

**TOWN OF LYNDEBOROUGH
Zoning Board of Adjustment
October 17, 2018**

Minutes

Approved 11/13/18

7:02 p.m. Roll Call: Chairman Karen Grybko; Vice Chair Rick Roy; Lisa Post and alternate Pam Altner.

Member Linda Anderson was not present. Alternate Pam Altner took Mrs. Anderson's Board seat.

Member Tom Chrisenton recused himself because he is also the Planning Board Chairperson and there is the possibility this case may be before the Planning Board. He was not present.

Public Present include: Larry Boisvert, Attorney James Lombardi, Sharon Boisvert, Steve Brooks, Paul Turner, Tracey Turner, Dave Roemer, Bob Booream, Donna Anthony, Code Enforcement Officer Leo Trudeau and Selectman Mark Chamberlain in addition to other citizens.

Media Present: Jessie Salisbury

CONTINUED BUSINESS:

Case 2018-3: Boisvert Variance Request Section 1200

Lot 237, Map 13 and Lot 237, Map 14, Johnson Corner Road

The Applicant is seeking a variance from Section 1200 of the Town's Zoning to run a portable toilet business from his property.

Laurent (Larry) Boisvert and Sharon Boisvert; owners of Portable Privies, Inc.

Also D/B/A Feel Good Farm, 52-54 Johnson Corner Road, Map 237, Lot 13 & Map 237, Lot 14.

Chairperson Karen Grybko asked the applicant to respond to the Five Variance Criteria from the variance application. Attorney James Lombardi addressed the Board from the podium and read his prepared answers from the application's addendum which will be displayed below in quotes using Times New Roman font.

Attorney Lombardi submitted a new application at the request of the Board because the Board asked that the answers be listed directly on the application. The answers to the Five Variance Criteria questions were attached as addendums on the application dated, October 15, 2018 which was hand-delivered at 3:49 p.m. to Citizens' Hall.

VARIANCE CRITERIA QUESTION #1:

Waiving the terms of the Ordinance will not be contrary to the public interest because:

“The Boisverts have operated the business for several years, either on the belief that it was grandfathered or that it was consistent with the 2005 order of the Superior Court. At no time has the operation of their portable toilet business posed any danger or hazard to the public, except perhaps for effluent that was emptied on the property many years ago. The effluent was cited by the New Hampshire Department of Environmental Services (DES) and cleaned up by the Boisverts in 2003. All cleaning of toilets and handling of human waste occurs off-site, in compliance with applicable laws and regulations.”

VARIANCE CRITERIA QUESTION #2:

Deviation from the strict requirements of the Ordinance is consistent with the Spirit of the Ordinance because:

“The Zoning Ordinance permits and even “encourages” the establishment of home businesses under Section 1200 (under the 2017 version). The Boisverts’ portable privies business satisfies all the applicable requirements for home businesses under that section. To the extent the Board determines that it does not, because it believes the business is not “incidental and secondary” to the use of the dwelling as a residence or that the business should be conducted entirely within the home or accessory structure, the business nonetheless meets all other requirements of a home business under the Ordinance. Beyond that, operation of the business is consistent with the spirit of the Ordinance because (i) the overall size of the property significantly dwarfs the very small part occupied by the privies and the truck, (ii) the toilets are located entirely out of sight, (iii) there is minimal activity associated with this business (customer contact, scheduling and bookkeeping occurs in the home, storage, wipe-down and occasional minor repairs of the privies occurs well away from the road and out of sight of travelers and abutters), (iv) there is no environmental impact whatsoever from the business (all disinfecting of toilets and transporting of waste is done off the property.) The spirit and letter of the Ordinance, therefore, is currently satisfied by the Boisverts and their business and would continue to be upon the granting of this variance.

Chair Grybko: You said that he rinses the toilets before he takes them to another site. Does that need to be treated any special way, even though he is not using any chemical? There might be residue on the privies. Is there any special procedure that he follows or required to follow by the State?

Mr. Lombardi: Not to my knowledge. If and when the spraying down of these things occurs, through the use of water, it's to freshen it up. Not sure how long they are sitting there.

