

To: Wilton Zoning Board

2/13/2020

Robert & Shannon Silva

105 Barrett Hill Rd. Wilton, NH, 03086

One of the main items that has not been reviewed as evidence by the board is the overall topology of the proposed asphalt plant. For our two lots located off Barrett Hill Road this particular data is extremely important in determining the impact to our properties. Our current house is pointed directly at the Quinn's B-10 Lot (Reference Figure 1). Our adjoining lot is currently a residential building lot without a house on it today. For both these lots the height variance does make a difference in terms of potential visibility. If the Quinn's are kept at the zoning ordinance 45 ft the visibility of the structure would be eliminated from certain sections of my property. This statement I will back up with factual evidence. For my adjacent lot which has not been built on this fact is key to the value of that property and the willingness for a house to be developed there. If another house was built on my second lot the two property values would be assessed at or above the value of lot B-10. The main concern we have with the height variance is how much of a property value impact this will have on our properties. In the document below I have included factual evidence that supports an impact to my property value and how it directly relates to the height variance to have a structure above 45ft. Evidence has also been included to correct a speculative statement that has been made in previous hearings related to surrounding property changes since 1988. Lastly evidence has been included that counters the Quinn's hardship claim based on profitability.

Evidence of Regional Change 1988 to Today

The Quinn's have stated and documented multiple times that not much has changed in the area since the original application in 1988. B. Keefe even went as far as stating that there are "Few new houses in the area".

October 23, 2019 Zoning board minutes

"Substantial Justice

B. Keefe said the next question is substantial justice. He said there have been few if any changes in the lot since 1988. There are a few new houses in the area and an aerial photo in 1988 would look quite similar to an aerial photo today. "

The rehearing request also suggests something similar that the board should be bound by its previous decision. The narrative they appear to be creating is a perception that not much has changed in the area. This is based on pure speculation and no factual evidence. As part of the record I would like to enter in all the new residential property building that has occurred between 1988-Today that is within 1 mile of the property line of lots B-10 alone. If we considered all Quinn owned lots this number would increase.

Between 1988-2020 - 32 New Residential houses in Wilton were built within a 1 mile distance of the B-10 lot property line (Figure 3). In terms of value the town currently has those properties assessed at \$9.38M - \$2.96M in Land and \$6.41M in structures. Between 1990-2010 the town of Wilton grew in Population from 3122 residents to 3677 (Wilton Master Plan Source / Census). Average household size in 2010 was 2.59 per household. Using this data and looking at the new construction houses only between 1990-2010 this 1 mile property distance from B-10 represents an estimated 11% of Wilton's population growth during that time period (Figure 4). The fact is clear that this represents a significant amount of Wilton's residential growth in the direct area of the proposed plant. Due to the location of the plant being proposed the town of Lyndeborough also had significant new residential construction during that same time period. 27 new residential houses were built between 1988-2020 within 1 mile of the B-10 property line. For Lyndeborough this would represent an estimated 14% of population growth between 1990-2010. Between the two towns 60 new construction houses were within a mile of the B-10 lot. It represents over \$15M in property value and counters any claims that not much has changed from 1988 to today. Both Wilton and Lyndeborough do not have a significant commercial tax base like other towns in the state of New Hampshire. Residential appeal is essential to the town to maintain a healthy tax base.

Evidence of Property Value Impact

At this point multiple individuals have testified at town board meetings that real estate deals in town that they were involved in were influenced by the proposed asphalt plant. One individual testified during a planning board hearing that they backed out of a real estate deal all together due to the proposed plant. This factual evidence suggests that the number of buyers that would be interested in purchasing my property if my house went on the market would be reduced. The town of Wilton does not have that many real estate deals due to the size of the overall town. Evidence of two impacted deals although appearing small does represent a large % of deals within the town for 2019. This are also only the on record individuals that testified. I would argue that many more potential property deals may have been impacted.

12.18.19.Planning Board Meeting Minutes

- 80. S. Lynn (Gage Road) said she wanted to share that she is concerned in the cultural shift in Town. She said
- 81. the culture is the feel of a place and the air quality. She was going to put in an offer on a house on Gage
- 82. Road in October but chose not to because of the possibility of an asphalt plant. It will affect real estate.

Sept 18 2019.Planning Board Meeting Minutes

Asphalt Plant

S. and J. Coffey said they are under contract for 29 Stagecoach Road. S. Coffee said she had just heard that there was a potential asphalt plant going into Wilton. She has a limited amount of time before their contract closes. They would be within 1 mile of the proposed location of the asphalt plant. She knows that

no one has a crystal ball to tell her how this will turn out. She asked, how does Wilton work, what are the ideals of the town, and do they mesh with the Coffeys' ideals? A. MacMartin said that the Master Plan is on our website. He said that will have the goals and objectives of the Town. He said that the Planning Board and other Boards cannot tell them much about the case. M. Fish said the rules say that we cannot prejudge a case and currently there is no case before the Planning Board.

Evidence Related to Topology

With both of our lots the height variance does have a direct impact on visibility of off-site structures. This is directly related to the topology of my lots and the proposed site location of the asphalt plant. I asked Mr. Keefe on behalf of the Quinn's about the base topology elevation of the plant during the 10/23/2019 zoning board meeting.

10.23.19.Approved ZBA Meeting Minutes

"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 550 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."

