

Shannen & Joe Coffey  
29 Stagecoach Rd  
Wilton, NH 03086

Town of Wilton Zoning Board of Adjustment  
42 Main St  
PO Box 83  
Wilton, NH 03086

February 8, 2020

Town of Wilton Zoning Board of Adjustments members,

We, Joe and Shannen Coffey are unable to attend the public rehearing on the height variance requested by Quinn Bros Corp to build a hot mix asphalt batch plant. We would like our multiple significant concerns noted specific to the height variance requested.

Quinn Bros. Corp stated their request for height variance was to build structures higher than the current allowable height for 2 reasons. First, to allow for dispersion of the toxic fumes away from the plant and the second, for economic/hardship reasons. We see multiple challenges with both arguments.

First, the dispersion of toxic fumes and the expert the Quinn's provided. The Quinn Bros. Corp nor their expert has completed topographical and wind current based studies to analyze chemical dispersion throughout the area or plans to conduct such studies. It doesn't take a PhD to realize that the proposed site (marked in the sight line test), sits at a lower elevation than surrounding properties. Because of this low elevation, any dispersion of toxins/particulate/smells would create a toxic cloud that would encompass surrounding properties that sit above the proposed site and the proposed elevation of the plant (ie. Isaac Frye Hwy residents). In order to provide any credible expert testimony, any expert would need to conduct these studies in relation to the specific site location. None of this has happened. Any expert testimony should not be allowed unless relevant to the case at hand with those studies completed. Opinions of an expert are conjecture at this point. It is the duty of the Zoning Board to make a decision for our beautiful town that will ensure that none of the surrounding homes and families will be negatively impacted. Consequently, the variance cannot be given without dispersion studies relative to the unique topography and multiple seasonal prevailing winds in that specific location. In the absence of any studies, the Zoning Board must assume that a toxic cloud will be detectable at properties within the EPA 2 mile toxic zone causing significant impact on our health and in turn, degrade the value of our property.

Second, the Quinn Bros Corp also cited economic reasons and "hardship". We've done some research into the viability of their claims and dispute the claim that there is a hardship of any kind. The Quinn's want to portray that this is a hardship for a small, family run business that has owned land in Wilton for a long while. We believe this is the furthest thing from the truth. Through research and a few phone calls, we were able to confirm that the plant isn't being built for use by the Quinn's and will be sold to Pike industries. I called Pike Industries personally and asked if there were any Pike owned asphalt plants that could handle a large paving job in a nearby town in the future. I was told that a plant in Hookset could and then the person said "we expect to have another plant in Wilton within a few years". Plans seem to already be in place to build the plant for Pike Industries.

In trying to understand all of these dotted lines between companies, we came across some very interesting information that should be taken into account during the decision because it directly relates to who is really requesting the variance. The Quinn Bros Corp in Amherst was purchased in the mid 1990's by Redimix Companies (redimixcompanies.com). Redimix Companies in turn, is a subsidiary of Oldcastle Incorporated. Oldcastle is the U.S. division of CRH, a publicly owned corporation based in Dublin, Ireland. Redimix operates under Oldcastle Materials

Group (OMG), the largest asphalt producer in the country, as well as the third largest aggregate producer. Pike Industries is also a subsidiary of Oldcastle and CRH.

We know from experience that the asphalt plant in Amherst was built and sold to Pike in 2002. Attached is property tax card for Amherst which shows that plant ownership history. Also found through research a relevant press release:

“McLane, Graf, Raulerson & Middleton, Professional Association represented Quinn Bros. Corp. of Amherst, New Hampshire, in the sale of its Asphalt Division, located in Amherst, and the sale of its aggregate processing plant and equipment at its quarry located in Wilton and Lyndeborough, New Hampshire. McLane also represented Quinn Bros. Corp. in negotiating a related long-term mineral lease and agreement concerning the quarry real estate. The sales and lease, worth an estimated \$10 million, were to Pike Industries, Inc. of Belmont, New Hampshire. (McLane.com 2002)”

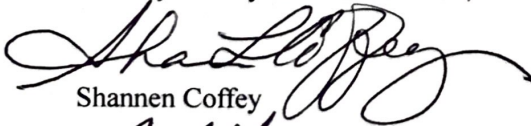
Attached is the noted lease agreement that is on the county registry of deeds between Quinn Bros and Pike Industries which appears to give Pike the option to purchase the Quinn property in Wilton/Lyndeborough in 2027. We think all of this directly counters the hardship profit piece that Quinn’s lawyer brought up in the more recent letter. This isn’t about a small family owned operation being able to be profitable, this is simply a commercial real estate play and the last piece of the puzzle to bring large conglomerate into our town for good. In short, the Quinn’s seem to be operating a front for large conglomerate asphalt/aggregate company. That’s acting in bad faith without proper disclosure of intent and not at all good for Wilton.

Another challenge that hasn’t been taken into account for granting the variance is the mandatory OSHA lighting of the entire plant and specifically the height silo and any other portions of the plant that will be higher than the allowable height. This lighting is required even when an asphalt plant is not in use. Light pollution for surrounding properties will further impinge on the rights of nearby residents to be able to enjoy their properties without being effected by the plant. In order to make an informed decision, the Zoning Board has to request exact (year round) lighting plans that are approved by OSHA and possibly the FAA (if required) before making a decision.

The Wilton Zoning Board needs to be committed to maintaining the rural character of the town, as stated in the Master Plan, to include enjoying the “opportunities for viewing the scenic beauty of the Town and the surrounding countryside”

In summary, we’ve outlined multiple significant problems with the Quinn’s (Pike’s) request for variance. Because of these problems, the variance should be denied. The benefit of one should never trump the detriment of the rest.

