

**ZONING BOARD OF ADJUSTMENT  
PLAINFIELD, NEW HAMPSHIRE**

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold a public hearing on the following application on **Monday May 14th at 7:30pm at the Meriden Town Hall:**

**Case 2018-02:** John Tomlinson a request to establish a cottage business at #177 Ladieu Road, special exception #34 and or any other applicable section of the Plainfield zoning ordinance. The property consists of 56 acres and is zoned RR and RCII. The proposed business is the storage/rental of portable toilets. On site activities will include office functions, storage and general maintenance of unrented units.

**The full project file is available for public inspection at the town office. An electronic version of the application is available online at [www.plainfieldnh.org/zba.htm](http://www.plainfieldnh.org/zba.htm)**

While not required to attend, abutters and interested parties are encouraged to attend either in person or by counsel and state reasons why the application should or should not be granted.

Notice prepared by Stephen Halleran on behalf of the  
ZONING BOARD OF ADJUSTMENT/PLANNING BOARD  
April 30<sup>th</sup> 2018

PLAINFIELD ZONING BOARD OF ADJUSTMENT  
APPLICATION FOR APPEAL

PLEASE READ: This form should be completed after discussions with the town's zoning administrator about the proposal. If you have not already done so, please contact the zoning administrator (469-3201).

Applicant's name: John Tomlinson PLE

Mailing address: PO Box 312  
Merrim NH 03770

Property Street address: #177 Ladieu RD

Tax Map / Lot Number: 229 1/2

Zoning district: RR/RCH

Property owner of record:

Type of appeal (check one):

- variance  
 special exception #       
 administrative decision

Applicants signature: [Signature]

- Required Attachments:
- a) applicant signed description of the proposal.
  - b) site map(s) exterior/interior.
  - c) abutter list with mailing addresses.

Fee: application \$50.00  
notification \$30.00 Total \$ 80.00

Hearing Date: 5/14/18

In order to be on the meeting agenda for the above date, your paid application must be received at the town office no later than Monday 4/30 (ZBA rule 9.3).

\*\*\*\*\*

Office Use

date filed: 4/25/18  
case number: 18-02  
attachments: y/n  
fee paid: y/n

DOU 2009

April 26<sup>th</sup>, 2018

John Tomlinson  
POB 312  
177 Ladieu Road  
Meriden NH 03770

Zoning Board of Adjustment  
Plainfield NH

To the Members of the Zoning Board,

This letter is to request permission from the ZBA to function as an "Approved Cottage Business" as described in section 3.4 of the Plainfield Zoning and Building Ordinance (March 2018 revision). Our family lives at 177 Ladieu Road on 56 acres which is zoned RC-II and RR. I wish to pursue starting and developing a portable sanitation business housed and run from this address. I work full time at Valley Regional Hospital as the sole member of the Department of Anesthesia and have served as the Chief of Surgery and the Co-Vice Chair of the Board of Trustees for several years. In this capacity I feel capable in compliance matters as well as relevant principles of hygiene.

Our property was developed by the Cherrington family in 1974 and has a side yard approximately 200 feet from our residence, 150 feet beyond a workshop/office building and 100 feet from John and Jen Houde's property line. This boundary is approximately one quarter mile from their home and has densely wooded land between it and their home. The home of Reed Brozen and Andrea Brown is a similar distance from the proposed site and Doug Carver's home is about one half mile away. There are two other abutting unoccupied lots owned by the Miller's and Halleran's. The yard where the business would be staged is approximately 100 ft by 200 ft and is a suitably flat and dry area for housing the portable units as well as two vehicles and two trailers. I am requesting permission for housing 100 units, two trucks and two trailers at the site and for utilizing four employees. A metal carport 12 ft by 22 ft exists currently and would be moved to this yard as well as a second similarly sized structure to house the vehicles.

The business would run from the outbuilding you see as you drive onto the property. This building has a suitable office to run the business as well as the workshop for servicing and maintaining the portable units.

The NH Department of Environmental Service would permit the truck and tank combinations as suitable for hauling septage. I have discussed this process at length with Tim Sweatt at the DES and we are confident that my proposed tank/truck combination would be suitable for permitting. I plan on purchasing a new stainless

steel tank system to be used with a truck in used but excellent condition. The permit is to ensure that the vehicle and tanks are suitable for safe hauling of septage waste on public roads in the state. A fact sheet from the DES and the relevant Code of Administrative Rules sections are attached. (See DES Fact Sheet and Env-Wq parts 1605 and 1607).

All activity on the property will involve empty units containing only minimal residual waste in the holding portion of the toilet. The portion of the unit outside the tank will be rinsed and wiped with a hose or pressure washer and a biodegradable detergent. The rinsewater from this process will enter or dwell on the surface of the proposed yard. A layer of driveway stone will be placed to improve the durability of the surface and to mitigate the leaching of this rinsewater into the ground and allow some portion of it to evaporate. At full capacity of 100 units approximately 20 units being serviced at the site per day during peak operating season (April to October) this equates to about 40 gallons of rinse water/soap. This is similarly equivalent to washing a car.

The septage and associated disinfectants and deodorizers will all be contained in the tank and delivered to the Claremont Treatment facility prior to the truck returning the the site. There will be an exceptional occasion that some amount of septage would dwell in this tank overnight prior to discharge at the treatment facility. Env-Wq 1607 requires that all disinfectants and deodorizers used be compatible with wastewater treatment facilities.


For thoroughness in addressing all environmental concerns, there will be two additional vehicles parked on site. They would remain covered while parked, be state inspected and in good repair.

In conclusion, I hope my application and attachments are sufficient for the purpose of your review. I look forward to hearing from you; should you have any questions or concerns in advance of the meeting on May 14<sup>th</sup>, please feel free to contact me.

Respectfully,



John Tomlinson  
[Jtomli33@gmail.com](mailto:Jtomli33@gmail.com)  
603 298 9492

OWNER INFORMATION	SALES HISTORY	PICTURE																								
<b>TOMLINSON, JOHN W</b> & CORINNE M PO BOX 312  MERIDEN, NH 03770	<table border="1"> <thead> <tr> <th>Date</th> <th>Book</th> <th>Page</th> <th>Type</th> <th>Price</th> <th>Grantor</th> </tr> </thead> <tbody> <tr> <td>06/04/2007</td> <td>1642</td> <td>631</td> <td>Q I</td> <td>555,000</td> <td>MARTINO, MICHELE</td> </tr> <tr> <td>10/05/2006</td> <td>1607</td> <td>759</td> <td>Q I</td> <td>545,000</td> <td>CHERRINGTON, M</td> </tr> <tr> <td>07/01/1991</td> <td>942</td> <td>94</td> <td>U I 38</td> <td>20,000</td> <td>CHERRINGTON</td> </tr> </tbody> </table>	Date	Book	Page	Type	Price	Grantor	06/04/2007	1642	631	Q I	555,000	MARTINO, MICHELE	10/05/2006	1607	759	Q I	545,000	CHERRINGTON, M	07/01/1991	942	94	U I 38	20,000	CHERRINGTON	
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LISTING HISTORY	NOTES																									
07/28/16 GWH 07/30/15 GWH 07/17/14 GWH 12/12/12 JBVL 05/10/11 GWH 09/15/08 KCHN 03/12/08 GRUM 06/05/07 SH	GRAY; DW IS .2 MI LONG; HAS ROW THRU 11A-14.3; STONE FOUNDATION, GRAVEL FLR, H20; WAS 11A 3; 2011 RE-ROOFED, REAR 27' DORMER ADDED, MASTER BATH ENLARGED, 3RD BTH & 4TH BDRM ADDED, NEEDS FLRING IN MASTER BEDROOM & NEW BEDROOM, FIXTURES & TRIM IN 3RD BATHROOM = UC; 12/12 FIX GAR SHAPE; NC TO UC; PRS HAVE SKIRT AT FRNT OF HSE; PU CPT; FIX DEK SHAPE; DNPU LOW VLT; DNPU BLOCKED SEASONAL VU; 2016 NVC TO UC																									

EXTRA FEATURES VALUATION								MUNICIPAL SOFTWARE BY AVITAR				
Feature Type	Units	Lngh	Width	Size Adj	Rate	Cond	Market Value	Notes	<b>PLAINFIELD ASSESSING OFFICE</b>			
GARAGE-1.75 STY	560	28 x 20		89	27.00	100	13,457	2ND FLOOR FINISHED				
PATIO	350	25 x 14		106	7.00	60	1,558	SLATE				
DECK	16	4 x 4		400	7.00	60	269	ATT GAR				
HOT TUB	1			100	1,500.00	100	1,500	IN DEK				
CARPORT METAL	312	12 x 26		111	8.00	70	1,939					
							<b>18,700</b>					
PARCEL TOTAL TAXABLE VALUE								Year	Building	Features	Land	
								2016	\$ 318,000	\$ 18,700	\$ 63,605	
								Parcel Total: \$ 400,305				
								2017	\$ 318,000	\$ 18,700	\$ 64,218	
								Parcel Total: \$ 400,918				
								<b>2018</b>	<b>\$ 318,000</b>	<b>\$ 18,700</b>	<b>\$ 64,218</b>	
								<b>Parcel Total: \$ 400,918</b>				