Based on the topology data from NRPC (Figure 6) I don't believe the plant location will sit at 550 ft as stated by B.Keefe. The topo map that was provided in the application (Figure 7) appears to have a topo line closer to 570 feet. Review of the NRPC map it appears that the site location topology has changed significantly since the original application back in 1988. The base elevation is significant to the height variance due to the visual impact to surrounding properties. In the cases of my lots off of Barrett Hill Road the 72ft vs. 45ft height differences would mean the difference between being visible and not visible on certain sections of my lot. To illustrate this please review (Figure 2-A) below which is an elevation profile from my lot to lot B-10. The blue illustration represents the peak height of the proposed plant. If the plant was held to the 45 height limitation portions of my lot would not have visibility to the structure. This is especially important to my adjoining building lot which currently does not have a house. Visibility of a plant would reduce the lot value and location of proposed building locations. This is direct evidence that the specific height variance will have an impact on my lot based on the topology of the area and proposed plant. (Figure 2-B) represents another case from Duggin Road to B10. Due to the topology it would be a similar situation to Barrett Hill Road where the height variance would have an impact on the likelihood of visibility. I would ask the board review the topology of the site as it is today. All mapping that has been provided by Quinn to date excludes topology data or is outdated based on recent mapping. The reason for this review would be due to the elevation profiles provided and a better representation of possible impacts. (Figure 8) I have included three other asphalt plant locations in the state of New Hampshire and the proposed plant topology. These three examples help to represent the difference in topology that is unique to Wilton and the site location being proposed. The variance was put in place to help protect the residential uniqueness of the topology in Wilton. This comparison between the four locations

should make this clear why it was originally put in place and why it's important to enforce. Beyond a visual disturbance I have concerns that the structure height would meet any performance standards due to the topology. For example my house will be sitting above the structure which might be a unique situation to any other asphalt plant location in the state of New Hampshire. My house will be around 7/10th of a mile from the plant and sit over 100 ft above the top of the proposed plant. Comparing to Amherst for example the entire topology within a mile doesn't have any significant variation.

Hardship Evidence

The Quinn's provided some evidence of hardship based on the profit that they are generating from the Quarry operation. They are quoted as stating 80,000 tons of material is being generated from the location with a revenue amount of \$1.25 per ton. This calculates to \$100,000 in overall revenue. Expense wise they included the real estate taxes associated with the properties are \$45,000. With these two figures the operation is generating a gross profit based on the totals they have provided of \$55,000. The net result is a 55% profit margin. One major factor the Quinn's did not point out is that Quinn Properties LLC is a commercial real estate company. At this location they are not a quarry operation. The numbers they provided are the profit margin of the commercial real estate company they operate. This does not take into account the profit the company that is actually operating in the quarry is making. Leighton White's operation in 2019 would also be generating a profit on the materials quoted. With the lease of the property being held and operated by another company I would argue that the Quinn's would have more profitability with the existing operation if they actually operated the quarry themselves. Otherwise a 55% GP as they have provided in evidence is healthy for a commercial real estate company. The actual demand for raw quarry materials is very strong in the town of Wilton. Evidence of this is the fact the Quinn's are currently attempting to negotiate a 20 year lease agreement for another property in Wilton to allow them to continue to extract and sell quarry materials. If the demand was not present for the product I doubt that the Quinn's themselves would be attempting to negotiate a lease agreement for a similar operation within the same town. Another raw material quarry operation attempted to grant permitting within the town of Wilton in the last year. If a raw material quarry was not profitable within the town I would argue that another application for one that isn't established already would not of been presented. That same site was proposed as an excavation in 2006 as well. It clearly illustrates that the existing product and industry that is operating at the Quinn proposed asphalt location is in high demand locally. That case was brought before the Wilton planning board on May 15, 2019 and is reflecting in the meeting minutes **Case EX02- 0419 - Chamberlin**. In conclusion a healthy profit does already exist at the proposed asphalt plant location. Demand locally is very strong for raw quarry materials based on evidence of new lease agreements and new proposed excavation operations in town.

Sound Impact

The quarry topology is currently designed in a way to be the perfect natural amphitheater. From our lot located 7/10 mile away we can hear the beeps of any commercial trucks backing up. The reason is because the rock is perfectly positioned within the quarry to amplify sound in the direction of our house. The further up within the quarry and lot B-10 the less buffer exists. The reason I know this is because I can see it from my house. For example in the Figure 1 – B which has been provided you can see sheer rock face within the quarry. If the Asphalt plant is positioned higher the sound will amplify toward my lot and other properties more intensely. By limiting the structure height to 45 ft the sound should be buffered more by the treeline and existing vegetation on adjoining lots. The height of 72 ft would also limit the ability for what the applicant could do about sound impacts. It would be unlikely they could build a 72ft+ sound buffer wall or be able to contain any additional sound coming from the plant. Based on how steep the existing slopes are on lot B-10 and other Quinn properties that are adjacent I don't think they could make any changes to sound buffering within the quarry. Visits to the Amherst example plant makes me question the ability for the sound to be contained to acceptable levels. The Amherst plant is loud, placing it within a bare rock faced quarry that faces a single direction will be a major sound problem.

