

Town of Wilton Planning Board
Approved Minutes

Date: 01.29.20

Time: 6:30 PM

Location: Town Hall, Courtroom

Board Members: Bart Hunter, Alec MacMartin, Karon Walker, Neil Faiman, Matt Fish

Staff: John Goeman, NRPC Circuit Rider, and Michele Decoteau, Land Use Administrator

Attendees: Peter Howd, Marilyn Jonas, Anthony Graham, Ralph Buschman, Brent Hautanen, Michael Davidson, Silvano Buffis, Alayna Samsal, Tom Quinn

1. Preliminaries

Board Members Present: M. Fish, B. Hunter, A. MacMartin, K. Walker

M. Fish MOVED to go into Non-public Session at 6:30PM for reasons outlined in RSA 91-A.3 1(I), Consideration of advice provided by legal counsel. B. Hunter SECONDED.

M. Fish – yes

A. MacMartin – yes

K. Walker – yes

B. Hunter – yes. Motion carries.

M. Fish MOVED to return to Public Session at 7:00 PM. B. Hunter SECONDED.

M. Fish – yes

A. MacMartin – yes

K. Walker – yes

B. Hunter – yes. Motion carries.

2. Public Hearing

N. Faiman arrived at 7:00 PM.

A. MacMartin opened the Public Hearing at 7:05PM. This meeting was audio recorded.

N. Faiman left the Board and moved to the audience at 7:06 PM.

K. Walker reviewed the background of the changes proposed to the Industrial District, Downtown Commercial District, and the Research and Office Park District that further define Heavy Manufacturing to give specific examples of heavy manufacturing and which would not be permitted anywhere in town. . She read the draft definition.

Heavy Manufacturing. Any manufacture, processing, conversion or compounding (any of which, “manufacturing”) of extracted or raw materials, including chemicals (or products composed primarily from unprocessed raw materials or chemicals) to create products, or manufacturing that might reasonably be expected to have any adverse impact on surrounding land uses or property values or beyond Town borders. Heavy Manufacturing includes, without limitation, (a) manufacturing products using (1) chemical processes or (2) petroleum, petrochemicals, or

products derived therefrom, or that otherwise involve processing, refining or storing petroleum or petrochemicals (other than reasonable amounts to be used solely as fuel); and (b) the production or storage of explosives or ammunition (except retail sales of ammunition incident to another permitted use).

K. Walker continued. The reasons that the Planning Board took up these potential amendments are two-fold. Many months ago a resident requested some specific changes to the performance standards in the Ordinance. In addition, the Planning Board has a responsibility to make sure that the Zoning Ordinance properly reflects the Master Plan, preserving the rural character and natural resources of Wilton and promoting clean industry. She said that Section 4.6, Performance Standards, is intended to prevent nuisance industries, and excessive odors, noise, and vibration. The Planning Board was concerned that the Ordinance provide guidance about these prohibitions at an earlier phase of a project. She said that the way it works now, most applicants don't get to the performance standard prohibitions until later in the process after having expended substantial time and money.

There were no changes to the language in the proposed warrant article since the last public hearing.

K. Walker reviewed that Heavy Manufacturing and Light Manufacturing have always been defined in the Research and Office Park district and the definition of Light Manufacturing remains largely unchanged. The Downtown Commercial and Commercial Districts have never permitted any kind of heavy industry. The only reason specific sections of these districts were changed was to conform them to the Light Manufacturing definition so there will not be inconsistencies.

A. MacMartin said that one concern that has been raised is development that could adversely affect the downtown traffic situation. There is already congestion, and with the industrial districts so close, there could be even more traffic. In addition, clean industry is desirable on 31 as there is already a town recreational facility, Goss Park that needs a clean environment around it.