LAND VALUATION															
<b>Zone: RR-RURAL RES</b>				<b>Minimum Acreage: 3.50</b>				<b>Minimum Frontage: 200</b>				<b>Site: VERY GOOD Driveway: GRAVEL/DIRT Road: GRAVEL/DIRT</b>			
Land Type	Units	Base Rate	NC	Adj	Site	Road	DWay	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes	
IF RES	1.000 ac	59,000	F	110	110	95	95	95 -- MILD	95	58,100	0	N	58,100	ROW	
FARM LAND	3.600 ac	x 3,000	X	78				95 -- MILD	100	8,000	80	N	1,211		
UNMNGD PINE	16.000 ac	x 3,000	X	78				90 -- ROLLING	100	33,700	100	N	2,574		
UNMNGD HARDWD	29.400 ac	x 3,000	X	78				90 -- ROLLING	100	61,900	100	N	2,035		
UNMNGD OTHER	6.000 ac	x 3,000	X	78				90 -- ROLLING	100	12,600	100	N	298		
										<b>56.000 ac</b>			<b>174,300</b>	<b>64,218</b>	



**OWNER**  
**TOMLINSON, JOHN W**  
 & CORINNE M  
 PO BOX 312  
 MERIDEN, NH 03770

TAXABLE DISTRICTS	
District	Percentage

**BUILDING DETAILS**

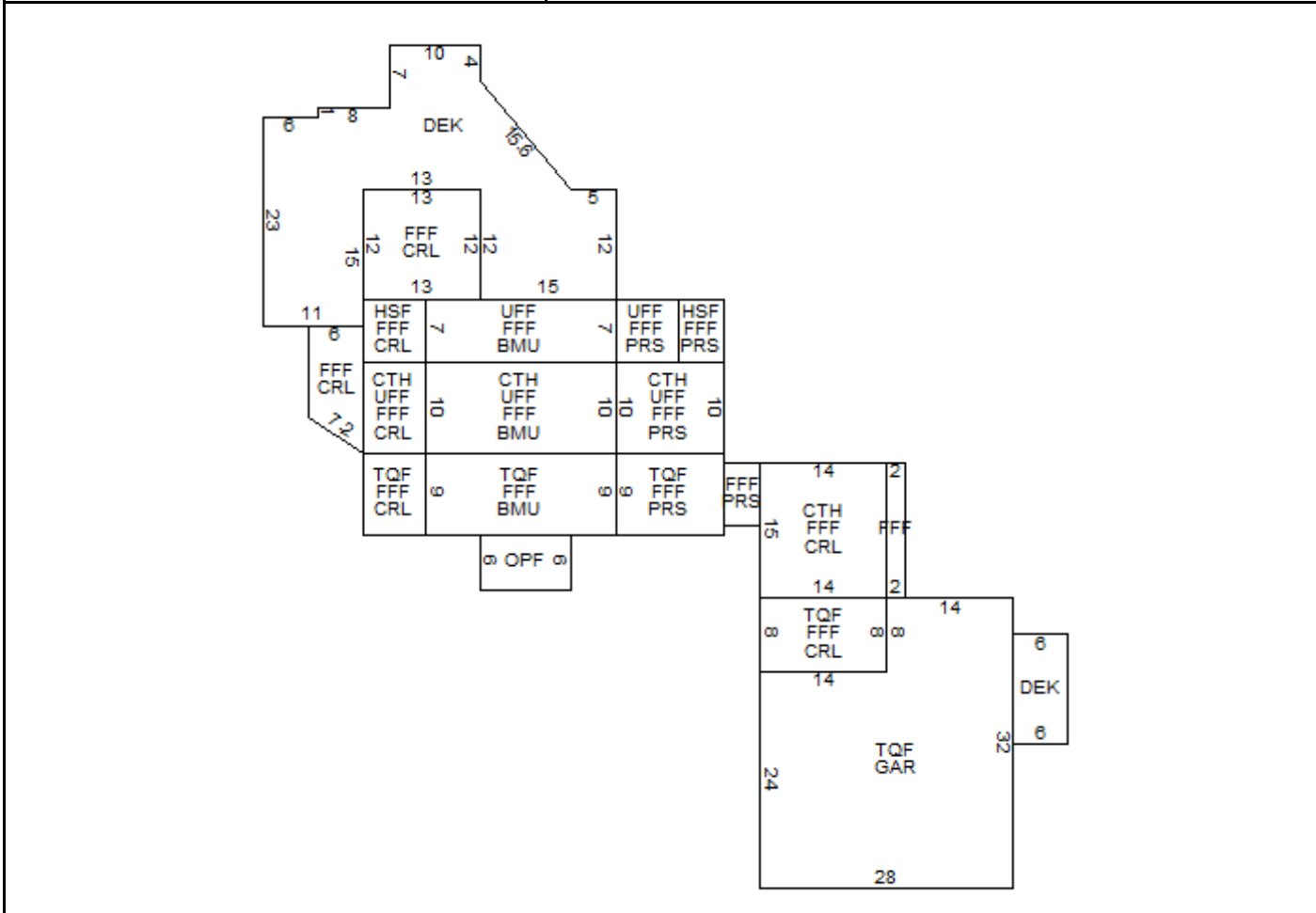
Model: **1.75 STORY FRAME CAPE**  
 Roof: **GABLE OR HIP/STANDING SEAM**  
 Ext: **WOOD SHINGLE**  
 Int: **DRYWALL**  
 Floor: **HARDWOOD**  
 Heat: **OIL/HOT WATER**

Bedrooms: **4**    Baths: **3.0**    Fixtures: **6**  
 Extra Kitchens:    Fireplaces:  
 A/C: **No**    Generators:

Quality: **A5 EXCELLENT-**  
 Com. Wall:  
 Size Adj: **0.8447**    Base Rate: **RSA 76.00**  
    Bldg. Rate: **1.2541**  
    Sq. Foot Cost: **\$ 95.31**

**PERMITS**

Date	Permit ID	Permit Type	Notes



**BUILDING SUB AREA DETAILS**

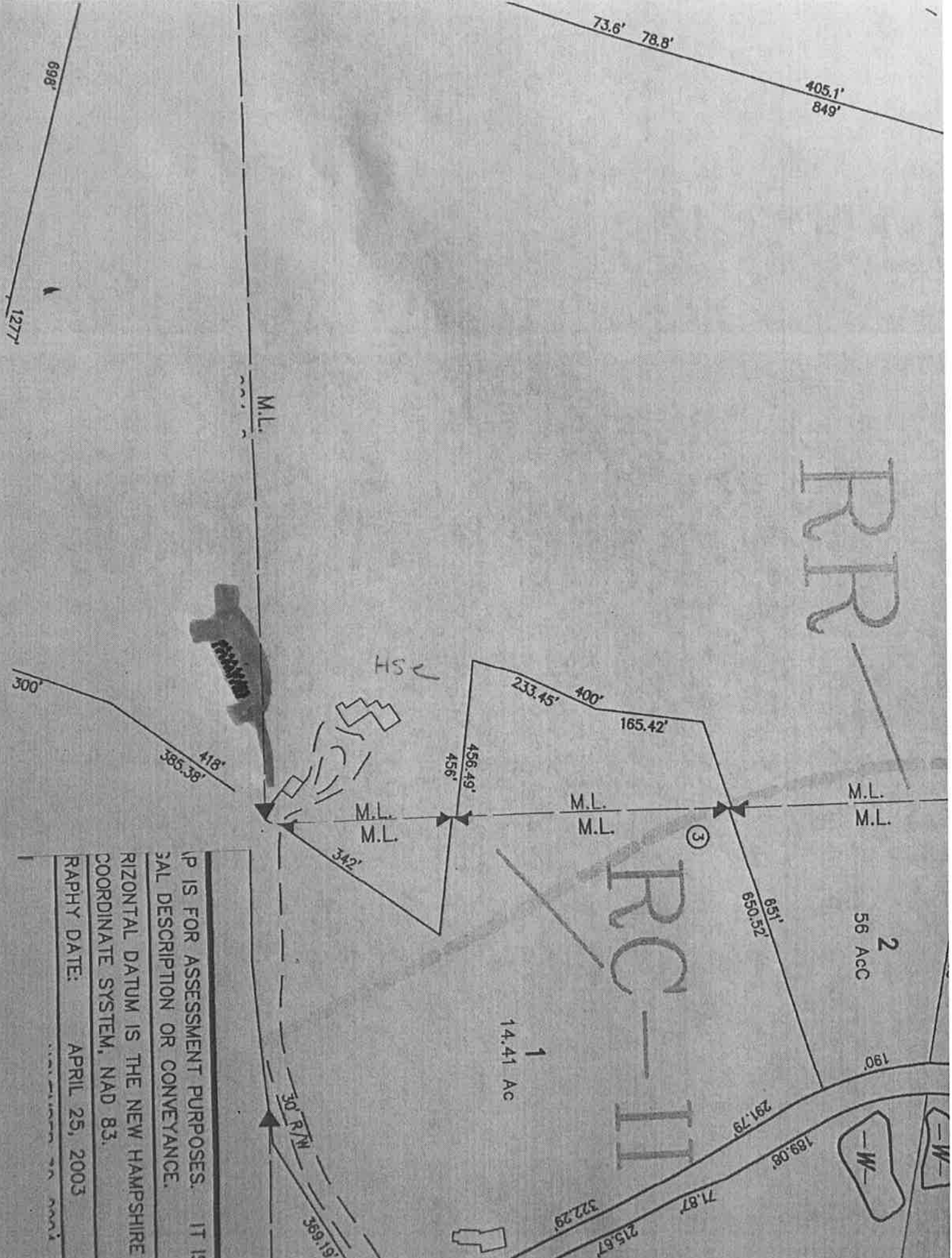
ID	Description	Area	Adj.	Effect.
FFF	FST FLR FIN	1648	1.00	1648
OPF	OPEN PORCH FIN	60	0.25	15
UFF	UPPER FLR FIN	596	1.00	596
CRL	CRAWL SPACE	732	0.05	37
CTH	CATHEDRAL	610	0.10	61
TQF	3/4 STRY FIN	1256	0.75	942
GAR	GARAGE ATTCHD	784	0.45	353
HSF	1/2 STRY FIN	84	0.50	42
BMU	BSMNT	546	0.15	82
PRS	PIERS	340	-0.05	-17
DEK	DECK/ENTRANCE	757	0.10	76
<b>GLA:</b>	<b>3,228</b>	<b>7,413</b>		<b>3,835</b>