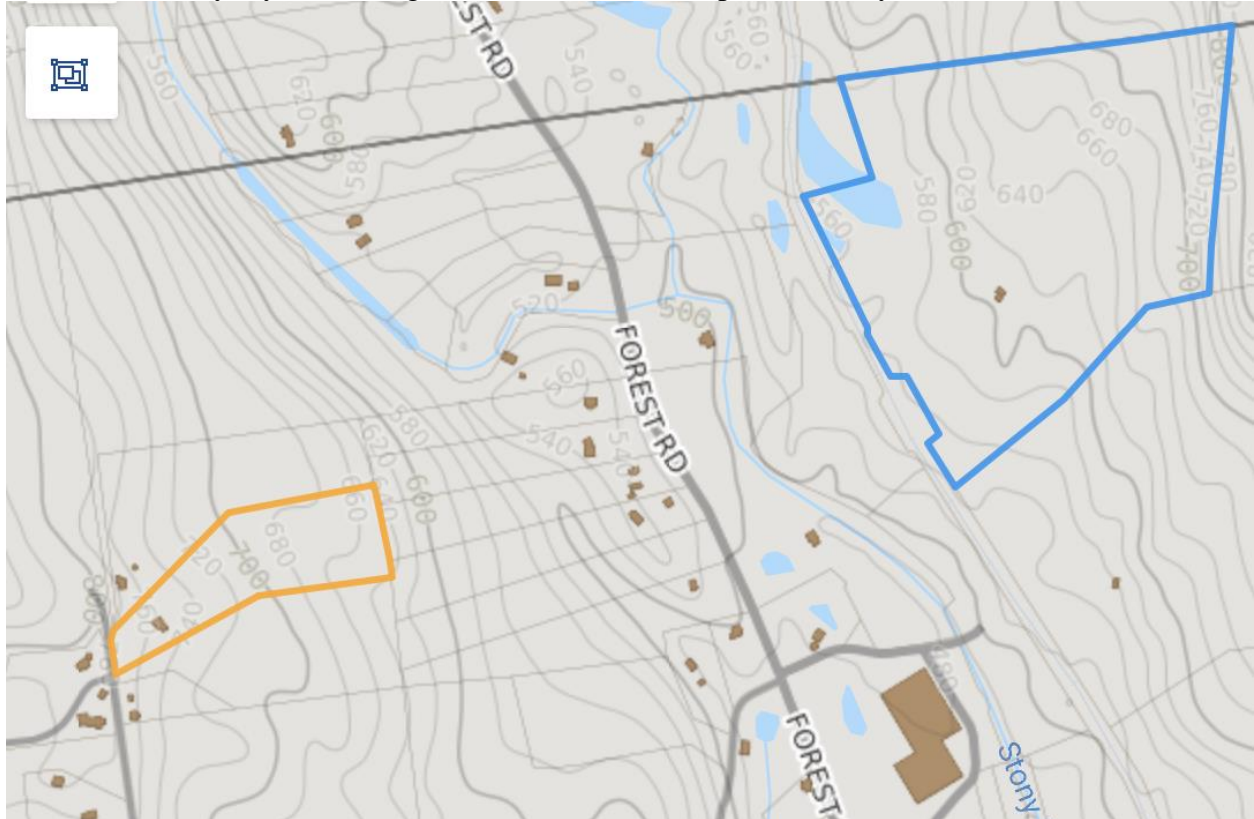
Goss Park Observation Evidence

The Quinn's most recent rehearing proposal suggested that the Goss park property might not be able to see the plant during the summer. As one of the sight test evidence submitters I would like to counter their speculation with the fact the trees located around Goss park are coniferous trees. This is important because in the summer the park will have no difference in visibility to the proposed site location compared to when the sight test was performed in the fall. My sight observation and what was recorded in the minutes was record of 80% of the beach being able to see the sight test. Because of the trees that exist there I would like to confirm my observation that this structure would be visible in the summer as well. One fact of evidence to also note is that Goss Park is not a public park. The park itself is actually a privately owned parcel that is owned by a Non-Profit. That distinction is significant in terms of value impact analysis to the property. The visibility of the plant will have an impact not only on the property value but also the ability for the non-profit to be able to operate successfully.

Figure 1-Barrett Hill Silva Lot – B10 Topo Mapping (Source NRPC)

A.)

(Orange– Silva – Barrett Hill Rd Residence) (Blue – Lot B-10) Please note topology on B10 and surrounding area. Most of the slope down to forest road is owned by neighboring lots. Any timber harvest by myself or neighbors would further impact visibility.



B.)

