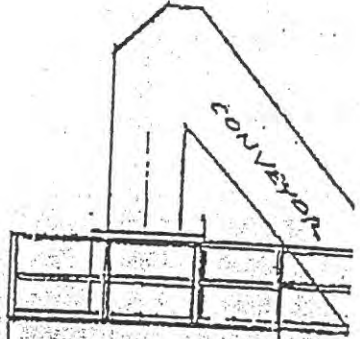


14'-4 1/2"±

72'-0"±

41'-0"±

400-TON CAPACITY  
2 COMPARTMENT  
SURGE BIN (SILO)



14'-9"±

SCALE EL. 560'  
GRADE EL. 559'±

28'3"±

13'-6" MIN  
TRUCK SCALE

14'-0"±

2