**2013 BASE YEAR BUILDING VALUATION**

Market Cost New:	<b>\$ 365,514</b>
Year Built:	<b>1972</b>
Condition For Age:	<b>VERY GOOD 10 %</b>
Physical:	
Functional:	<b>BSMT 2 %</b>
Economic:	
Temporary:	<b>UC 2013 1 %</b>
Total Depreciation:	<b>13 %</b>
Building Value:	<b>\$ 318,000</b>



Imagery ©2018 DigitalGlobe, USDA Farm Service Agency, Map data ©2018 Google 200 ft



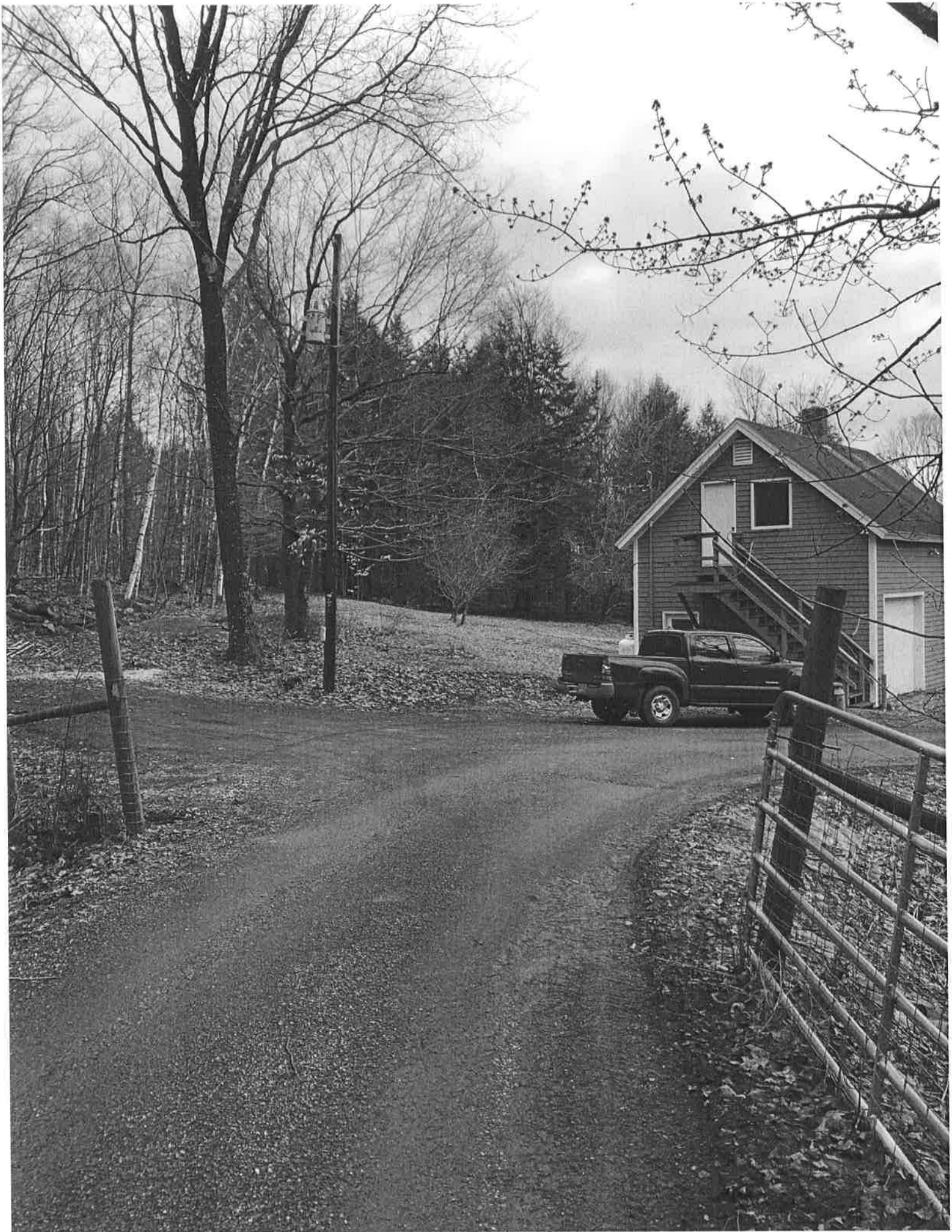
THIS MAP IS FOR ASSESSMENT PURPOSES. IT IS NOT A LEGAL DESCRIPTION OR CONVEYANCE. THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE COORDINATE SYSTEM, NAD 83.