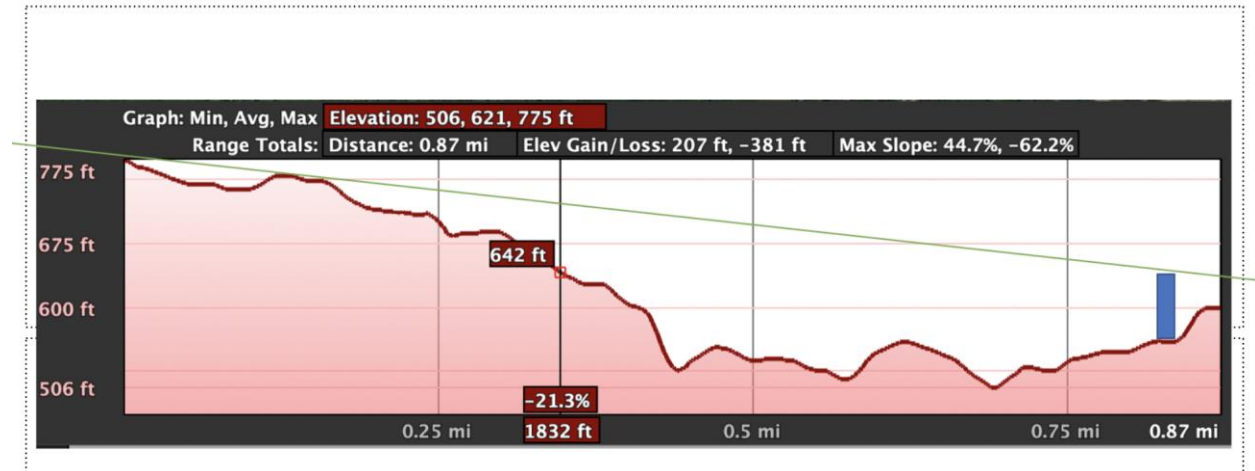
Current Barrett Hill view of the Quinn Quarry. Any additional timber harvest would open up views of the Quarry further. An asphalt plant would restrict our likelihood of putting in fields for farm expansion on our land. Timber that is located on the major slope behind our lot is owned by a neighbor. If they decide to harvest any additional trees it will have visual and sound impacts.



Figure 2-Elevation profiles A.) Barrett Hill to Lot B10 B.) Duggin Rd to Lot B10 (Source Google Earth Pro)

A.)

Barrett Hill Rd to B10



(Blue bar represents the relative height of the proposed structure 72 ft. Green line shows the site visibility from Barrett Hill Rd. If the height was 45ft portions of our Barrett Hill lot will not be able to see the structure due to topology.)

B.)

Duggin Road to B10



(Blue bar represents the relative height of the proposed structure 72 ft. Green line shows the site visibility from Duggin Rd. If the height was 45ft most of Duggin Road will not be able to see the structure due to topology.)

In both cases the 45 ft height would reduce the likelihood of visibility of the structure.

Figure 3-Wilton New Residential Construction 1988-2020 (Source NRPC)

	Town	Address	Year Built	Land Value	Structure Value	Landowner
1	Wilton	550 Forest Rd.	1996	\$ 83,000	\$ 164,600	FITZPATRICK, ROY G
2	Wilton	510 FOREST ROAD	1989	\$ 81,700	\$ 168,300	HAMMOND, MARTIN
3	Wilton	462 FOREST ROAD	2006	\$ 73,400	\$ 121,200	SPENCER, RYAN F
4	Wilton	1016 ISAAC FRYE HIGHWAY	1989	\$ 77,300	\$ 128,100	PEARSALL, GREGORY T & MAGDALENA
5	Wilton	1004 ISAAC FRYE HIGHWAY	1988	\$ 77,300	\$ 172,500	RUGGIERO, LORRAINE L
6	Wilton	976 ISAAC FRYE HIGHWAY	1994	\$ 81,400	\$ 196,300	NITA JR, ALBERT A
7	Wilton	962 ISAAC FRYE HIGHWAY	1988	\$ 81,400	\$ 129,300	CHENEY, JAMES C
8	Wilton	126 BURTON HIGHWAY	2001	\$ 138,500	\$ 383,000	ROBICHAUD REV TRUST, HEIDI B
9	Wilton	54 STAGECOACH ROAD	1998	\$ 158,700	\$ 297,200	RYAN, WILLIAM & CORINNE
10	Wilton	910 ISAAC FRYE HIGHWAY	1998	\$ 96,900	\$ 180,400	WATERMAN JR, THEODORE
11	Wilton	932 ISAAC FRYE HIGHWAY	1988	\$ 91,000	\$ 226,000	GLENECK, PAUL A
12	Wilton	122 BURTON HIGHWAY	1989	\$ 88,800	\$ 171,900	SCHULTZ, THOMAS C
13	Wilton	123 BURTON HIGHWAY	1995	\$ 87,200	\$ 166,000	MESERVE FAMILY REV LIV TRUST
14	Wilton	131 BURTON HIGHWAY	1998	\$ 92,500	\$ 150,500	DURKEE, ROBERT
15	Wilton	23 FAIRFIELD LANE	1993	\$ 92,500	\$ 169,400	BROCHU, KEVIN D & ELIZABETH E
16	Wilton	24 FAIRFIELD LANE	1999	\$ 98,500	\$ 208,400	TALBOTT FAMILY REV TRUST
17	Wilton	27 FAIRFIELD LANE	1999	\$ 100,400	\$ 167,600	JONAS, EUGENE G & MARILYN C
18	Wilton	36 BARRETT HILL ROAD	1993	\$ 99,254	\$ 536,700	KENEFICK, AUBREY W
19	Wilton	105 BARRETT HILL ROAD	2015	\$ 88,034	\$ 248,600	SILVA, ROBERT S & SHANNON E
20	Wilton	961 ISAAC FRYE HIGHWAY	1989	\$ 77,000	\$ 113,300	WHITTEN, TIMOTHY & KATRINA
21	Wilton	333 FOREST ROAD	1992	\$ 26,700	\$ 26,700	STARKE, JAMES C
22	Wilton	343 FOREST ROAD	2016	\$ 149,700	\$ 54,500	BUGEAU REALTY LLC
23	Wilton	353 FOREST ROAD	1996	\$ 90,800	\$ 216,800	MAZERALL, JOSEPH E
24	Wilton	373 FOREST ROAD	2009	\$ 66,200	\$ 115,400	GREENE REV TRUST, LOUISE K
25	Wilton	563 FOREST ROAD	1990	\$ 89,000	\$ 141,900	CHADZYNSKI, SARAH E
26	Wilton	77 COUNTRY WAY	2002	\$ 79,300	\$ 243,100	ROCCA, KENNETH P
27	Wilton	79 CURTIS FARM ROAD	2004	\$ 84,300	\$ 179,100	ARSENAULT FAMILY REV TRUST
28	Wilton	441 DALE STREET	2003	\$ 120,300	\$ 448,400	MONTMARQUET JR, JM & AJ
29	Wilton	415 DALE STREET	2003	\$ 89,700	\$ 162,300	MERRILL, CHERYL
30	Wilton	31 VISTA DRIVE	2003	\$ 106,400	\$ 286,200	TAYLOR FAMILY TRUST
31	Wilton	409 DALE STREET	2003	\$ 94,600	\$ 242,600	MCGONEGAL, W MICHAEL & DEBRA G
32	Wilton	7 VISTA DRIVE	2004	\$ 85,700	\$ 201,700	TAYLOR FAMILY TRUST
33	Wilton	77 COUNTRY WAY, WILTON	2019	\$ 94,000		NICKERSON, AARON M
Total Value				\$ 3,041,488.00	\$ 6,418,000	
Total Land & Structure Value				\$ 9,459,488.00		

