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Wilton Zoning Board  
42 Main Street  
P.O. Box 83  
Wilton, NH 03086

September 5, 2019

BY: .....

Dear Wilton Zoning Board Members,

As a group of concerned citizens we have been following the request from Quinn Properties LLC for a variance of the height restriction of the Ordinance in order to construct a batch asphalt plant and silo storage near Goss Water Park in Wilton on lot #B-10. We understand a variance was granted to Quinn Brothers Corporation by the Zoning board in 1988 and that the proposal was approved by the Planning Board in 1990. We also understand that since that time the State rules regarding the consideration of variance requests have been rewritten to make it clear that Zoning Boards “must review each of five variance criteria and grant the variance, **only if they are all met.**”

- (A) The variance will not be contrary to the public interest
- (B) The spirit of the ordinance is observed
- (C) Substantial justice is done
- (D) The values of surrounding properties are not diminished; and
- (E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

Quinn Properties LLC acknowledged this change in procedure when providing the board with their own responses to the required conditions in their application, but they suggest that because the variance was granted by a previous board “It was just then; it will be just now.” However, that board was operating under the old guidelines. This has prompted us to send you additional information so that you will have a broader picture as you consider responses to the 5 questions through the lens of those who live in Wilton and the surrounding towns. We believe that this information may lead you to arrive at responses that are different from those provided by the applicant.

**A) The variance will not be contrary to the public interest**

According to the NH Office of Strategic Initiatives the Board of Adjustments in NH, a Handbook for Local Officials, (2018) the guiding question here is “does the variance alter the essential character of the neighborhood or threaten the health, safety, or general welfare of the public?”

Although the Quinns confine their response to this question by describing only their immediate abutters, we assert that “neighborhood” is a broader term. The surrounding neighborhood includes the town’s recreation site at Goss Park, Garwin Falls, wooded walking and cross country ski trails, Frye’s Measure Mill, historic homes (some older than our country), Stony Brook, and a picturesque outdoor wedding and event venue. If this variance is granted, this neighborhood, and in fact much of our town and many of our neighbors in Lyndeborough, could be affected by the toxic fumes, odor, increased truck traffic and the possibility of toxic spills and hazardous events that could be associated with the asphalt plant that Quinn Properties LLC wants to install. None of these effects would be in keeping with the town’s Master Plan, which was adopted in January of 2015 and revised in 2018, and which states that Wilton is: “To remain a

small-town that protects its rural environment, historic charm, and natural resources.” and “To be a place which visitors seek as a destination, and to enhance the Town as a Gateway to the Monadnock Region, while preserving the character that is strictly unique to Wilton.” (Please see map below.)

In their application, Quinn Properties LLC states that “it is unclear what the public interest is in limiting industrial structures to 45 feet in height” and goes on to assert that they believe this is only related to the height of the Town’s ladder truck. In contrast, we feel that imposing a limit on height in an industrial zone clearly signals that the Town does not wish to have hulking industrial structures or large factories in their midst. Anyone who has purchased property or moved into town while this ordinance has been in place might very reasonably have been reassured by the presence of the height restriction, believing that it would serve to prevent large factories and towering heavy industry from setting up in our industrial zone. Therefore we do not believe that **B) Granting the variance would be consistent with the spirit of the Ordinance.**

In fact, the town’s Economic Development Team does not support tall industrial buildings, as shared with you in their August 28, 2019 letter in which they state: “An asphalt plant, with its associated risks is not in keeping with the character of Wilton. It could actually put at risk the future businesses and services our residents have told us they want.” and further: “When considering the request for variances and conducting site reviews, we would hope that the image of our town is also a consideration. Studies show the reason people move here has everything to do with safety, open spaces, clean air and water, minimal traffic and peace and quiet.”

As for health, what could be more contrary to public health than an industry that poses such well documented risks to the environment in our region? EPA’s Fact Sheet of 2/28/2003 states that toxic air emissions from asphalt processing include: “formaldehyde, hexane, phenol, polycyclic organic matter and toluene” and goes on to state “Exposure to these air toxics may cause cancer, central nervous system problems, liver damage, respiratory problems and skin irritation.” and “can aggravate a number of respiratory diseases including asthma”. The board should also consider that the emissions of fumes from asphalt production are not confined to when the plant is in operation but are also being released into our air as the asphalt is sitting in storage and being transported through town. These fumes may also be ‘trapped’ over our region during certain weather conditions due to the topography of the area. While it is true that all asphalt plants must obtain a permit from the Division of Air Quality and must meet air quality for particulates, we are concerned about the ability of both the Town and the State to adequately monitor air quality on a regular basis. Can we afford to risk this? There is a wealth of additional information in the Center for Health, Environment & Justice FactPack - PUB 131 Aug 2016 which can be accessed through the following link: <http://chej.org/wp-content/uploads/Asphalt-Plants-PUB-131.pdf>

The Town’s supply of healthy water is also a concern that should be explored more thoughtfully. It is our understanding that the Water Commission is hoping that the aquifer near the proposed asphalt plant would be a site for a new well for Wilton’s water supply.