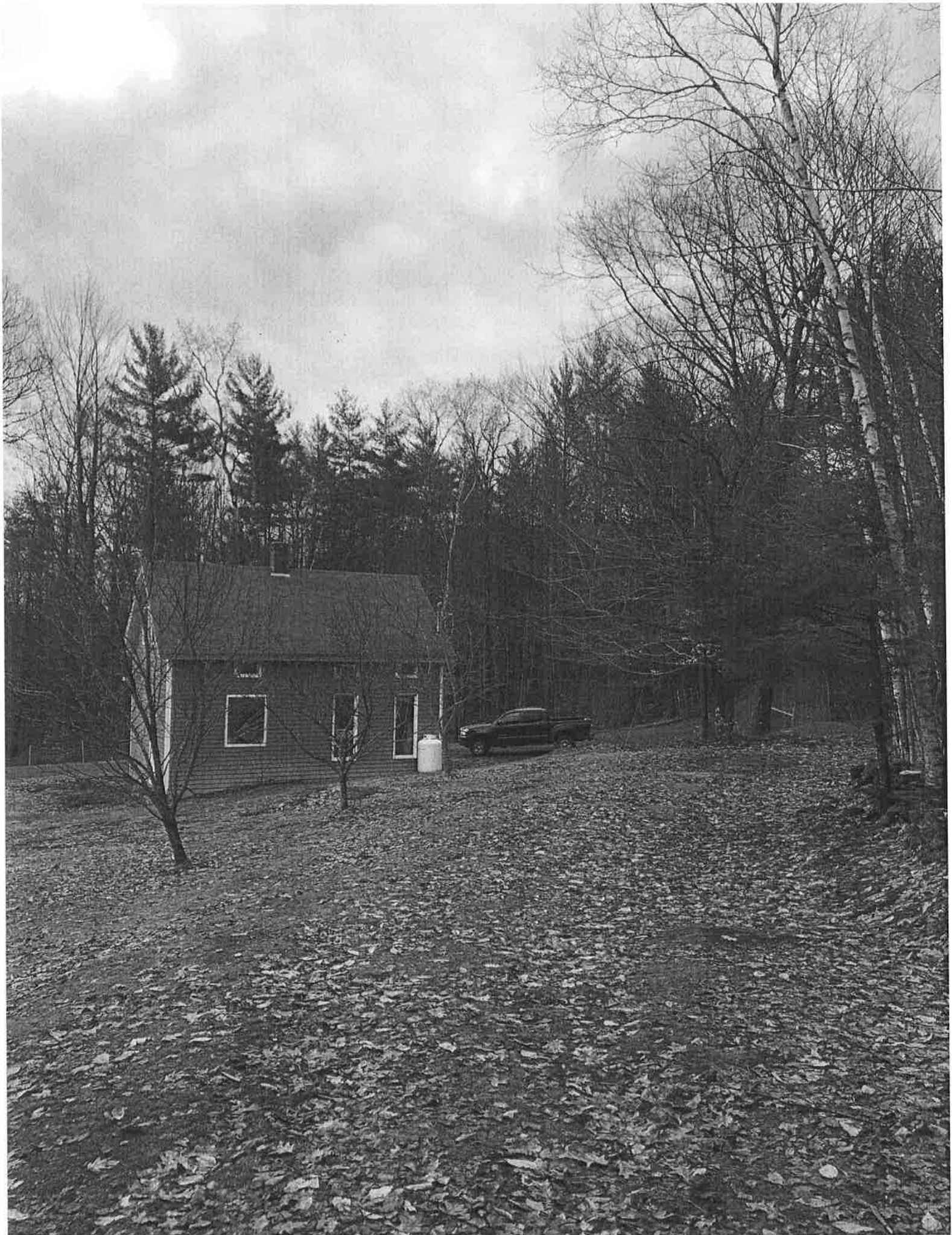
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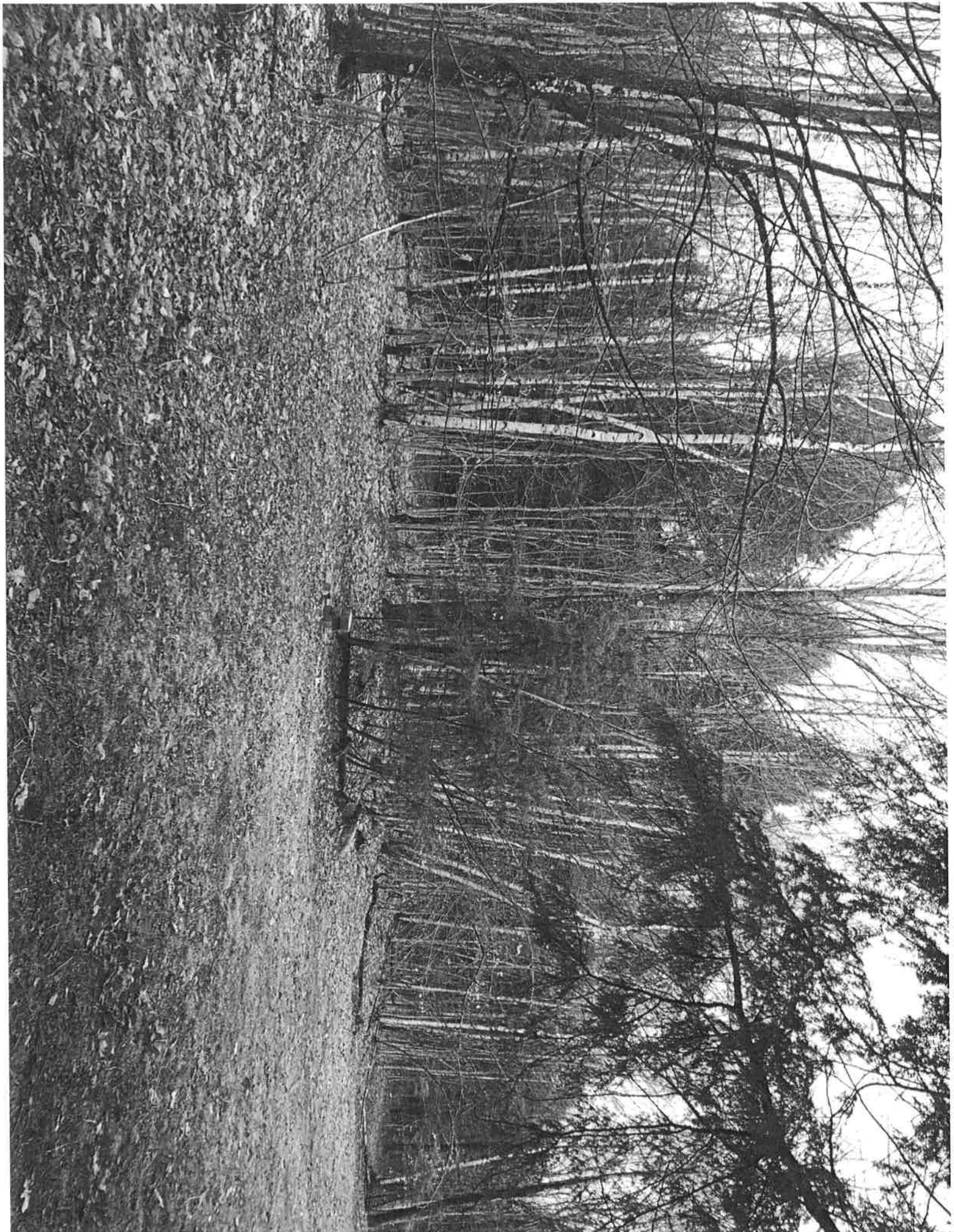
DATE: APRIL 25, 2003



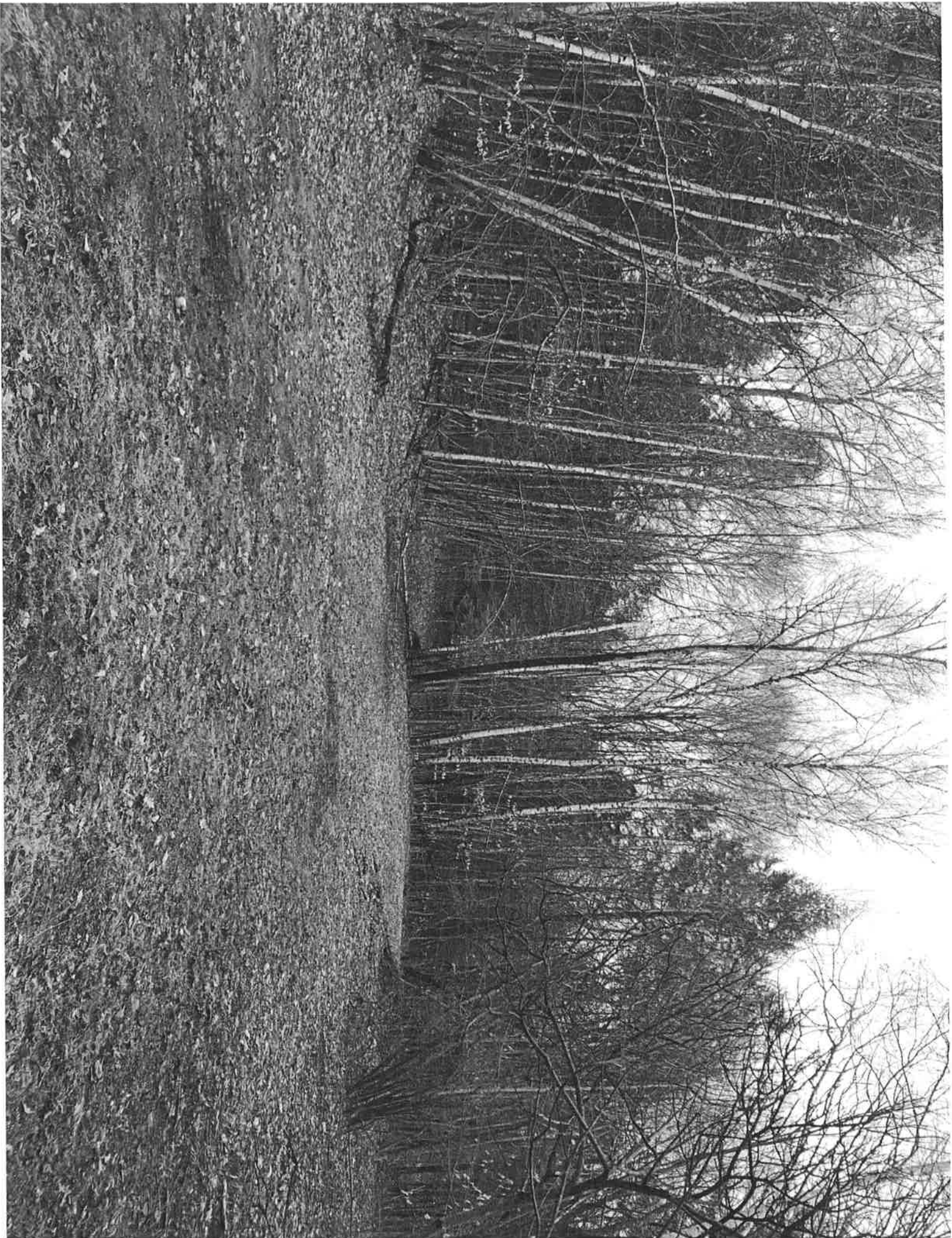












# ENVIRONMENTAL Fact Sheet



29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • www.des.nh.gov

WD-WEB-11

2006

## Septage Hauling in New Hampshire

### What is a Septage Hauler?

DES Septage Management Rules, Env-Wq 1600, define a *hauler* as any person engaged in the removal or transportation of septage. *Septage* is defined as “material removed from septic tanks, cesspools, holding tanks, or other sewage treatment storage units, excluding sewage sludge from public treatment works and industrial waste and any other sludge.” Septage includes solids and other material removed from septage lagoons, waste from portable toilet and Type III marine sanitation devices, and grease trap waste that has been co-mingled with wastewater. Septage does not include exceptional quality (EQ) solids or EQ filtrate.

### What Permits are Required?

Any person wishing to haul septage that has been generated, processed, transferred, stored, used or disposed in New Hampshire must first apply for a septage hauler permit through the DES Wastewater Engineering Bureau. One permit is required for *each tank* that will be used to remove and transport septage.