Figure 4 –Wilton New Population Growth (Source US Census/Town of Wilton)

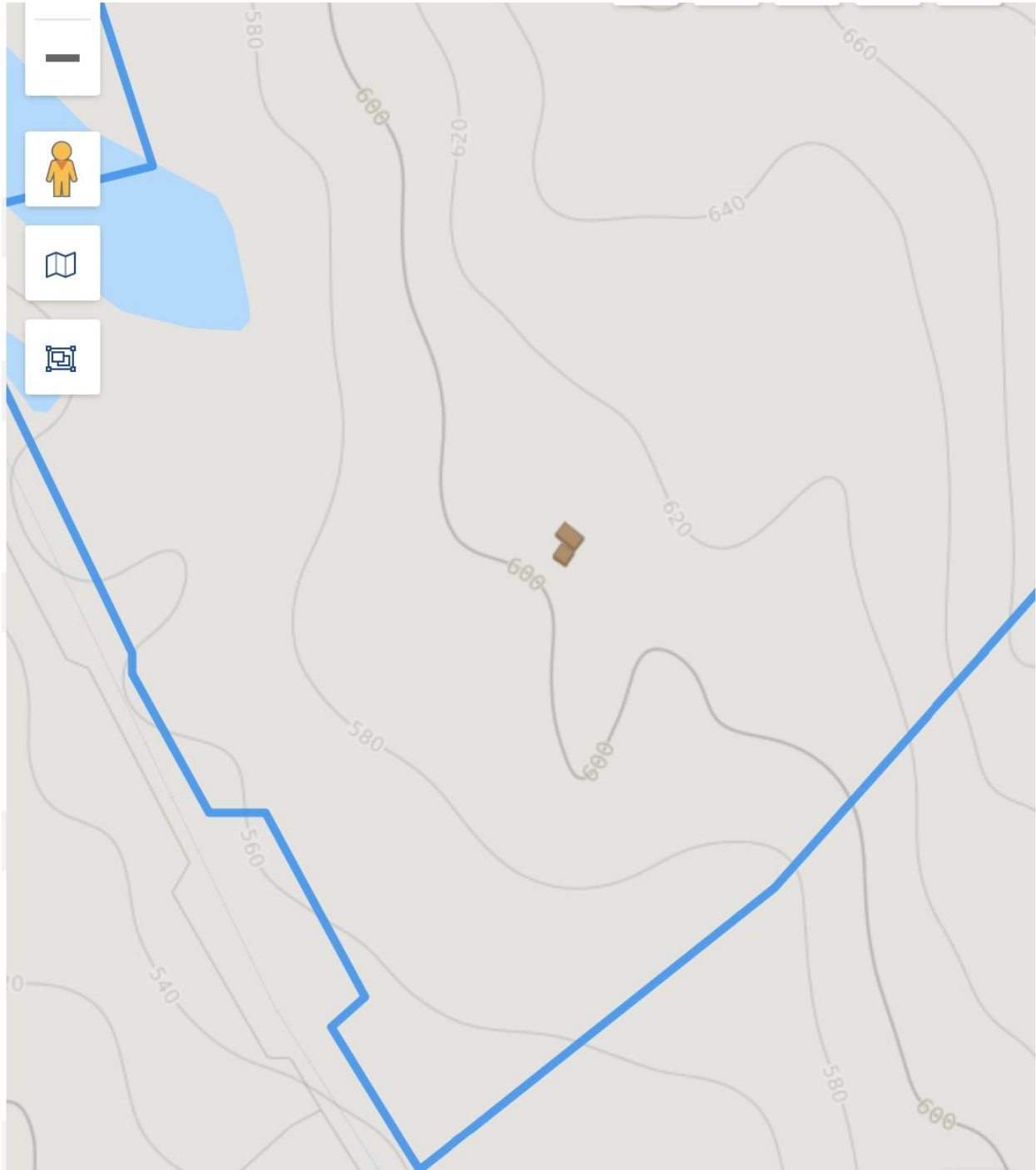
1990 Population	3122	** Source - https://www.wiltonnh.gov/common/pages/DisplayFile.aspx?itemId=15357164
2010 Population	3677	
Population Change	555	
AVG Household Size 2010	2.59	
New Household Count 1988-2020	32	
1988-2020 Population Impact	83	** Using 2.59 AVG household
New Household Count 1990-2010	23	** Using 2.59 AVG household
1990-2010 Population Impact	60	
Wilton New Population Growth 1990-2010 - 1 Mile Property line distance % of total population growth	11%	% of New Population Growth between 1990-2010