K. Walker said that, as the Planning Board developed these amendments, it, looked at regional opportunities for, Heavy Manufacturing. There are nearby towns that permit Heavy Manufacturing and other towns that don't permit Heavy Manufacturing as we are defining it. She continued that this was an appropriate approach given that we are balancing the health and welfare of the Town of Wilton, as well as the impact on our neighboring communities, which we are bound to respect and consider. We aren't prohibiting activity that can't be reasonably pursued nearby and we have to look at regional impacts and opportunities.

A. MacMartin said these changes are also in concert with the Master Plan, which has historically and currently focused on maintaining the rural character of the town. He noted that Section 4.6 does not permit activities that have impact off site. If you look at those in context with what we are proposing here, we are making it clear that this is what Wilton's about.

M. Fish said that when we propose new ordinances, as we are now, we always look at the Master Plan. In 2012 we had a community survey and in 2016 we had a design charrette. 72% of the responses describe the rural character as the most important aspect of Wilton and 89% said rural character was an economic strength. He said the Town was concerned about protecting natural resources, one of which is the stratified drift aquifers. The majority of the land in our Industrial District is either over or close to the two mapped drift aquifers.

Public Comments

M. Davidson (owns commercial and industrial property in Wilton) said he didn't feel land owners are allowed enough input. He said that heavy manufacturing does not always provide a negative, but today we can mitigate it to standards that are acceptable. He said that he as a landowners doesn't get enough input when this affects the value of the land we own and we don't have much redress on jobs and economics, what we have versus what we are losing. He said that heavy industry isn't necessarily the end of civilization. A. MacMartin said we have existing industries that could be considered Heavy Manufacturing and they are allowed to continue and reasonably expand. M. Davidson said property owners can't progress.

The Board discussed various industries existing in town and if they would be considered Heavy Manufacturing. M. Davidson said that disallowing heavy industry islands the town and the people in it. He said that we aren't in tourist area like up north. A. MacMartin said this is an attempt to balance the need for industry against protecting the natural resources.

T. Quinn (Quinn Properties) said he takes great exception to the idea that if you want to do something, you can go somewhere else. That is not an easy thing to do. He said, we can't move our quarry, we've been here for 40 years. It isn't that easy and doesn't make economic sense for us. It is expensive to move material around. A. MacMartin said that if you look at the performance standards that should guide you as to what is permitted. T. Quinn asked why the 4.6 Performance Standards were not enough. He asked why you need to ban certain operations. A. MacMartin said zoning is a growing thing, and the Master Plan is the guiding document and over time that changes. The Planning Board is trying to match the Ordinance to the Master Plan. Maintaining the rural character has always been important to the Wilton residents, and they have tried to balance that out with the excavation and other ordinances. A. MacMartin reviewed the history of the gravel overlay district and how that grew out of the Master Plan.

T. Quinn said that you are taking away the rights of property owners. He said that he understood you can go for a variance, but that is not a guarantee.

The Board discussed the Performance Standards.

T. Quinn mentioned that there is a crematorium in town and he asked if this met the Performance Standards. M. Fish reviewed the case history for the crematorium. T. Quinn said that he could make the case that many of the industries could be done cleanly. He claimed that the amendment was designed to exclude asphalt plants and is excluding other industries as well. A. MacMartin said this is not specifically targeting any industry, it is growing out of a residents' requests and the Master Plan.

The Board discussed heavy industry and its impact on property values. T. Quinn listed a number of industries that might be excluded without a variance. The Board stated that the aquifers and other natural resources were things the Town wanted to protect and it would be risky to permit them close to potential aquifers.

T. Quinn said that this presumes a poor planning process. He said that part of the design process is limiting the times things can go wrong; with good site plan review, that shouldn't happen. A. MacMartin said who owns and operates a business changes over time and that is a risk that the Town doesn't want to take.

M. Fish reviewed a number of properties that had been through the site plan process, but there had still been unanticipated adverse consequences that eventually led the Planning Board to recommend changes to the aquifer protection district. He said that we as a town decided it needed to take action.