Thank you for your consideration,



Shannen Coffey



Joe Coffey

After recording, please return to:  
McLane, Graf, Raulerson & Middleton,  
Professional Association  
P.O. Box 6180  
Nashua, NH 03063-6180

#363

18.34  
20.34

## NOTICE OF LEASE

Notice of the following Lease is hereby given in accordance with the provisions of the New Hampshire Revised Statutes Annotated, Chapter 477, Section 7 and 7-a:

**LESSOR:** **QUINN BROS. CORP.**, a New Hampshire corporation with its principal place of business located at Amherst Business Center, 105 State Route 101A, Unit #5, Amherst, New Hampshire, 03031

**LESSEE:** **PIKE INDUSTRIES, INC.**, a Delaware corporation with its principal place of business located at 3 Eastgate Park Road, Belmont, New Hampshire 03220

**DATE OF EXECUTION:** June 10, 2002

**DESCRIPTION OF DEMISED PREMISES:** See attached Exhibit "A".

**TERM:** The Lease term shall extend at least until March 31, 2013, and thereafter until all of the mineable and merchantable rock, stone, granite, sand and gravel (all as defined in the Lease) on or under the Leased Premises has been mined and removed, but in no event more than ninety-eight (98) years from the date of commencement.

**DATE OF COMMENCEMENT OF TERM:** June 10, 2002.

**RIGHTS OF EXTENSION OR RENEWAL:** None.

**OPTION TO PURCHASE:** The Lease contains an option to purchase a portion of the Leased Premises in favor of Lessee. The portion as to which the purchase option shall apply is to be determined in accordance with provisions set forth in the Lease. The purchase option shall arise on the twenty-fifth (25<sup>th</sup>) anniversary or the Effective Date and terminate on the twenty-sixth (26<sup>th</sup>) anniversary of the Effective Date

BK6648PG1010

Notice of Lease  
Exhibit "A"

1. Parcels of land included within Leased Premises that are owned by Lessor:

TOWN	TAX MAP LOT NO.	APPROX. ACREAGE	BOOK AND PAGE (HILLSBOROUGH COUNTY REGISTRY)
Wilton	B-8	16	2467-840 5449-1914 5449-1911
	B-9	4	6214-1885
	B-10	58	2467-842 4961-0174
	B-104	17	5099-886
	B-105	1.5	5099-886
	B-111	15	2467-844
Lyndeborough	3-5	40	2467-842 4057-0045
	3-6	4.7	5615-659
	3-7	3	2481-365 5092-465

2. Contractual or other rights to other parcels of land associated with Leased Premises:

- Non-exclusive R.O.W. across part of lot B-110 in Wilton described in a Right of Way from FVA-EPVA, Inc. to James Quinn and Thomas Quinn dated December 19, 1986, and recorded with said Registry at Book 3947, Page 222.
- The Leased Premises are intended to include, by way of consented to assignment and transfer to be secured following commencement of the Lease Term, a lease from the State of New Hampshire providing for Lessee's use of a small portion of property adjacent to the State-owned railroad line which runs through the Leased Premises for parking and storage for the gravel operations conducted on the Leased Premises.
- The Leased Premises are also intended to include, by way of consented to assignment and transfer to be secured following commencement of the Lease Term, a right-of-way license from the State of New Hampshire providing for Lessee's crossing of a portion of the State-owned railroad line which runs through the Leased Premises for parking and storage for the gravel operations conducted on the Leased Premises.

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PM 6648PC1012



[Signature page to Notice of Lease.]

EXECUTED as an instrument under seal as of the 7th day of June, 2002.

LESSOR:  
QUINN BROS. CORP.

By: Thomas M. Quinn  
Name: Thomas M. Quinn  
Title: President, Duly Authorized

LESSEE:  
PIKE INDUSTRIES, INC.

By: Randolph K. Pike  
Name: Randolph K. Pike  
Title: President, Duly Authorized

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

On this the 9th day of June, 2002, before me, the undersigned officer, personally appeared Thomas M. Quinn, who acknowledged himself to be the President of Quinn Bros. Corp., and that he, as such President, being authorized so to do, executed the forgoing instrument for the purposes contained herein, by signing the name of the corporation by himself as President.

Thomas W. Hildreth  
Notary Public/Justice of the Peace  
My Commission Expires:

THOMAS W. HILDRETH, Notary Public  
My Commission Expires August 25, 2003

STATE OF NEW HAMPSHIRE  
COUNTY OF Belknap

On this the 7th day of June, 2002, before me, the undersigned officer, personally appeared Randolph K. Pike, who acknowledged himself to be the President of Pike Industries, Inc., and that he, as such President, being authorized so to do, executed the forgoing instrument for the purposes contained therein, by signing the name of the corporation by himself as President.

Deborah A. Reith  
Notary Public/Justice of the Peace  
My Commission Expires:

3/18/03

**Location** 5 CALDWELL DR

**Mblu** 002/ 033/ 001/ /

**Acct#** 3173

**Owner** BROX TRUSTEE STEPEHN M

**Assessment** \$365,400

**PID** 2912

**Building Count** 1

### Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$51,100	\$314,300	\$365,400

### Owner of Record

**Owner** BROX TRUSTEE STEPEHN M  
**Co-Owner** STEPHEN M BROX INDENTURE OF TRUST  
**Address** 1471 METHUEN ST  
DRACUT, MA 01826

**Sale Price** \$500,000  
**Certificate**  
**Book & Page** 8583/2991  
**Sale Date** 07/17/2013  
**Instrument** 1Q

### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BROX TRUSTEE STEPEHN M	\$500,000		8583/2991	1Q	07/17/2013
PIKE INDUSTRIES INC	\$100,000		6648/1002	01	06/10/2002
QUINN BROS CORP	\$0		6230/1732	00	