Figure 5 –Lyndeborough New Residential Construction 1988-2020 (Source NRPC)

	Town	Address	Year Built	Land Value	Structure Value	Landowner
1	Lyndeborough	60 FOREST RD	2005	\$ 77,300	\$ 160,900	ST LAURENT, SHAWN
2	Lyndeborough	59 FOREST RD	2003	\$ 89,200	\$ 202,100	HEIDBREder-CHISHOLM REALTY TRST 2017
3	Lyndeborough	72 GLASS FACTORY RD	1999	\$ 89,900	\$ 41,200	HELEN W. WHALEN REVOCABLE TRU
4	Lyndeborough	24 GLASS FACTORY RD	1990	\$ 70,500	\$ 101,800	FOOTE, CAROL ANNE
5	Lyndeborough	85 OLD COACH RD	2003	\$ 74,400	\$ 204,000	JULIAN, CURT A
6	Lyndeborough	165 OLD COACH RD	1988	\$ 84,000	\$ 71,400	FRENCH, LINDA
7	Lyndeborough	68 PUTNAM HILL RD	1988	\$ 59,800	\$ 108,600	FARMER, STEPHAN A. & LISA M
8	Lyndeborough	29 CEMETERY RD	2002	\$ 80,900	\$ 83,300	INGRAM, SAM
9	Lyndeborough	122 Putname Hill Rd.	1989	\$ 111,600	\$ 211,400	WRIGHT, RANDALL W
10	Lyndeborough	9 LOCUST LN	1997	\$ 70,100	\$ 85,800	GAUTHIER, PETER R & JANE L
11	Lyndeborough	45 LOCUST LN	1991	\$ 99,300	\$ 70,500	GOODINE, FRANK & JANET
12	Lyndeborough	57 LOCUST LANE	1990	\$ 89,100	\$ 112,100	DEMMONS, WAYNE & FRANCE
13	Lyndeborough	90 LOCUST LN	1998	\$ 71,900	\$ 139,900	DOUGLAS D. MERCIER REV TRUST
14	Lyndeborough	74 LOCUST LN	2002	\$ 76,500	\$ 173,900	SKELLY III, JOHN F.
15	Lyndeborough	36 LOCUST LN	1990	\$ 81,200	\$ 141,800	ATKINS, MICHAEL J
16	Lyndeborough	24 LOCUST LN	1992	\$ 71,800	\$ 150,300	FERGUSON, SUSAN ELIZABETH
17	Lyndeborough	20 CRAM HILL RD	2004	\$ 69,910	\$ 127,000	JOHNSON, ROBERT W
18	Lyndeborough	55 CRAM HILL RD	2007	\$ 74,500	\$ 85,500	SLATER, JOHN J
19	Lyndeborough	126 CEMETERY RD	1993	\$ 85,000	\$ 247,600	GIBSON, ALFRED R & HEATHER L
20	Lyndeborough	135 CRAM HILL RD	2005	\$ 69,900	\$ 251,000	BALLOU, MATHEW & SUSAN
21	Lyndeborough	185 CRAM HILL RD	2002	\$ 73,100	\$ 40,400	BAUERLE, DANIEL J & BELINDA
22	Lyndeborough	199 CRAM HILL RD	1988	\$ 120,700	\$ 120,500	MARCINUK, ADAM J & DELIA M
23	Lyndeborough	251 CRAM HILL RD	1995	\$ 89,730	\$ 200,300	BROWN, SUSAN QUAGLIA, REV TRUST
24	Lyndeborough	273 CRAM HILL RD	1997	\$ 67,980	\$ 135,900	CIARDELLI, STEPHEN M & BARBARA J
25	Lyndeborough	289 CRAM HILL RD	1994	\$ 89,100	\$ 183,300	PATINSKY, KATHLEEN S REV TRUST
26	Lyndeborough	42 ROSE FARM RD	2004	\$ 74,280	\$ 258,700	CLARK, LIESL L. LIVING TRUST U/A 6/8/11
27	Lyndeborough	36 WILTON RD	1989	\$ 84,100	\$ 148,400	MITCHELL, DENNIS P & GREENWOOD, RHONDA J
				Totals	\$ 2,195,800	\$ 3,857,600
				Total	\$ 6,053,400	

Figure 6 –NRPC Topo Mapping of lot B10 (Source NRPC)

Please note that site topology does not reflect a 550' elevation except the very bottom corner of B10. Site topology looks very different from what has been submitted in the application. It is suspected that topology of B10 has changed significantly from 1988.



From the application plan I cannot determine the exact elevation of this structure. Based on the topology line near the office of 570 I am assuming this is the base elevation of the site. Other topology features of this plan don't appear to exist anymore based on recent mapping.