- 1) *General Applicant Information.* This includes the name, mailing address and daytime telephone number of the applicant and owner (if an individual), the name, address and telephone number of the applicant’s business and contact person, and any telephone numbers to be used in case of emergency.
- 2) *Vehicle Information.* This includes the vehicle identification number and license plate number for each vehicle that will be used to transport septage, size of tanks in gallons, and the tank identification number(s) if applicable. All tanks used to transport septage shall have been inspected by the department within the previous two years and are in compliance with Env-Wq 1605.08.
- 3) *List of Disposal Sites.* This includes the location of each site, facility and wastewater treatment facility to which septage will be taken to for disposal and an owner or operator’s signature for each listed disposal site, facility, and wastewater treatment facility
- 4) *Applicant Signature.* This certifies that:
  - (a) All vehicles and tanks proposed to transport septage have met all federal and state motor vehicle requirements for septage transportation,

- (b) The applicant assumes responsibility for ensuring that all persons who will be transporting septage with the applicant's vehicle(s) are familiar with Env-Wq 1600 (DES's Septage Management Rules), and
  - (c) The applicant has not been convicted of a misdemeanor under any statute administered by the department within five years prior to the date of application or of a felony in any state or federal court during the ten years prior to the date of application.
- 5) *Septage Hauler Permit Fees.* A fee in the amount of \$100 *per tank* and \$5 *per permit plate* should be submitted with all septage hauler permit applications. Make checks payable to "Treasurer- State of New Hampshire."

### **What Are Permit Applicants Required to Submit?**

#### **The Permit Process**

Applications are reviewed for completion. All the necessary signatures and fees must accompany all applications submitted to DES. Septage hauler permits have a term of two years or less and expire on January 31 of odd-numbered years. Persons wishing to renew a septage hauler permit shall submit an application to DES at least 15 days prior to expiration of the permit. All tanks used to transport septage shall have been inspected by the department within the previous two years and are in compliance with Env-Wq 1605.08.

Any hauler who has been issued a permit shall:

- Display the hauler's name, principal place of business, and telephone number on both sides of the vehicle or tank used to transport septage, in permanent and legible lettering at least 3 inches high.
- Maintain a copy of the permit in the vehicle to which the permit is issued and display the permit plate mounted according to Env-Wq 1605.07 (d).
- Maintain all tanks and hoses used to pump and transport septage so as not to create unreasonable malodors or a public health hazard.

#### **Transportation of Septage**

All tanks shall be inspected by the hauler prior to transport on public roads to ensure that septage will not leak, spill, or run out of the tank or hoses; and All vehicles used to transport the tanks shall be equipped, at all times, with spill control or absorbent materials and disinfectant materials sufficient to treat a 25-gallon spill.

#### **Contact Information**

Septage hauler application forms can be obtained by visiting the DES Wastewater Engineering Bureau website at <http://des.nh.gov/www/septslud.htm> or by calling the DES septage hauling coordinator at (603) 271-2492. The Septage Management Rules, Env-Wq 1600, can be obtained by visiting the DES website at [http://www.des.nh.gov/rules/desadmin\\_list.htm](http://www.des.nh.gov/rules/desadmin_list.htm). An "official" hard copy of all DES-related rules may be obtained from the DES Public Information and Permitting office, (603) 271-2975.



## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(7) Except for a septage holding tank permit-by-notification, a statement that a 30-day comment period will be advertised by the department in a newspaper of local circulation once it has deemed the application to be complete.

(e) If a person to whom notice is required to be given cannot be located, fails or refuses to sign for the certified mail, or refuses to sign an acknowledgment when the notice is delivered in hand, the person giving the notice shall provide proof to the department that an attempt to deliver the notice was made, which proof shall be submitted to the department with the application in the form of an affidavit or a copy of the certified mail receipt.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

### Env-Wq 1604.02 Annual Notification Requirements for Land Application.

(a) A person who will be land applying septage shall provide notice in accordance with this section at least 14 days before the intended date of the first annual land application of septage.

(b) The notice shall:

(1) Be published in a newspaper of general circulation in the municipality where the land application of septage will occur; and

(2) Include the information required in Env-Wq 1604.01(d)(2), (3), (4), and (5).

(c) A copy of the published notice shall be:

(1) Sent to the department at least 10 days before the intended date of the first annual application; and

(2) Posted continually at the entrances to the site beginning no later than 3 days prior to the application and ending no earlier than 3 days after the application.

Source. #6991, eff 5-5-99; amd by #7344, eff 8-16-00; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

## **PART Env-Wq 1605 SEPTAGE HAULER PERMIT REQUIREMENTS**

### Env-Wq 1605.01 Septage Hauler Permit Application Requirements.

(a) To apply for a septage hauler permit, the person seeking the permit shall submit:

(1) The information specified in Env-Wq 1605.02; and

(2) The fee and certifications specified in (b) through (f), below.

(b) Each application shall be accompanied by the fee specified in Env-Wq 1605.05.

(c) Each application shall include a certification signed by the owner or authorized agent of each site, facility, or wastewater treatment facility to which the applicant proposes to transport septage, which:

(1) Acknowledges the applicant's intent to beneficially use or dispose of septage at the site, facility, or wastewater treatment facility; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(2) Authorizes the applicant to use the site, facility, or wastewater treatment facility for such activity.

(d) Each application shall include a certification signed by the applicant that upon issuance of the septage hauler permit, the applicant shall assume complete responsibility for ensuring that all persons who will be transporting septage with the applicant's vehicle(s) are familiar with the requirements of these rules.

(e) Each application shall include a certification signed by the applicant stating that all vehicles proposed to be used to transport septage will meet all applicable federal and state motor vehicle requirements when in use.

(f) Each application shall include a certification signed by the applicant that the applicant has not been convicted of:

(1) A misdemeanor under any statute administered by the department within the 5 years prior to the date of application; or

(2) A felony in any state or federal court during the 10 years prior to the date of application.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1605.02 Septage Hauler Permit Application Form. Any applicant for a permit to remove or transport septage on public roads shall provide the following information on a form obtained from the department:

(a) The name, mailing address, and daytime telephone number of the applicant;

(b) If the applicant is other than an individual, the name, mailing address, and daytime telephone number of the individual who can be contacted regarding the application;

(c) Any telephone numbers to be used in case of emergency;

(d) The vehicle identification number, motor vehicle plate number and issuing state for the vehicle(s) which will be used to transport the tanks;

(e) The tank identification number(s) and size of tanks in gallons, if applicable;

(f) The name, principal place of business, and telephone number of the septage hauler as they will appear on both sides of the vehicle or tank which will be used to transport the septage, unless the vehicle or tank is identified as a municipal vehicle in accordance with Env-Wq 1605.07(e);

(g) The location of each site, facility, transfer/storage area, and wastewater treatment facility to which septage is proposed to be taken;

(h) The date and location of the most recent department inspection of the tank(s) used to transport septage, if any; and

(i) If the application is for renewal of an existing permit, the permit number.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1605.03 Expiration of Septage Hauler Permit. A septage hauler permit shall have a duration of 2 years or less and shall expire on January 31 of the odd-numbered year following the date of issuance.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1605.04 Renewal of Septage Hauler Permit. Any person to whom a septage hauler permit has been issued who wishes to renew the permit shall submit the information required in Env-Wq 1605.02 to the department no less than 15 days prior to expiration of the permit.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1605.05 Septage Hauler Permit Fee.

(a) Subject to (f), below, the applicant shall submit a nonrefundable fee in the amount of \$100 for each tank with each application for issuance or renewal of a septage hauler permit.

(b) If a hauler acquires a tank after a permit is issued, prior to placing the additional tank in service the hauler shall provide the information required by Env-Wq 1605.02 to the department along with the fee specified in (a) above for each tank to be added.

(c) Subject to (f), below, the applicant shall submit a fee in the amount of \$5 with the application for each tank needing a new or replacement plate.

(d) The fee, if paid by check or money order, shall be made payable to "Treasurer - State of NH."

(e) The fee shall not be prorated or refunded if the permit term established pursuant to Env-Wq 1605.03 is less than a full 2 years.

(f) Any political subdivision that transports its own septage shall be exempt from the fees specified above.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1605.06 Criteria for Review. The department shall issue or renew, as applicable, a septage hauler permit for the tanks specified in the application if it determines that the following criteria have been met:

(a) The applicant has submitted all information and certifications as required by Env-Wq 1605.01(a);

(b) If the application is for renewal of an existing permit or if the applicant engages in other septage management activities in addition to transporting, the applicant is in compliance with all applicable requirements of these rules;

(c) All sites, facilities, and transfer/storage areas designated for receipt of the septage are permitted to receive, handle, manage, store, use, or otherwise dispose of septage;

(d) The applicant has not been convicted of a misdemeanor under any statute implemented by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application;

(e) The applicant has paid all fees and administrative fines owed to the department and all civil or criminal penalties owed to the State as a result of a violation of a law administered by the department; and

(f) All tanks used to transport septage have been inspected by the department within the previous 2 years and are in compliance with Env-Wq 1605.08.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1605.07 Vehicle Identification.

(a) A copy of the septage hauler permit issued pursuant to Env-Wq 1605 shall be retained in the vehicle at all times.

(b) Each septage hauler shall display the hauler's name, principal place of business, and telephone number on both sides of the vehicle or tank used to transport septage, unless the vehicle or tank is identified as a municipal vehicle in accordance with (e), below.

(c) The information required by (b), above, shall be in permanent and legible lettering at least 3 inches high.

(d) The department shall issue a permit plate that shall be mounted on the rear of the transporting unit no closer than 12 inches to the motor vehicle registration plate.