The argument that “the industrial district provides a location for industrial operations to promote employment opportunities and broaden the tax base” is true but it leaves out some less than desirable



aspects. What kind of jobs do we want in our region? The United States Department of Labor Occupational Safety and Health Administration cautions workers that “exposure to asphalt fumes can cause serious injury and permanent damage.” As for the tax base, it is very possible that should this plant be installed the decrease in surrounding property values would cause a decrease in the Town’s tax base. A future environmental clean up or damage caused by fire or explosion could very well bring substantial costs to the Town.

Relative to the safety and general welfare of the public, we have heard that the fire chief has expressed confidence that our fire department is equipped to handle emergencies, but we continue to have reservations due to the highly flammable nature of asphalt fumes. According to the Asphalt Chemical Data sheet from United States Oceanic and Atmospheric Administration CAMEO database of hazardous materials: “These products have a very low flash point and if a tank, rail car or tank truck is involved in a fire it should be isolated for 1/2 mile in all directions”. When combating an asphalt fire, unmanned hose holders are to be used and the containers must be cooled with “flooding quantities of water until well after the fire is out”. They go on to state that “for a massive fire, use unmanned hose holders or monitor nozzles; if this is impossible, withdraw from the area and let the fire burn.” This sounds like a tall order for our volunteer fire department and we wonder how long and how far the fire would go on for if the “let the fire burn” option had to be taken. We are also wondering if the Town’s emergency responders have the capacity to evacuate 1/2 mile sections of the town while also combating a very dangerous and potentially explosive situation.

The transportation of the asphalt is also a concern. Asphalt trucks are large and heavy. We are a town of winding and often treacherous roads. We have many intersections that are hard to navigate even on a good day in a smaller vehicle. Has traffic and truck analysis been considered to ascertain if our roads can safely handle this type and volume of large truck traffic?

#### **(C) Substantial justice is done**

In their application Quinn Properties LLC reference the usefulness of asphalt, the changes in the asphalt industry, and the logic of the extension of their existing operation. Stone quarrying and asphalt mixing are two very different processes. One involves rocks and rock dust while the other involves hazardous air pollution, airway closing noxious fumes and threats of fires and possible spills and explosions. Equating a quarry operation with an asphalt mixing operation is like equating a maple sugar house with a factory that produces high fructose corn syrup. We live in the Granite State, not the asphalt state!

#### **(D) The values of surrounding properties are not diminished**

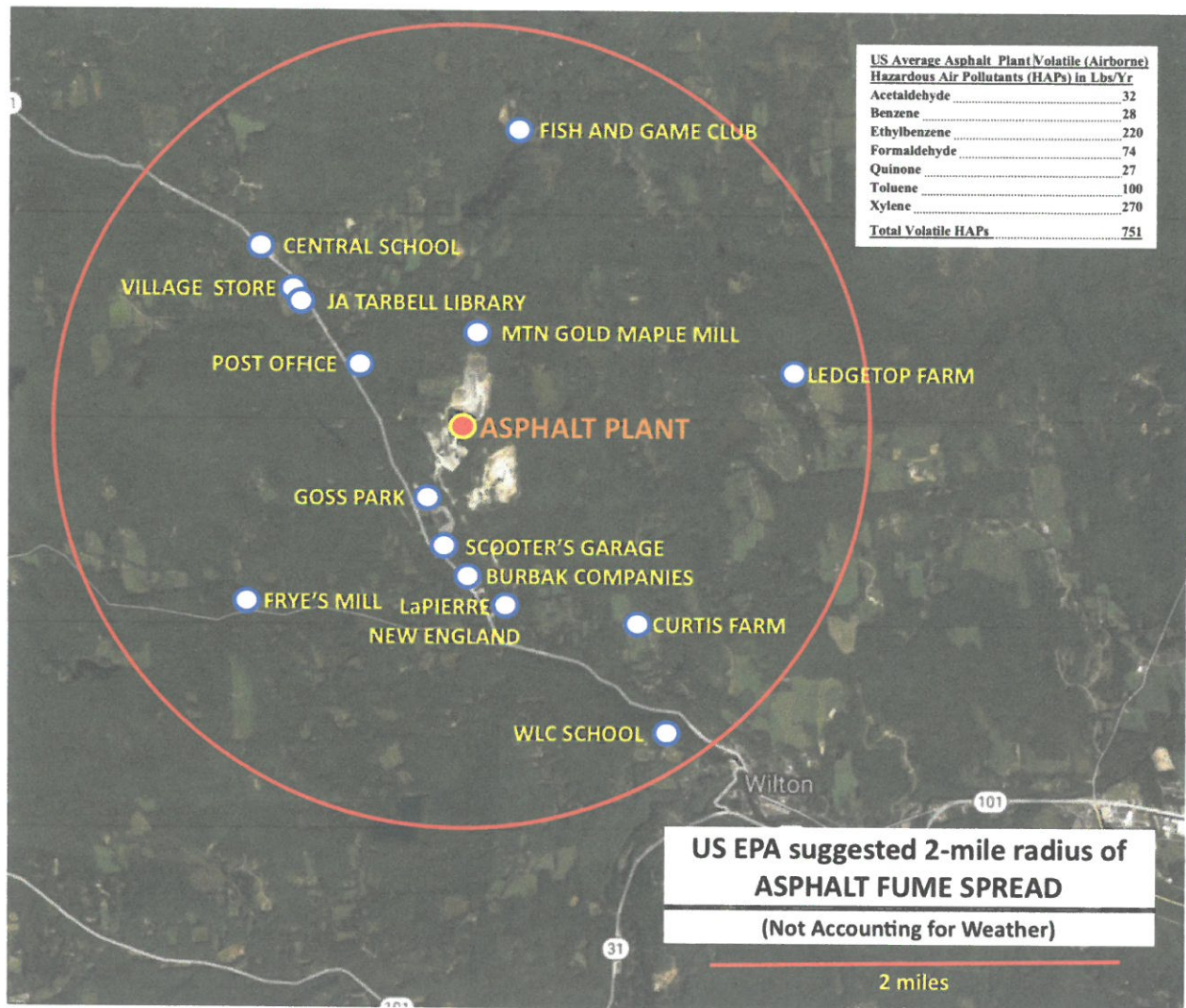
Property values in Wilton are based on its rural quality. If the height restriction is changed and heavy industries move in then property values will be diminished. One comprehensive study, “Environmental Health Risks and Housing Values: Evidence from 1,600 Toxic Plant Openings and Closings” documents declines in housing values after plants are opened, due to emissions that affect air quality. Other towns, such as Lisbon NH have explored information regarding the loss of property value following the installation of asphalt plants. The appraiser that Lisbon consulted said that it was likely that there would be a 10-15% reduction in property values. This is in line with the findings of the above referenced study. The information from the Lisbon appraiser can be found by following this link:

<http://stoppresbyasphaltplant.org/TaxImplicationsUpdate32515.phtml> With a loss in property value comes a loss in property tax income for the town. We suggest that the board fully explore the potential decline in property tax before a decision is reached.

**(E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

We take issue with Quinn Properties LLC's assertion that the silo and plant equipment would not be noticed by residents outside the boundaries. Visibility is not our primary concern. What we are most concerned about is the smell and the reduction in our air quality. We will lose the ability to cool our homes by opening the windows, we will no longer be able to dry our laundry in the fresh air. Taking a walk or a jog outside may no longer be possible, especially for residents who have asthma. It is also doubtful that families will enjoy swimming next to a noxious asphalt plant should one be installed right next to Goss Park. We will also be putting ourselves and our children at risk for developing very serious illnesses including cancer, central nervous system problems, liver damage, and respiratory problems such as increased asthma. In addition, with regard to the question of needing a variance, the property is already being used and no variance is needed for its current use. Given all of the public interest concerns noted above, the proposed use is not at all "reasonable".

We realize that this is quite a bit of information to consider and truly appreciate your time and consideration in this matter. We also thank you for your ongoing service on our Town Board(s). We would like to present a summary of this via a brief PowerPoint presentation at the upcoming ZBA hearing but we wanted to give you a more comprehensive version to enable you to conduct a review ahead of time. We have also attached links and references to additional resources below.

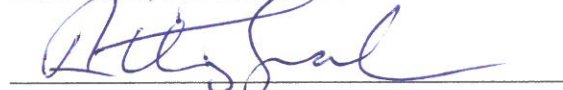




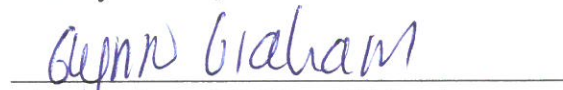
Sincerely,



Chris Balch, 531 Center RD.



Anthony Graham, 608 Abbot Hill Road



Glynn Graham, 608 Abbot Hill Road



Marilyn Jonas, 27 Fairfield Lane



Sources:

2018 NH Office of Strategic Initiatives, Board of Adjustments in NH, a Handbook for Local Officials  
<https://www.nh.gov/osi/planning/resources/documents/zoning-board-handbook.pdf> accessed 8/25/2019

"Environmental Health Risks and Housing Values: Evidence from 1,600 Toxic Plant Openings and Closings" accessed 7/24/2019 from  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4847734/pdf/nihms766662.pdf> )

-2003 EPA Fact sheet, accessed 7/24/2019 from  
[https://www.epa.gov/sites/production/files/2016-03/documents/2003\\_final\\_factsheet\\_asphalt.pdf](https://www.epa.gov/sites/production/files/2016-03/documents/2003_final_factsheet_asphalt.pdf) )

Center for Health, Environment and Justice  
<http://chej.org/wp-content/uploads/Asphalt-Plants-PUB-131.pdf>

United States Department of Labor Occupational Safety and Health Administration's hazard recognition statement for asphalt from their current website (accessed 7/24/2019 from  
<https://www.osha.gov/SLTC/asphaldfumes/hazards.html> )

From the Blue Ridge Environmental Defense League about pollutants  
[http://www.bredl.org/pdf/comments\\_LAZ\\_071023.pdf](http://www.bredl.org/pdf/comments_LAZ_071023.pdf)

**Group 3**

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