T. Quinn said this is the first of what may be things where individual property rights are reduced or taken away. He said he could guarantee that property taxes would not drop as a result of a loss of potential opportunities. He said, if we can't use the property, I would hope we would see a decrease in tax bills. Second, he cautioned if there is something in town that a group does not like, we are the first to have our rights taken away.

The Board and T. Quinn discussed whether these proposed changes were substantial. M. Fish said this is about balancing the community's need for economic diversity and maintaining the rural character. T. Quinn asked what was wrong with leaving the ordinance as it is; why does it have to change? A. MacMartin said we are trying to keep up with the Master Plan, and make the sure ordinance is clear so that people don't spend time and money when they cannot meet the performance standards; they could get missed. He said that the amendments key the performance standards into permitted uses.

M. Jonas (Fairfield Lane) thanked the Board for its hard work. She said that when she chose a town to live in, she chose one with clean air and clean water.

B. Hunter said this whole process has been going on for 4 or 5 years. The Planning Board has updated the Master Plan and the Ordinance all along. These changes came out of the charrette that showed that the people of Wilton want a rural community. He said that if we allow heavy industry, we are going to continue to have empty lots and people won't be building in town.

R. Bushman (Sandhill Road), said that we have a town of people who came here because it is rural, and he hopes that everyone comes to Town Meeting and exercises their right to govern the town and move the town in that direction.

T. Quinn asked if the town decided they didn't want elderly housing and work force housing, could they do away with that too? A. MacMartin said that the Planning Board is exercising its authority under the police powers to protect the health, safety, and welfare of the town. T. Quinn said this Board will be making a mistake by pushing this forward.

B. Hunter said we have listened to the people of Wilton who have said they don't want it and we have worked on this ordinance in response to that. In March, the people will have to decide that they want. It isn't the Planning Board who is saying this, it is the people.

T. Quinn said he does appreciate that the Board is listening to the Town. That is a good thing. A lot of boards are unresponsive to people. He said that it is also important to weigh what is legal and that this is vetted with the Town Attorney. A. MacMartin said the Board had consulted with the Town Attorney. T. Quinn continued, just because the citizens want it, there is a balance with what people want and what is legal

M. Fish referred back to the Master Plan and read the vision statement on page 2 of the Vision Chapter:

The vision for Wilton builds upon the past work of the Wilton Master Plan Committee, which first met in 1987, and the goals and objectives of the 1999 Master Plan. The vision statements below refine the goals from the 1999 Master Plan and incorporate new visions that resulted from public outreach in 2012-2013. The overall vision for Wilton is:

To remain a small-town that protects its rural environment, historic charm, and natural resources, while promoting opportunity for a variety of residential development and local business opportunities that are compatible and respond to the current needs of the community and support the local economy.

He also read from Chapter 8. He continued that the Master Plan dovetails well with the proposed Ordinance.

M. Davidson said that when you spend a lifetime in a town, and watch change, it isn't always a valid change. What has transpired in the past doesn't decrease the value of the town. He said that it is wonderful to have homes that require goods and services but industry provides employment and taxation. He said that he thought the heavy industry prohibitions are punitive.

M. Fish said it is important to note that this is not banning all industry, but only nuisance industries. Many industries are still allowed. The commercial and light industrial uses are still allowed. He noted that the Town of Wilton has done more than many of the surrounding towns, but traffic is significant. He said that he couldn't think of any industry that would Heavy Manufacturing as currently defined, that has been here.

M. Davidson said that these restrictions will make it harder to pay taxes and it isn't the right statement to make when you already have the performance standards. He thought that this will completely devastate Wilton and he saw no reason for this to be allowed.

M. Jonas said that the EPA regulations that protected us are being slowly chipped away and so it is a good time to do this. She said it made her feel safer.

M. Fish said we have always supported industrial uses. The Town restricts residential use in the Industrial District to reduce conflict. The Town also created the Research and Office Park district and the Gravel District. He said that this is a fine balance. This isn't a big change.

