

October 15, 2019

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ENFORCE THE HEIGHT RESTRICTION

A fox ran across the front yard this morning. There are deer in the woods and occasionally a moose will wander by. We have had bears peering in our bedroom window and it seems there are always wild turkeys somewhere close by. The woods around me are blazing yellow, I can hear the breeze rustling the dry leaves.

The air has the scent of the forest. I'm a long way from the sound of traffic, the concrete and asphalt and the crush of crowds. I am not at some distant vacation location, I am in Wilton, this is where I've raised my family, this is where I live, this is my home.

When I first became aware of the proposal to build an asphalt plant in Wilton I thought it must be a joke, but it isn't. The more I learned about asphalt plants the more concerned I became. I read about the health risks to workers listed on the OSHA website. I read case histories about fires and explosions on the asphalt industry websites. I watched news footage of accidents at asphalt plants around the country, I read accident reports and I read the lists of chemicals and toxins monitored by the EPA that are released by the manufacture and transportation of asphalt. None of these risks currently exist in Wilton because there is no asphalt plant in Wilton.

This is no accident.

Wilton's master plan celebrates the rural character and natural resources of the town. It emphasizes the unique natural beauty of the area as the foundation of its economic base and encourages attracting clean environmentally friendly business to the industrial and commercial districts. This emphasis on protecting the unique natural beauty and rural character of the community as Wilton's greatest asset is also

emphasized in the Nashua Regional Master Plan. The Town of Wilton has internalized these attributes in the Town's regulations and ordinances. It has adhered to the State of New Hampshire rules, regulations and case law.

A height restriction of two stories (42.5') has existed in Wilton since at least 1974 (^{Town Ordinance} ~~Sounding Board 1974~~) and this regulation has not changed in 45 years. Restricting man made structures to no more than two stories has been a simple and straight forward way of maintaining the rural character of the town as well as promoting its natural beauty. The height restriction insures that the trees will be taller than the buildings. It also encourages industrial development that does not require a smoke stack. It is subtle but effective, and it should be strictly adhered to.

An asphalt plant is exactly the kind of industry that would be in direct conflict with the stated goals of the Town's rules and vision. It is the wrong moment to connect the Town's economic future to a petroleum based industry when we should be rethinking and scaling back our use of petroleum and petroleum based products. The cocktail of toxins released in the manufacture of asphalt smell bad and are a documented threat to public health (OSHA). The threat of fire and explosion is a documented risk. The beeping of trucks backing up will combine with the sound of the plant and the quarry to create a cacophony of sound that will be just one more of the unintended consequences of this proposal.

By enforcing the height restriction there will be no unintended consequences, the spirit of the ordinance will be maintained, the grandfathered use for excavation can continue and the will of the community will be respected. I encourage the ZBA to deny the variance and maintain the current height restriction.

Respectfully

A handwritten signature in black ink, appearing to be 'R. Kahn', written over the word 'Respectfully'.

Richard Kahn

52 Barrett Hill Rd

Wilton, NH 03086

From: Richard theopenboat@tellink.net
Subject: Master plan
Date: Oct 8, 2019 at 3:57:35 PM
To: theopenboat@tellink.net

Community character

One feature not yet identified as important for economic development is the visual and scenic character of the community natural environment and historic architecture. A great deal of the economic development literature suggests that amenities and quality of life directly contribute to economic development success. Wilton natural beauty emanates from viewsheds, rolling topography, forests, and the Stony Brook and Souhegan River valleys. Future economic initiatives should emphasize the preservation of environmental quality as inherently important to economic development strategies. Similarly, the character of the community's neighborhoods and quality of its social and civic institutions is likely to impact the potential success of future economic development initiatives.

Sent from my iPad

From: Richard theopenboat@tellink.net
Subject: Master plan
Date: Oct 7, 2019 at 4:04:13 PM
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TOWN OF WILTON MASTER PLAN CHAPTER I: Goals and Objectives

COMMERCIAL LAND USE Goal and Objectives

To promote the economic vitality, employment, and tax base of the downtown, while allowing development opportunities in outlying areas which are in keeping with the rural character of the Town of Wilton:

1. By emphasizing the downtown as a center of activity for commercial development for the Town and by improving its function and image.
2. By guiding new development in a way that encourages commercial investment in the downtown while preserving significant buildings and areas.
3. By requiring and encouraging landscaping and other public improvements to walkways and other open spaces within the downtown area.
4. By prohibiting further "strip development" along the Route 101 corridor, and in other areas.
5. By defining design requirements for commercial development to enhance the rural character of the town.
6. Through the use of innovative zoning techniques such as performance standards, architectural and landscape design standards, and site plan review of any proposal for new commercial development.
7. By allowing commercial growth only in those areas where it will not conflict with the goal of protecting the rural, visual, and natural characteristics of the Town.
8. By encouraging the location of desirable commercial uses within appropriate areas.