(e) Municipal vehicles which bear the municipal seal on each side of the vehicle shall not need further identification.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1605.08 Tank and Hose Maintenance. Any hauler who has been issued a permit pursuant to Env-Wq 1605 shall maintain all tanks and hoses used to pump and transport septage in accordance with the following:

(a) Each tank and hose shall be maintained so as not to create unreasonable malodors or a public health hazard;

(b) Each tank shall be watertight;

(c) All piping, valves, and connections shall be accessible and capable of being cleaned;

(d) All inlet and outlet connections and hose supports shall be constructed and maintained such that no material will leak, spill, or run out of the tank or hoses during transfer or transportation; and

(e) Discharge outlets shall be designed to control the flow of discharge without spraying or flooding the receiving area.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1605.09 Transportation of Septage.

(a) All tanks shall be inspected by the hauler prior to transport on public roads to ensure that septage will not leak, spill, or run out of the tank or hoses.

(b) All vehicles used to transport the tanks shall be equipped, at all times, with spill control or absorbent materials and disinfectant materials such as lime, a bleach solution consisting of one part household bleach to 9 parts water, or equivalent, sufficient to treat a 25-gallon spill.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1605.10 Adding or Replacing Vehicle. Whenever a permit holder obtains an additional or replacement vehicle for transporting the tank(s), the permit holder shall:

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- (a) Notify the department in writing within 10 days of using the vehicle to transport septage;
- (b) Supply the vehicle identification number, motor vehicle plate number, and name of issuing state for the vehicle; and
- (c) If a replacement vehicle, supply the permit number(s) for any tank(s) that will be transported by the vehicle.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1605.11 Record Keeping.

- (a) Each septage hauler shall maintain the following information in the vehicle used to transport the tank(s) whenever the vehicle is in transit to a site, facility, or wastewater treatment facility:

- (1) The name, street address, including the municipality, and telephone number of each client from where the septage was transported;
- (2) The volume of septage, in gallons, received from the client(s) identified pursuant to (1), above; and
- (3) The site, facility, transfer/storage area, or wastewater treatment facility to which the septage is to be delivered.

- (b) Every septage hauler shall maintain the following records of each load of septage transported:

- (1) The date received or picked up;
- (2) The name and address of the client(s) from whom the septage was received;
- (3) The volume of the septage transported, in gallons;
- (4) The site, facility, transfer/storage area, or wastewater treatment facility to which the load was discharged; and
- (5) The date on which the load was discharged.

- (c) The hauler shall retain the records for each permitted tank for a minimum of 5 years after the expiration of the permit to which they relate.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1605.12 Reporting.

- (a) Each hauler shall provide the information required by Env-Wq 1605.11(b) to the operator of the site, facility, transfer/storage area, or wastewater treatment facility to which the septage is delivered either:

- (1) At the time the septage is delivered; or
- (2) On a periodic basis agreed to by the hauler and the facility.

- (b) Each hauler shall file an annual report with the department on a form provided by the department which contains the information specified in (c), below, no later than January 31 of each year.

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(c) For each site, facility, transfer/storage area, or wastewater treatment facility at which septage was discharged, the report required by (b), above, shall contain a summary of the volume of septage, in gallons, disposed from each town where septage was pumped.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1605.13 Accidental Release.

(a) In the event of an accidental release of septage, the driver of the vehicle and, if the driver is not the permitted hauler, the hauler shall:

(1) Immediately take action to contain the septage, minimize the environmental impact, and begin clean-up procedures; and

(2) Subject to (b) below, notify the department within 24 hours of the release with the following information:

a. The date, time, and location of the spill;

b. The volume of septage spilled and the volume of septage recovered, both in gallons;

c. The final disposition of the septage that was not recovered;

d. The hauler's permit number and the name and telephone number of the driver involved in the incident;

e. The approximate distance to surface waters and storm drains within 100 feet of the spill;

f. The actions taken to contain the spill, disinfect the spill area, minimize the environmental impact, and to clean up the area; and

g. Future actions necessary to clean up the spill, if applicable.

(b) Notification to the department shall not be required if all of the following conditions are met:

(1) The discharge is less than 25 gallons;

(2) The discharge is immediately contained;

(3) The discharge is completely removed within 24 hours and disposed of at a facility identified in Env-Wq 1603.01(a); and

(4) There is no impact to groundwater or surface water.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

PART Env-Wq 1606 SEPTAGE TANKS

Env-Wq 1606.01 Use of Septage Holding Tanks. A septage holding tank shall only be used by one hauler as temporary storage for septage:

(a) When access to a permitted site, facility, or wastewater treatment facility is not immediately available and:

(1) The septage hauling vehicle is needed to service a client of the hauler;

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- (2) To accumulate septage to be land applied; or
- (3) For pH adjustment of septage prior to land application;

(b) When the holding tank is to be owned and used only by the holder of the permit-by-notification for the tank; or

(c) When the aggregate amount to be stored in the tanks will be 20,000 gallons or less.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1606.02 Septage Holding Tank Permit-by-Notification Requirements.

(a) Subject to (c), below, any permitted hauler who wishes to install or use a septage holding tank shall apply for a permit-by-notification in accordance with Env-Wq 1606.01.

(b) To apply for a septage holding tank permit-by-notification, the hauler shall submit:

- (1) The information required by Env-Wq 1606.03;
- (2) A spill response plan required by Env-Wq 1606.08(b)(1);
- (3) The plans and specifications required by Env-Wq 1606.15;
- (4) The design criteria required by Env-Wq 1606.16; and
- (5) The fee specified in Env-Wq 1606.04.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1606.03 Permit-by-Notification Application.

(a) Any permitted hauler who wishes to install or use a septage holding tank shall submit the following information on a form obtained from the department:

- (1) The name, mailing address, and daytime telephone number of the applicant;
- (2) The name, mailing address, and telephone number of the applicant's business;
- (3) The hauler permit number;
- (4) The location of the proposed septage holding tank, including street address, tax map and lot number, and current deed reference;
- (5) The property owner's name, mailing address, and daytime telephone number; and
- (6) The capacity and age of the holding tank.

(b) If the hauler is not the property owner, the application shall include a written statement, signed by the property owner and notarized, that the property owner is aware that the information is being filed and has given permission to the registrant to install the septage holding tank and to enter upon the land for purposes of site investigation and construction and operation of the septage holding tank.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

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**Env-Wq 1606.04 Permit-by-Notification Fee.**

(a) Subject to (c), below, a nonrefundable fee in the amount of \$200 shall accompany each application for issuance, modification, or renewal of a septage holding tank permit-by-notification.

(b) If paid by check or money order, the fee shall be made payable to "Treasurer - State of NH".

(c) Any New Hampshire political subdivision shall be exempt from the fee specified in (a) above.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

**Env-Wq 1606.05 Permit-by-Notification Issuance.** The department shall issue or renew a permit-by-notification for a septage holding tank if it determines that:

(a) All applicable requirements of these rules have been met;

(b) If the applicant is other than the property owner, the property owner has given permission to the applicant to file the application and to enter upon the property for purposes of site investigation and operation of the site in the event that the department issues the permit;

(c) All other state permits, which are necessary for the operation of the site, have been applied for;

(d) Management of septage at the site in accordance with the application does not violate any statutes or rules administered by the department;

(e) The applicant has not been convicted of a misdemeanor under any statute implemented by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application;

(f) The applicant has paid all fees and administrative, civil, or criminal penalties owed to the department; and

(g) The proposed holding tank will not adversely affect threatened or endangered species, classified groundwater protection areas, or any river or segment designated under RSA 483.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

**Env-Wq 1606.06 Expiration of a Permit-by-Notification for a Septage Holding Tank.** A permit-by-notification for a septage holding tank shall expire 10 years from the date of issuance.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

**Env-Wq 1606.07 Renewal of a Permit-by-Notification.** Any person to whom a permit-by-notification for a septage holding tank was issued who wishes to renew the permit-by-notification shall apply pursuant to Env-Wq 1606.02(b) and submit the fee required by Env-Wq 1606.04, as applicable, at least 15 days prior to expiration of the permit.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

**Env-Wq 1606.08 Transfer/Storage Tank Permit Requirements and Limitations.**

(a) To apply for a transfer/storage tank permit, the person seeking the permit shall submit:



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- (1) The information specified in Env-Wq 1606.09;
- (2) The fee specified in Env-Wq 1606.10; and
- (3) The certifications specified in (c), below.

(b) A transfer/storage tank permit shall be issued, pursuant to Env-Wq 1606.11, to an applicant for an individual operating site only, provided that the following requirements are met:

- (1) A spill response plan, describing spill response equipment and disinfection and containment capability at the septage storage tank location(s), shall be submitted to, and approved by the department pursuant to Env-Wq 1606.16(f);
- (2) All septage transfer between hauler vehicles and storage tanks shall be by a watertight hose and connection;
- (3) Odor controls shall be provided to minimize odor potential during transfer; and
- (4) The property is owned by the applicant or the owner has granted permission to so use the property.

(c) The applicant shall submit certification, signed by the applicant attesting to the following:

- (1) That the applicant has read and understands, and shall comply with all applicable requirements for the siting, design, construction, and operation of the septage storage tank(s) as identified in Env-Wq 1606.15 and Env-Wq 1606.16; and
- (2) That the applicant meets all the requirements under Env-Wq 1605 if the applicant is a permitted hauler.