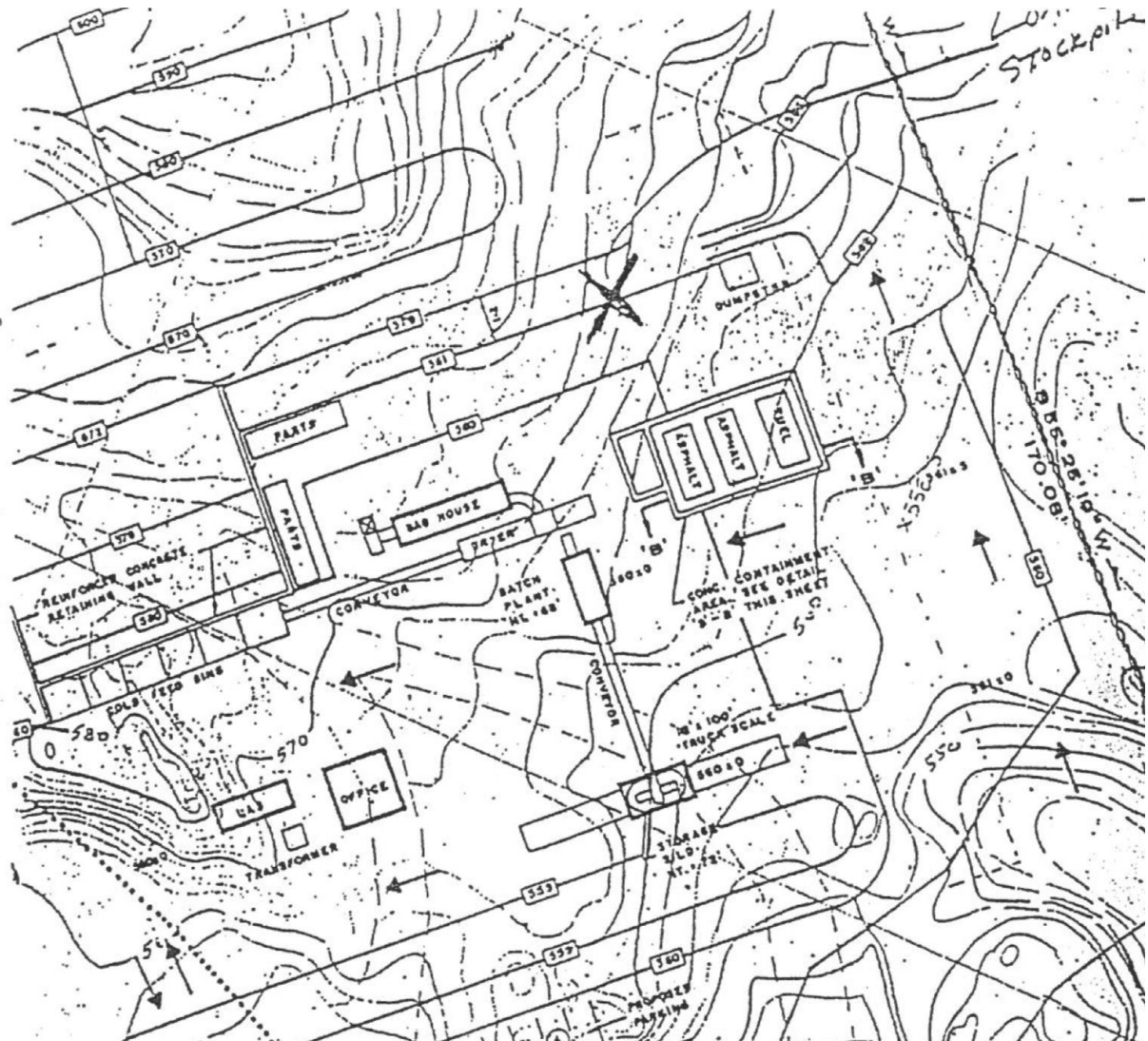
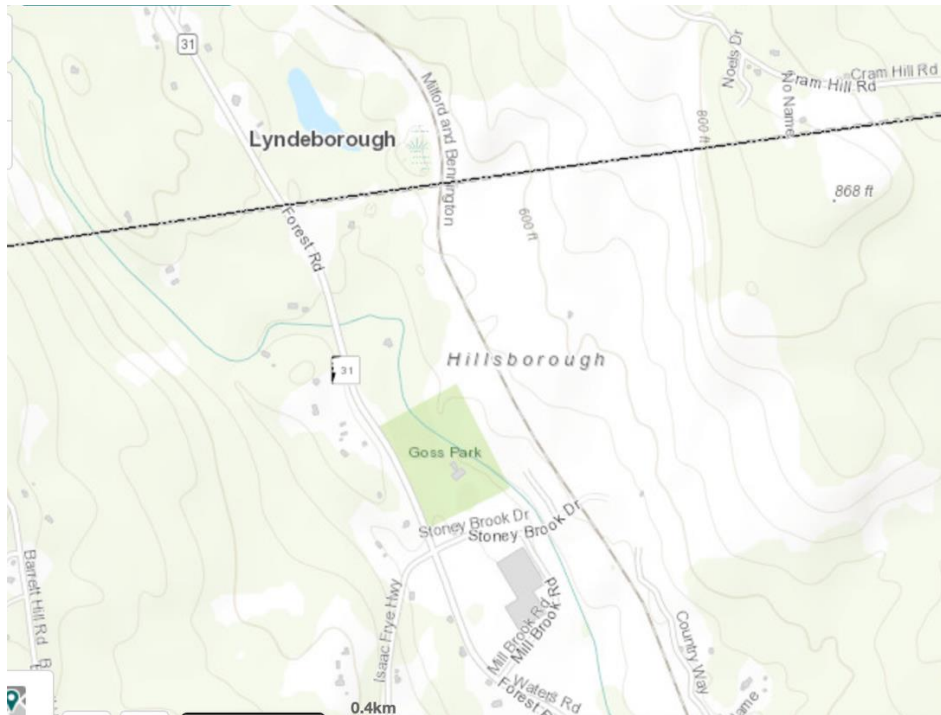
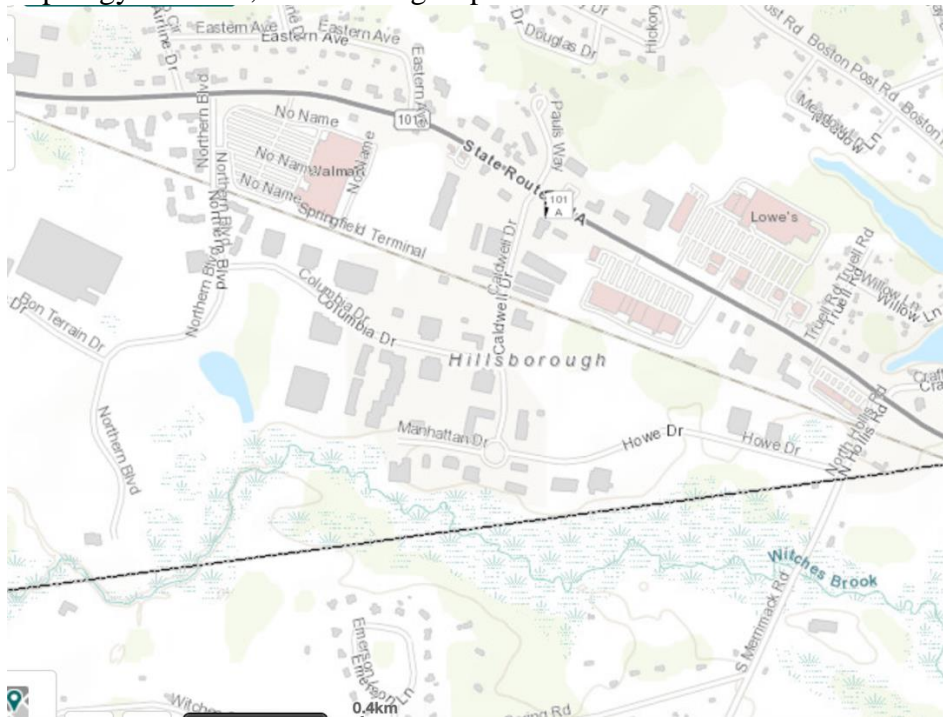