INDUSTRIAL LAND USE Goal and Objectives

To protect the economic vitality, employment and tax base of Wilton, by providing for new industrial opportunities which are consistent with available natural resources and the Town's ability to provide public facilities, and are in keeping with the Town's rural residential character:

1. By encouraging the attraction of clean industry that does not overburden municipal water, sewer, and other public facilities.

Finally we have the evidence of what the ordinance was intended to do!!! (The Spirit of the Ordinance).

I tracked down some Milford Cabinet and Wilton Journal newspaper articles. One in which the "sounding board" explains their reasoning for deleting the old and adding wording to Article VIII (approved by the planning board) and another from 3/19/81 talking about tidying up the zoning ordinances. Seems it was a carefully thought out and process and the intent was clearly to "establish standards designed to retain Wilton Character, insure safe traffic flow, prevent an undesirable industry, protect Wilton's sources and encouraging desirable industry" (the final paragraph in the article just above the ad for horse shoeing).

I just knew that all the talk about the size of the firetruck ladders was a red herring!
Here are the screen shots:

Roland Cooley Fund income) to the Wilton Public and Free Gregg Library

any city, town, or other governmental unit of the state to five percent."

\$706,960.

Highlighting the budget is the list of proposed capital expenses.

which has already cost the town over \$18,000 and \$3000 for a trailer for the recycling center.

The budget for the Wilton Recycling Center originally contained \$6000 in capital funds to purchase two trailers for storing and transporting recyclables but

Proposed zoning changes for Wilton are on the warrant

By Elizabeth Whelton

In an effort to clarify the proposed changes in the Wilton zoning ordinances which appear on the town warrant, the sounding board has comprised a sheet of "pertinent facts" which will be available to voters at town meeting.

Each of the eight articles which deal with zoning changes will be voted on separately by ballot on Tuesday, March 10, between 10 a.m. and 6 p.m. in the town hall courtroom.

The Wilton Planning Board has approved all eight recommended changes. The last one on the warrant, and probably the most easily understood proposed change, is to amend the zoning map to include the area known as "the island" in the residential zone. The island is currently zoned industrial.

The other seven articles which concern changes in the Wilton zoning ordinances are listed below with supplementary information on the changes prepared by sounding board chair-

maning Board approves this amendment.) (By Ballot)

The new definition of "Dwelling Units" includes "single family, duplex family, and multi-family" houses.

Amend Article IV General Provisions by deleting "B Sanitary Protection" and inserting a new "B Sanitary Protection" making more specific reference to individual septic systems and to the Town Sewer System. (The Planning Board approves this amendment.) (By Ballot)

The new sanitary protection clause states that individual septic systems "shall be inspected before covering by the State of N.H., or Town of Wilton, with cost borne by the installer."

Amend Article V Residential District which provides for home occupation uses by special exception reduces minimum lot sizes from one (1) acre to one-half (1/2) acre per dwelling unit keeps present set back provisions and ban on mobile homes, and allows for illuminated signs. (The Planning Board approves this amend-

The most important change proposed by this amendment is the increase of the required lot size for a unit in the residential district from one-half acre to one acre.

The proposed additions to the current Article V Residential District include a new definition of the district and a requirement of site plan approval by the planning board for all multi-family dwellings of three families or more.

The new regulation would also require board of adjustment approval for home businesses in the residential district and require that "all illuminated signs be in keeping with the neighborhood character." The new regulation would also list specifications for private garages.

Amend Article VI General Residence and Agricultural District by deleting "C. Required Lot Area" which provides for determination of lot size by reference to soil classifications and suitability for septic system and for location of septic system.

this amendment.) (By Ballot)

The required lot area for septic systems would be further determined by "soil type and slope classification for septic tank effluent disposal systems. The change also calls for identification of the location of on-site disposal fields."

Amend Article VIII Industrial District by deleting the present text and adding proposed text which states the purpose of the Article, permitted uses, lot size and frontages, conditions for use of water supply, signs, and buffer zones. (The Planning Board approves this amendment.) (By Ballot)

The information supplied by sounding board chairman Dan Packard describes this change as follows. "This article has been rewritten entirely. The recommendations establish standard designed to retain Wilton character, insure safe traffic flow, prevent undesirable industry, protect Wilton water sources and encouraging desirable industry."

HORSE SHOEING

Zoning changes seek to bring order out of the chaos of Wilton ordinances

By Elizabeth Whelton
Wilton Planning Board members and sounding board members enjoyed a small victory last week when eight proposed changes in the Wilton Zoning Ordinances won the approval of Wilton voters during voting on Tuesday.

Ed Bushey, chairman of the planning board, sees the changes as the beginning of an effort to clarify, simplify and better define the ordinances which govern growth in Wilton.

"The zoning ordinances used to be very confusing," said Bushey. "Every article in the ordinance referred back to another article and that article usually referred back to yet a third article. We are trying to get all the regulations which apply to each zone or district in one place in that booklet," he said.