(d) If the applicant is not the property owner, the application submitted pursuant to (a), above, shall be accompanied by a written statement, signed by the property owner, that the property owner is aware that the information is being filed and has given permission to the applicant to operate the storage tank(s) and to enter upon the property for purposes of site investigation and placement and operation of the septage storage tank(s).

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1606.09 Transfer/Storage Tank Application. An applicant for a transfer/storage tank permit shall submit the following information on a form obtained from the department:

- (a) The hauler permit number for each hauler using the transfer/storage tank(s);
- (b) The street address, tax map and lot number, and current deed reference of the proposed location for the transfer/storage tank(s);
- (c) The name, mailing address, and daytime telephone number of the owner where the transfer/storage tank(s) are proposed to be located, if other than the applicant;
- (d) The capacity and age of the transfer/storage tank(s);
- (e) The name of the operator and telephone number where the operator can be reached during operating hours;
- (f) The proposed hours of operation;

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- (g) The plans and specifications required pursuant to Env-Wq 1606.15;
- (h) The design criteria required by Env-Wq 1606.16; and
- (i) A certification signed by the applicant that the applicant has not been convicted of:
  - (1) A misdemeanor under any statute administered by the department within the 5 years prior to the date of application; or
  - (2) A felony in any state or federal court during the 10 years prior to the date of application.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1606.10 Transfer/Storage Tank Permit Fee.

- (a) Subject to (c), below, the applicant shall submit a nonrefundable fee in the amount of \$200 with each application for issuance or renewal of a transfer/storage tank permit.
- (b) If paid by check or money order, the fee shall be made payable to "Treasurer - State of NH".
- (c) Any New Hampshire political subdivision proposing to site a transfer/storage tank shall be exempt from the fee specified in (a) above.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1606.11 Application Review Criteria. The department shall issue, renew, or modify a transfer/storage tank permit if it determines that:

- (a) All applicable requirements of these rules have been met;
- (b) If the applicant is other than the property owner, the property owner has given permission to the applicant to file the application and to enter upon the property for purposes of site investigation and operation of the site in the event that the department issues the permit;
- (c) All other state permits which are necessary for the operation of the transfer/storage tank have been applied for;
- (d) Management of septage at the site in accordance with the application does not violate any statutes or rules administered by the department;
- (e) The applicant has not been convicted of a misdemeanor under any statute implemented by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application;
- (f) The applicant has paid all fees and administrative fines owed to the department and all civil or criminal penalties owed to the State as a result of a violation of a law administered by the department; and
- (g) The proposed transfer/storage tank operation will not adversely affect threatened or endangered species, classified groundwater protection areas, or any river or segment designated under RSA 483.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

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Env-Wq 1606.12 Expiration of a Transfer/Storage Tank Permit. A transfer/storage tank permit issued pursuant to Env-Wq 1606.11 shall expire 10 years from the date of issuance.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1606.13 Renewal/Modification of Transfer/Storage Tank Permit.

(a) Any person to whom a transfer/storage tank permit was issued who wishes to renew or modify the permit shall apply pursuant to Env-Wq 1603.12 and submit the fee required by Env-Wq 1606.10, as applicable, prior to expiration or modification of the permit.

(b) Any proposed change to the location, design, or operation of a transfer/storage tank site as permitted by the department shall require approval pursuant to Env-Wq 1603.12.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1606.14 Reporting.

(a) Each year that a transfer/storage tank permit is valid, the holder shall submit an annual report to the department by the last business day of January for the prior calendar year, regardless of whether or not septage was received or transferred within the prior calendar year.

(b) The annual report shall contain the following information:

- (1) The location of the transfer/storage tank, including street address and town;
- (2) The transfer/storage tank permit number;
- (3) The owner's name, if other than the permit holder;
- (4) The total volume of septage, in gallons, received by month and municipality of origin; and
- (5) Information for the final disposition of the septage to include:
  - a. The facility or site name;
  - b. The amount transferred in gallons;
  - c. The permit number of the facility or site; and
  - d. The receiving state of the facility or site.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1606.15 Plans and Specifications. Each applicant for a permit-by-notification for a septage holding tank, and each applicant for a transfer/storage tank permit, shall submit a plan that contains or shows the following information:

- (a) A locus map which identifies the proposed septage holding or transfer/storage tank location;
- (b) The footprint of the proposed activity area;
- (c) All access roads and access control measures;

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(d) All roads, property boundary lines, structures within 100 feet of the septage holding or transfer/storage tank location, structures on the property, any easements or rights-of-way which exist on the property, and the setback distances specified in Env-Wq 1609.09(h);

(e) Surrounding land use within 200 feet of the footprint of the proposed activity area on which the septage holding or transfer/storage tank is proposed to be located; and

(f) Septage holding or transfer/storage tank specifications, including details of tank and piping design, which shall be consistent with the requirements of Env-Wq 1606.16.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1606.16 Design Criteria. Septage holding tanks, transfer/storage tanks, and transfer hoses for either type of tank shall meet the following design criteria:

(a) The tank shall be watertight;

(b) All piping, transfer hoses, valves, and connections shall be watertight, accessible, and capable of being cleaned, repaired, and replaced;

(c) All inlet and outlet connections shall be constructed and maintained such that no material will leak, spill, or otherwise run out of the tank when it is not intended to;

(d) Except for septage holding tanks that were registered prior to the effective date of the 2005 amendments to these rules, no septage holding or transfer/storage tank shall be located within the setback distances identified in Env-Wq 1609.09(h);

(e) Except for septage holding tanks that were registered prior to the effective date of the 2005 amendments to these rules, no septage holding or transfer/storage tank shall be permitted on the 100-year flood plain as defined and delineated by the flood insurance rate maps published by the Federal Emergency Management Agency; and

(f) The department shall approve a spill response plan submitted pursuant to Env-Wq 1606.08(b)(1) if the applicant demonstrates that the plan is sufficient to prevent septage from impacting groundwaters, surface waters, and abutting properties.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1606.17 Record Keeping. Every owner of a transfer/storage tank shall maintain the following records for a minimum of 5 years after the expiration of the permit to which they relate:

(a) For each load of septage received:

(1) The date received or picked up;

(2) The name and address of the client(s) from whom the septage was received; and

(3) The volume of the septage received, in gallons; and

(b) Records indicating the final disposal destination(s) for septage removed from the transfer/storage tank.

Source. #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

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**PART Env-Wq 1607 PORTABLE TOILET AND MARINE SANITATION DEVICE WASTE REQUIREMENTS**

Env-Wq 1607.01 Permit Required. No person shall remove or transport portable toilet or marine sanitation device waste on public roads without first obtaining a septage hauler permit pursuant to Env-Wq 1605.01.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1607.02 Use, Maintenance, and Removal of a Portable Toilet. A portable toilet shall:

(a) Be maintained in a clean and sanitary manner so that it does not constitute a public health threat, provided that a portable toilet maintained in accordance with Portable Sanitation Association International Certification Standards, 1993, shall be presumed to meet this requirement;

(b) Be serviced or removed from a site within 2 weeks of completion of an event or construction project, provided however that the owner of the portable toilet and the lessee may negotiate a longer period up to 30 days;

(c) Be marked with a label indicating the owner's name and telephone number in permanent and legible lettering at least 2 inches high; and

(d) Be placed no closer than 33 feet to any surface waters of the state.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1607.03 Transportation of a Portable Toilet. With the exception of toilets in recreational vehicles, self-contained trailers, and trailered boats, no portable toilet shall be transported with any sanitary waste contained within the unit.

Source. #6991, eff 5-5-99; ss by #7344, eff 8-16-00; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1607.04 Design Criteria. No portable toilet shall be used unless it is certified by its manufacturer as meeting the design criteria specified in ANSI standard Z4.3 that is current as of the date of manufacture.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1607.05 Portable Toilet and Marine Sanitation Device Deodorants and Disinfectants.

(a) Liquids used as deodorants or disinfectants in portable toilet and marine sanitation devices shall be compatible with septage and wastewater treatment facilities.

(b) Septage, including septage solids and filtrate, which has been mixed with liquids used as deodorants and disinfectants shall not be land applied.

Source. #6991, eff 5-5-99; ss by #8458, eff 10-27-05 (see Revision Note at chapter heading); ss by #10466, eff 11-26-13

Env-Wq 1607.06 Record Keeping.

(a) Each hauler who services portable toilets shall maintain records indicating the service dates for each unit and the final disposal destination.

## Steve Halleran

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**From:** Steve Halleran [plainfield.ta@plainfieldnh.org]  
**Sent:** Monday, May 21, 2018 9:28 AM  
**To:** Bill McGonigle (bill@mcgonigle.us); Brad Atwater (Brad.Atwater@comcast.net); Peter Martin (pmm285@gmail.com); Richard M. Colburn (Richard.M.Colburn@valley.net); Scott Macleay (dmacleay@comcast.net); Ted Moynihan (Ted.Moynihan@hotmail.com)  
**Cc:** 'John Tomlinson'; John Houde; 'brownannie@aol.com'; 'reedbrozen@gmail.com'  
**Subject:** Tomlinson Case file update

**Attachments:** andreabrowncmts.pdf



andreabrowncmts.p  
df (68 KB)

ZBA

Attached are the latest comments for the permanent file on the Tomlinson case. The Attachment is from Andrea Brown the e-mail below from John Houde.