Figure 8- Topology of 3 Existing NH Asphalt Plants and proposed Wilton Plant (Source NH Granit)

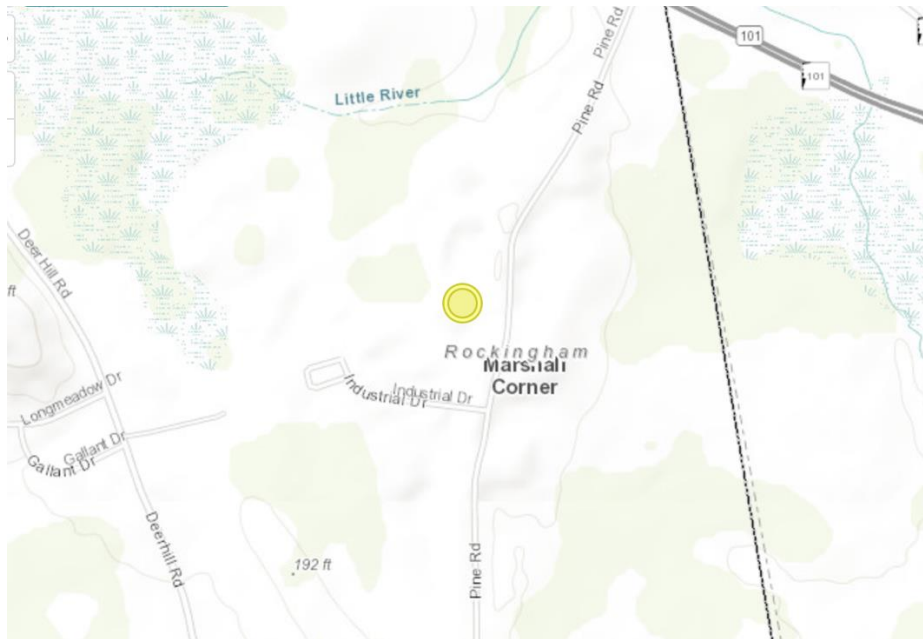
Topology Wilton, NH Proposed Plant: (Please note the significant topology difference of the proposed site from other three example plants currently existing in New Hampshire) This topology difference is the reason height restrictions are put in place in towns like Wilton. High structures have more of an impact to those areas that have topology differences. Sound, visibility, air quality all have more of a challenge to deal with when an industrial structure is built in an area that's surrounding isn't flat.



Topology Amherst, NH Existing Asphalt Plant:



Topology Brentwood, NH Existing Asphalt Plant:



Topology Gorham, NH Existing Asphalt Plant:

