



**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 6/21/2018

(continued on the next page)

**clerk use only**

Date and time received: \_\_\_\_\_

Received by: \_\_\_\_\_ Amount paid: \_\_\_\_\_

Case #: \_\_\_\_\_ ☐ Abutter list and labels included



**Town of Wilton, NH**  
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**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 keefeandkeefe@tds.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**  
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**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:

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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

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

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3. Granting the variance would do substantial justice: ✓

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

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**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 is 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.

SAMPLE

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.

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.

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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.

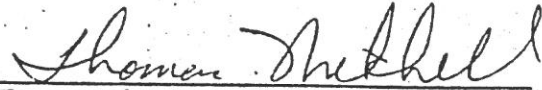
You are hereby notified that the request of Quinn Bros. Corp.

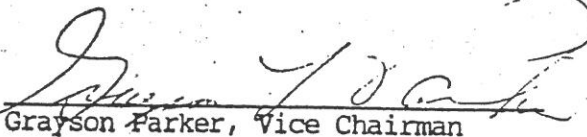
Amherst, NH for a Variance

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

PLANNING BOARD  
TOWN OF WILTON

PLAN FILE #: 418SP-4-90

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:

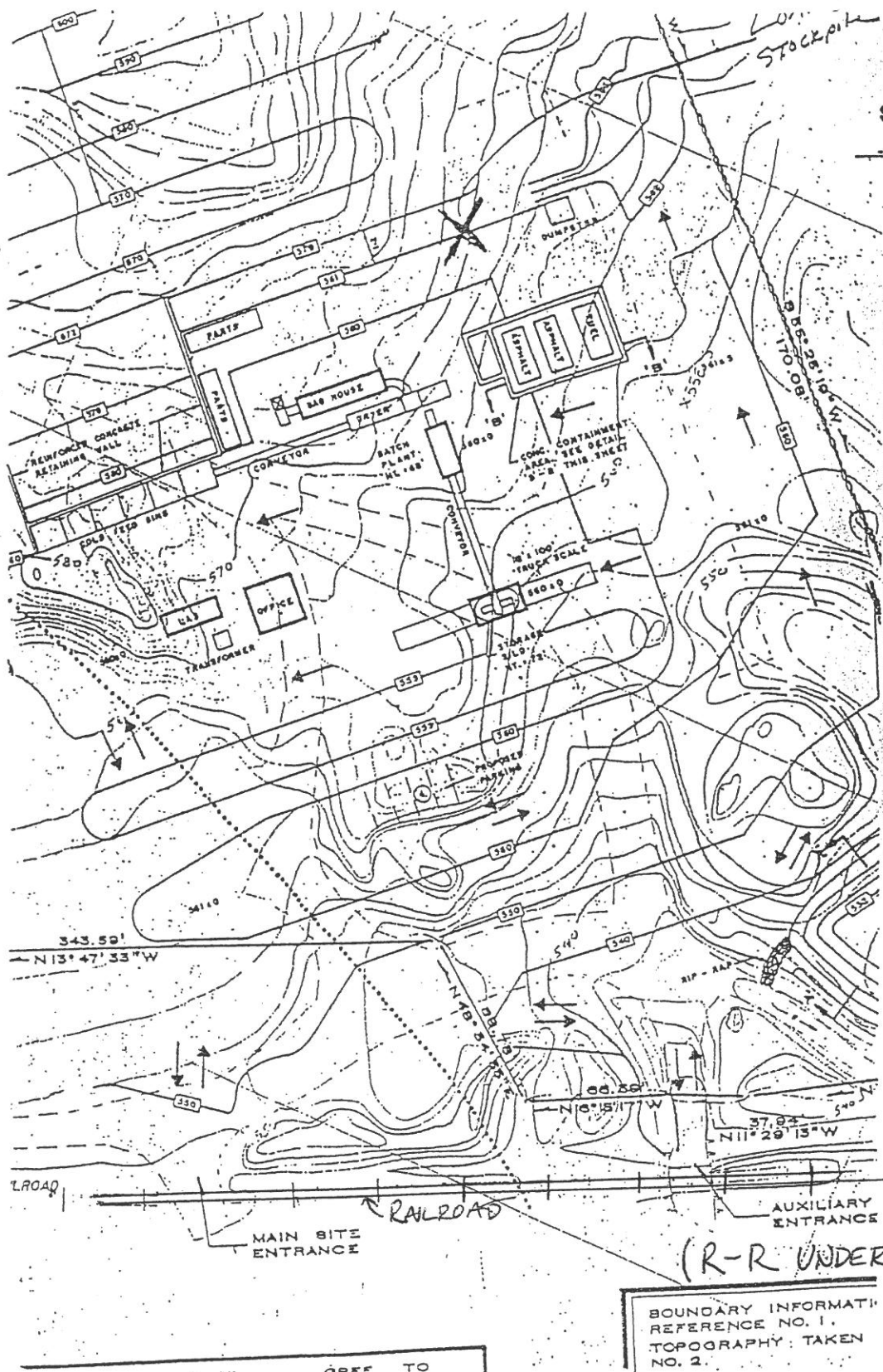
Conditions met 5-16-90 charges \$80.

Signed: \_\_\_\_\_

Chairman, Wilton Planning Board

Date: 5-16-90





WILTON, N. H.

15 BIN  
TRUCK SCALE

P.O. Box 4867  
Rumford, RI 02916

EL. 631'±

14'-4"±

72'-0"±

41'-9"±

14'-9"±

SCALE EL. 560'  
GRADE EL. 559'±

28'-3"±

400-TON CAPACITY  
2 COMPARTMENT  
SURGE BIN (SILO)

CONVEYOR

TRUCK  
SCALE

14'-0"±

2