Its clear to me that what you have before you is a case that tests the very limits of our "Cottage Business" provisions, being proposed by someone who is incredibly well respected in his neighborhood as a friend and a professional, abutting a group of people who have an enormous amount of belief in private property rights, but also real concerns about having this use in their neighborhood.

It is a tough case by any measure.

See you all Thursday evening at 6:45pm at the Tomlinson's #177 Ladieu Road

SEE BELOW

Stephen Halleran  
Town Administrator  
Serving since 1989  
(603) 469-3201

-----Original Message-----

**From:** John Houde [mailto:jhoude2025@gmail.com]  
**Sent:** Monday, May 21, 2018 8:40 AM  
**To:** plainfield.ta@plainfieldnh.org  
**Subject:**

Dear Members of the Zoning Board,

I am writing to you all in reference to the proposal by John Tomlinson for a portable toilet rental business. We are his neighbors and direct abutters and our property along with the Brozen's, will be most impacted if the application is accepted.. We have been his friends and neighbors for over ten years. He appraised us of his plan for his business after he had filed his application with the zoning board. We respect John and his wish to use his property as he would like but we need to insure that our concerns will be taken into account as the zoning board makes its decision.

Frankly, we were taken aback that this is the type of business that John would want to run out of his home. We were also taken aback that the zoning board would consider this type of business to be a "cottage business." After zoning board members read the definition of "cottage business" this type of business does not fit that definition. The definition of "cottage industry" and subsequent zoning ordinances needs to be better clarified by the town moving forward if Plainfield wants to remain an attractive residential town for families to move into.

John has guaranteed us that we will not be able to smell anything, be it human fecal matter or chemical matter. The field that he is planning to store the units in is in direct line with our house to the west. If the zoning board grants his application and we were to smell anything, it would be considered harming our neighboring property. We assume that the zoning board and John would be required to eradicate any smell immediately. We are also concerned that even the possibility of lighting the field was an option. This would be in our direct line of view as well. John has assured us that there will be no lightning of the field but this would need to be included in provisions if the town were to accept his application. Environmentally, it would also need to be verified that no run off would affect the pond that is on our property and is close to John's proposed storage lot. Any run off should not affect the pond water and thus the wildlife that is supported by the pond.

Another surprising aspect that arose during the meeting that, if accepted, the grant for use as a portable toilet industry would be in perpetuity. I know John and to date he has been very conscientious and trustworthy but this may not be the case with a new owner if he should decide to sell his property. John has assured us that if he should sell his property, that a provision would be written that this cottage industry would not be carried on for future owners.

We chose to live here for its natural beauty and access to the woods and trails. We assumed and still assume that we are living in a residential neighborhood. We have beautiful views of Mount Ascutney to the south west and far into Vermont to the north west. Because we have chosen to live on this piece of property with its beautiful views we are taxed on those views essentially as a luxury tax. If the town states on one hand that we are going to tax you further because of the beauty of where you live, it seems incongruous to then allow a portable toilet business along side that same property. More concise definitions of cottage industry and thus zoning regulations are needed going forward.

Steve Halleran was rightfully espousing the fact that people want to live in Plainfield. It is a beautiful town with an amazing school, filled with towns people who love living here and care deeply about maintaining its appeal. Unfortunately, this proposal has upset our neighborhood a great deal and cast neighbor against neighbor. Our hope is that the zoning board will provide the guidance and leadership to help our community solve this very difficult matter at this time and moving forward.

Thank you all in advance for your time and thoughtful consideration.

Sincerely,

John and Jennifer Houde  
135 Ladieu Road=

171 Ladieu Road  
Plainfield, NH 03781  
May 16, 2018

Zoning Board of Adjustment  
Town of Plainfield

Dear Board Members:

I would like to submit this letter to clarify my statements during the public hearing on May 14, 2018, regarding the Tomlinson application.

I would first like to reiterate that my husband and I do not disagree with any of the statements made by any of the neighbors in opposition to the proposed business. Those things are true, and will affect us much more than anyone else. We are of course concerned about traffic, noise, smells, and especially legal precedent set in the nature of the type of businesses allowed in the neighborhood. I realize the board had concerns about how to envision how much impact on property value a project like this could have. We can envision this more clearly. Were we to want to sell our house, an abutting portable toilet business would decrease the number of potential buyers. Were we to want to sell our house, it would decrease its market value in a very real way.

We have no current plans to sell. It is obvious to all that we would rather this project not happen. However, we are willing for it to happen, for the happiness of the Tomlinsons and their right to use their property, and selfishly because of significant concerns about other potential ventures that might replace this one if it does not go forward. We suspect this business would be easier to live with than many others that would be more easily approved.

The board members will recall that I spoke in favor of the project in light of our trust in John Tomlinson and our belief that he would run this business carefully. Also please recall that John Houde's comments were in support of John Tomlinson's character and in his belief that John T. would control odors. As abutters, we trust the business run by the Tomlinsons, and not the same business run by an unknown potential future owner. Reed and I would feel better if it were possible for a clause to be included in any approval restricting this business location to the current owner.

One thing that I realize I did not address at the time of the public hearing, and this may be better discussed with the Tomlinsons directly. Improving the driveway that is a legal right-of-way on our property would be part of this venture, but I believe that widening the driveway may be within their legal rights. We would like to try to avoid a 26-foot-wide driveway, approximately double the current width, if at all possible.

Thank you all so much for your careful deliberation.

Sincerely,



Andrea Brown



## Steve Halleran

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**From:** Steve Halleran [plainfield.ta@plainfieldnh.org]  
**Sent:** Monday, May 21, 2018 12:18 PM  
**To:** Bill McGonigle (bill@mcgonigle.us); Brad Atwater (Brad.Atwater@comcast.net); Peter Martin (pmm285@gmail.com); Richard M. Colburn (Richard.M.Colburn@valley.net); Scott Macleay (dmacleay@comcast.net); Ted Moynihan (Ted.Moynihan@hotmail.com)  
**Cc:** 'John Tomlinson'; John Houde; 'brownannie@aol.com'; 'reedbrozen@gmail.com'  
**Subject:** FW: Thomlinson application

ZBA

Additional information for the Tomlinson file. As is customary in these complex cases, I am trying my best to keep the Board, the applicant and the immediate abutters to the project fully informed on the file. I will be updating the application on the web later today for the general public.

Stephen Halleran  
Town Administrator  
Serving since 1989  
(603) 469-3201

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**From:** Melvin Miller [mailto:mbm@b-banner.com]  
**Sent:** Monday, May 21, 2018 12:09 PM  
**To:** plainfield.TA@plainfieldnh.org  
**Subject:** Thomlinson application

Steve: A major problem of this application is the approved disposal of human waste from the industrial potties. As you know, the size of waste systems is determined by the projected number of residents. There should be a major concern as to whether the Tomlinson house can accommodate the added volume from the potties. Even if they are emptied elsewhere they will undoubtedly be washed down at 177 Ladieu Road. Consequently, there would be some risk to the purity of the water table. In addition to the other objections I have raised, I think that the potential environmental damage should require a vote against the variance.

With great respect,  
Melvin B. Miller, 261 Ladieu Road

**Steve Halleran**

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**From:** John Tomlinson [jtomli33@gmail.com]  
**Sent:** Wednesday, May 23, 2018 6:27 AM  
**To:** Steve Halleran  
**Cc:** Bill McGonigle; Brad Atwater; Peter Martin; Richard M. Colburn; Scott Macleay; Ted Moynihan; John Houde; brownannie@aol.com; reedbrozen@gmail.com  
**Subject:** Re: Tomlinson application

Good Morning All.

First, thank you to everyone involved in your thoughtful consideration of my application. In response to Mr Millers concerns I would simply restate the activity of servicing a portable toilet at our property would involve the final rinse of the surfaces that do not consist of the waste tank. Initial cleaning of the units occurs off site at the rental location. The water that would rest on the ground from the final cleaning, as previously described, would have minor amounts of soap and bleach and would not pose a risk to the environment that in my estimation or in consultation with the NHDES should be of concern. More simply stated this aspect of the final preparation of the unit is less of a risk, and on the order of washing a vehicle and less of concern than what would enter the ground surface potentially affecting local waters than either having a septic system or keeping livestock. I look forward to working through these concerns and welcome the dialogue.

If there is anything I can do to update anyone at anytime I would welcome that conversation.

Respectfully,  
 John Tomlinson

Sent from my iPhone

On May 21, 2018, at 12:17 PM, Steve Halleran <[plainfield.ta@plainfieldnh.org](mailto:plainfield.ta@plainfieldnh.org)> wrote:

ZBA

Additional information for the Tomlinson file. As is customary in these complex cases, I am trying my best to keep the Board, the applicant and the immediate abutters to the project fully informed on the file.

I will be updating the application on the web later today for the general public.

Stephen Halleran  
 Town Administrator  
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**From:** Melvin Miller [<mailto:mbm@b-banner.com>]  
**Sent:** Monday, May 21, 2018 12:09 PM  
**To:** [plainfield.TA@plainfieldnh.org](mailto:plainfield.TA@plainfieldnh.org)  
**Subject:** Thomlinson application

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Road. Consequently, there would be some risk to the purity of the water table. In addition to the other objections I have raised, I think that the potential environmental damage should require a vote against the variance.

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Melvin B. Miller, 261 Ladieu Road