There was some question in the minds of board members whether Wilton voters would support the changes which were proposed on the warrant. "We decided to put each proposed change in a separate article so that voters would not be tempted to vote down the whole lot without considering each change individually," said Bushey. Each of the eight articles which dealt

dential in nature. "The area which is already industrially developed will remain industrial. The area which is affected by the change in zoning is Mill Street," said Bushey.

Home occupations on the island will be allowed by variance. The same restrictions and procedures for obtaining a variance for home occupations will apply on the island as in other residential districts in town according to Bushey.

Lot sizes
The amendment to Article V of the zoning ordinances which was approved by voters allows for a decreased lot requirement in the residential zone. The old regulation required one acre, the new regulation allows for lots which are only one-half acre in size.

Bushey stressed the fact that the new minimum lot requirement only applies to lots which are serviced by both municipal water and sewer. This could have an effect on development in areas such as Abbot Hill if town water and sewer is extended up into that area during future water and sewer projects.

The measures which the planning board has taken to protect property owners from problems

without an inspection. New zoning regulations call for town inspection of the site if the state fails to perform the inspection.

"In places such as Abbot Hill Acres some lots have sand which makes for very good drainage, other lots are hardpan or clay. With the new regulations we will be able to determine the required minimum lot size according to the quality of the soil."

"We are trying to protect people who may be next to a piece of property with very poor drainage. We are also trying to look ahead a little and avoid any future pollution of groundwater,"

said Bushey.

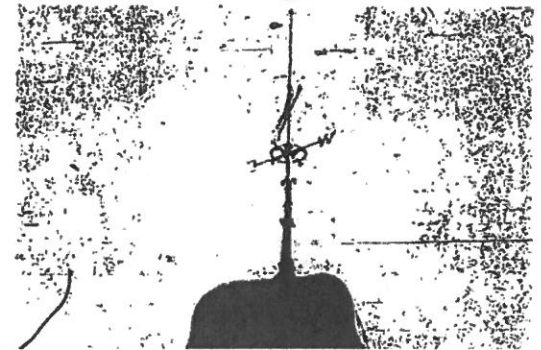
The industrial zone has been separated from the commercial zone as a result of one of the changes which voters approved. The newly created industrial zone excludes all commercial business except for those granted special exceptions by the board of adjustment.

"The planning board and the sounding board are making a real effort to stay ahead of the problems which the town could be faced with in the future," said Bushey. "I'm not saying we are staying ahead of them - but we are certainly trying."

Sergeant Place resigns from Wilton police

Sergeant David R. Place has the Wilton Police Department become a deputy sheriff with Hillsboro County Sheriff's office in Manchester after six years in Wilton.

Place, 25, holds an associate degree in criminal justice from Anselm's College and is working towards a B.S. degree in criminal justice. He is a graduate



From: Richard theopenboat@tellink.net
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Date: Oct 14, 2019 at 9:24:16 AM
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TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 155-E LOCAL REGULATION EXCAVATIONS

Section 155-E:4

155-E:4 Prohibited Projects. –

The regulator shall not grant a permit:

- I. Where the excavation would violate the operational standards of RSA 155-E:4-a;
- II. For excavation within 50 feet of the boundary of a disapproving abutter or within 10 feet of the boundary of an approving abutter unless approval is requested by said abutter;
- III. When the excavation is not permitted by zoning or other applicable ordinance, provided, however, that in municipalities which have commercial earth resources on unimproved land within their boundaries, and which do not provide for

opportunities for excavation of some of these resources in at least some, but not necessarily all areas within the municipality, or in municipalities which have zoning ordinances which do not address the subject of excavations, excavation shall be deemed to be a use allowed by special exception as provided in RSA 674:33, IV, in any non-residential areas of the municipality, and the zoning board of adjustment shall grant such a special exception upon a finding that:

- (a) The excavation will not cause a diminution in area property value or unreasonably change the character of the neighborhood;
- (b) The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof;
- (c) The excavation will not create any nuisance or create health or safety hazards; and
- (d) The excavation complies with such other special exception criteria as may be set out in applicable local ordinances.

IV. When the issuance of the permit would be unduly hazardous or injurious to the public welfare;

V. Where existing visual barriers in the areas specified in RSA 155-E:3, III would be removed, except to provide access to the excavation;

VI. Where the excavation would substantially damage a known aquifer, so designated by the United States Geological Survey;

VII. When the excavation requires land use permits from state or federal agencies; but the regulator may approve the application when all necessary land use permits have been obtained; or

VIII. Where the project cannot comply with the reclamation provisions of RSA 155-E:5 and 155-E:5-a.

Source. 1979, 481:2. 1989, 138:5; 363:6-8. 1991, 310:12, 13,
eff. Aug. 23, 1991.

save wild places