T. Quinn asked how new many projects have been proposed in the Industrial District recently. M. Fish said that the Town is always looking to expand activity on Route 31 North and South. The Office and Research Park district was created in response to requests from land owners.

There was a short discussion about how to attract commercial uses to Wilton and where to locate them. Generally, everyone hoped the economy would improve and that there would be more development proposed in Wilton. T. Quinn said he has been researching other ways to use his property, the highest and best uses may be Heavy Manufacturing, so that is a problem for him. His last question was where does the proposed change not directly target asphalt plants? T. Quinn reiterated that he felt this was specifically targeting the asphalt plant and hurting other land owners in the process. M. Fish said that a blast furnace or a telephone pole treatment plant is also not allowed.

The question was posed when this amendment was first drafted. A draft of revised performance standards was proposed by a resident over the summer and the Planning Board addressed it shortly thereafter. Since then it has remained largely unchanged.

A. Samsel said that even if the revised Ordinance was directly in response to the asphalt plant that is totally acceptable. She said that this is how democracy works; one of the founding principles of America is that you can do whatever you want as long as you don't affect other people. Shew said that there are tons of places you can make money; this is a tiny space in the country.

T. Quinn said that he was audio recording the meeting.

The Board discussed its obligation to remain responsive to the community's needs.

B. Hunter MOVED to close the Public Hearing. K. Walker SECONDED.

Discussion

T. Quinn said he said he appreciated the Board and the work they do.

M. Fish said that the Quinn Brothers' company have always supported the town. They have supported our parks, our churches and our town.

J. Goeman suggested voting on the final language before closing the public hearing.

K. Walker MOVED to table the motion to close the public hearing. M. Fish SECONDED. All in Favor

K. Walker MOVED to adopt the proposed amendments as set forth in the draft presented to the Board at the January 29, 2020, meeting and reflecting the changes to the Commercial, Downtown Commercial, Industrial and Office and Research Park Districts sections of the Ordinance. M. Fish SECOND. All in favor.

K. Walker MOVED to close the Public Hearing. B. Hunter SECONDED. All in favor.

A. MacMartin thanked the audience.

N. Faïman returned to the Board at 8:21 PM.

3. Warrant article language

J. Goeman reviewed the draft. K. Walker suggested adding "comprehensive" in the first and eighth articles. The Board discussed how to sort the articles so they were independent.

The Board discussed having a list of action items for next year.

N. Faïman MOVED that the Board submit to the Town of Wilton warrant articles as reviewed and amended at this meeting, and recommend them to the Select Board as the language for the Zoning

Amendment warrant articles for the 2020 Town Meeting Warrant. B. Hunter SECONDED. All in favor

4. Voter's Guide Language

This needs to be matched up as closely as possible to the actual warrants. The Board decided to continue to working on this over the next few meetings.

5. Master Plan chapters

The Board discussed which of the chapter was the oldest. The decision was to review the Goals and Objectives and Vision chapters and, if time permits, the Future of Land Use chapter as well. The majority of the other chapters have been reviewed since 2015.

J. Goeman stated that the NRPC has a new survey tool that works more interactively with maps and demographic tools. He will bring an example. M. Fish suggested using Survey Monkey on an annual basis.

6. Correspondence

Noted

7. Other Business

Sign Certificates - completed

Minutes

K. Walker MOVED that the minutes from 01.15.20 be adopted as amended. B. Hunter SECONDED. All in Favor.

Updates from the Select Board

M. Fish updated the Planning Board. The Select Board was discussing the process for impact fee collection and how they are going to be spent. The Select Board is proposing to use the road portion of the Impact Fees to purchase aggregate to help with some of the dirt roads in town.

8. Adjourn

K. Walker MOVED to adjourn at 9:08. B. Hunter SECONDED. All in Favor.

Respectfully submitted by Michele Decoteau, Land Use Administrator
Approved on 02.19.20