Rick Roy: I did some research and want to preference my comment in difference to Larry and in difference to the community so I can understand the process. There is a requirement by the State he register the cleaning of what they call of "Non Domestic Washing". I did research today, it's a little bit incomplete, but I can forward to you [Mr. Lombardi] the documents I got from the State today. I'll make sure you have that to review it. It's a process when you use any rinsing, whatever the material, we had a discussion about the material, it's biodegradable and all these attributes. The State is going to analyze that to make sure the standards are met to the State water quality. There are very specific parameters that they cite. One, if you are just washing the inside and outside of the latrine and rinsing it and its discharged underground water; there is one set of criteria for that. If you take it and discharge into some kind of landing zone for the water then you collect it and put it in your tank; there is another set of requirements for that. It's part of the law according to DES.

(See attached for DES Info Request – Non-Domestic Non-Hazardous Wastewater and links from Mitchell Locker, NH DES in correspondence with Vice Chair Roy)

Mr. Lombardi: I know what you are talking about. I had a discussion with Tim Sweatt about that specifically.(the gentleman who signed the letter about the DES regulations and how they were met through DES inspections). He did mention the drainage issue. He said it's not entirely clear, even under DES regulations, whether that falls under it.

(Tim Sweatt, NHDES Environmentalist III, Residuals Management Section, Wastewater Engineering Bureau)

Rick Roy: I spoke with Tim Sweatt today and he referred me to another person. I can't remember his name. He sent me an email said which cited specifically the documents necessary that the state authority to ask that be registered. There were two ways...

(The man Mr. Roy is referring to is: Mitchell Locker, P.G., Groundwater Recharge Program and Drinking Water & Underground Bureau at NHDES. See documents/emails attached)

Mr. Lombardi: DES has been aware of this issue. Or at least they brought it my attention and said it could be applicable but they have not made that decision yet. The Board can certainly make a decision and grant the variance saying as long as he is in compliance with all DES regulations. It's up to them [DES] to tell him [Boisvert] that he needs to meet those regulations.

Rick Roy: Mr. Sweatt was uncertain about it and that is why he referred me to the next person in the other department of DES.

Pam Altner: What is the practice of the business as far as disposing?

Larry Boisvert: All disposal of my human waste is in the tank I have on my truck. That then goes to the waste treatment plant. I tell them how many gallons I have. I take a sample. They take the ph. They allow me to go a tipping spot on their premises. I tip the rest of that effluent

into that spot. There is nothing that goes on the ground at all. It's all contained and goes into their container. Then I leave.

Chair Grybko: Do you rinse the tank before you leave?

Larry Boisvert: There is no reason to.

Chair Grybko: We know you have the permits in Milford to dump.

Larry Boisvert: If by chance I make a splash. They have a huge firehose attached to the building and I clean right there then I leave so there is no effluent on my truck that goes out of the tipping station.

Pam Altner: Do you have a protocol for when there might be a spillage on the property or a process you go through?

Larry Boisvert: I have not had a problem yet. DES makes us carry lime. Every time I have my truck inspected, we must have lime on our truck for that spillage in case it happens. They inspect our trucks to make sure we don't have a potential problem.

An abutter wanted to question but was informed questions would be after Mr. Lombardi finished his presentation.

Lisa Post presented into evidence an 8-page document titled, "Safety Data Sheet, Satellite Safe-T-Fresh 6000. (see attached)

Mr. Lombardi: What is that?

Chair Grybko: This is the MSDS for the cleaning product that Larry said he is using, if you would like to look at it.

Mr. Lombardi: Is that something different than what we submitted?

Lisa Post: Yes, I found it on-line.

There are no extra copies for Mr. Lombardi at this time. A copy can be provided.

Lisa Post explained, it's a Material Safety Data Sheet that lists the affects. It is a public identifier. Relevant identified uses of substance or mixtures and uses advised against. Details of the Supplier of the Safe-T-Fresh data sheet; Emergency telephone numbers; Hazards identifications. Classification of the substance or mixtures; Label elements; Other hazards things that it should not be mixed with. Description of First Aid measures. Most important symptoms and effects, both acute and delayed. Indication of any immediate medical attention and special treatment needed. Firefighting measures. Extinguishing media. Special hazards arising from the substance or mixture. It goes on. Not everything in there is specific to the product you gave us.

Mr. Lombardi: What does it say? Is there a reason you are submitting it?

Lisa Post: Yes, because we have to submit it if we want to consider it.

Mr. Lombardi: Is there something specific in that document that is relevant to the Safe-T-Fresh product Mr. Boisvert is using?

Lisa Post: Harmful is swallowed; Causes Skin Irritation; May cause an allergic skin reaction; Causes eye damage; May cause allergy or asthma symptoms or breathing difficulties if inhaled; may cause respiratory irritation....talks about the toxicity and wear protective gloves. Corrosion. Health hazards! It gives you what these are in relation to those three things. It tells you what the hazardous ingredients are. Tells you First Aid measures: Remove all contained clothes and footwear immediately unless stuck to the skin. Wash immediately with plenty of soap and water. Consult a doctor. Bathe the eye with running water for 15 minutes. Consult a doctor. Wash out mouth with water. Do not induce vomiting. If conscious, give half a litre of water to drink immediately. Consult a doctor. It's that type of thing. Want me to go on?

Mr. Lombardi: Does that address quantities that would be involved in order for those effects to happen or occur? Does it relate specifically to the quantities that Mr. Boisvert is using?

Lisa Post: I could not say. I'm not an expert on this document. I believed I mentioned last time that it was indicated we probably should have a Chemical Engineer look at this and for that part of review of the chemicals used on the property.

Mr. Lombardi: Is the town going to arrange it?

Lisa Post: This is part of our discussion. I'm not saying we are putting it on. We discussed it at the last meeting and it should be in the minutes.

Rick Roy: To make it simpler. I think that will be addressed in the registration of the cleaning using the non-household cleaning. What residual from cleaning go into the ground water directly or are they captured.... That was one of the items they mentioned they look at that product. What attributes in terms of safety. They also analyze the ground water directly and if the cleaning agent is captured and brought into Mr. Boisvert's tank, they make sure that product is compatible and complies with the requirements of the sepage company in Milford. He has to have that registered.

Lisa Post: I want that in the record.

Rick Roy: It will be completely looked at.

Mr. Lombardi: The only implication of this Safe-T-Fresh affecting anything is when it's at the Milford Treatment Plant. There is nothing that comes off these portable privies at the Boisverts' property. There is no seepage of Safety-T-Fresh into the ground. I suppose if there is a spot on something on a portable toilet that could eventually end up in the environment if you will. The amount, Larry you are free to address this if the Board would allow, the amount is so minimal. It's minuscule. Even household products we all use are more toxic than what we are talking about here. I want to make that clear that any environmental affect happens at the Milford plant.

Lisa Post: I would like to bring up that because you are working off the 2017 and asking information to be put in from the appeal process. Mr. Boisvert had said he keeps the chemicals on his premises and puts them in the potties before he brings them to the sites.

Chair Grybko asked Mr. Boisvert if he could address how he uses the chemical.

Larry Boisvert: I don't use the chemical until the site of the person who wants the toilet. That is a very expensive chemical for me to buy therefore I don't use it frivolously. When you hire the toilet and I bring it to your premises, wherever you want it. I put the toilet on the ground at that moment I put toilet paper, water and the chemical both in the toilet.

Lisa Post: How does it get to the location you are bringing the porta potty to?

Larry Boisvert: I carry it with me in the bottle in the cab of my truck. When I'm ready to service the toilet I take it out of the cab, I carry it with me to the toilet and squirt into the hopper with five gallons of water. I'm satisfied. I walk away.

Rick Roy: I think also under the law, if I'm not mistake, I tried to produce this paper it comes from the DES as well. You cannot go over the road with chemicals in those privies.

Larry Boisvert: Yes, you can't go over the road with chemicals in the privies. No effluent at all. I'm the only chemical toilet business in existence that does not carry pre-made chemicals in a tank. I make it up when I get there. All the other toilet business carry a two-part tank. Part of the tank sucks up the effluent, the other part of the tank has a pre-made chemical ready to put it into the toilet. Why would they want to do that? Not only is it massive weight to carry on the truck, it has potential of leaking out while they are driving. So I asked Mr. Sweatt, why don't I carry the chemical in a bottle with me, that was 30-years ago, and put it in when I get there, is that allowed? He said it's probably pretty smart because you won't have any potential of it spilling on the road. Thank you very much.

Rick Roy: Under the law, he cannot put chemicals in it and carry it over the road.

VARIANCE CRITERIA QUESTION #3:

Granting the Variance would do substantial justice because:

“There would be little if anything to gain by the Town in forcing the Boisverts to cease their portable toilet business. The Boisverts stopped dumping effluent on their property many years ago, as DES directed. The business consists solely of office operations (i.e., fielding phone calls from customers and potential customers, scheduling deliveries and pick-ups of toilets, etc.), which are carried out in a room in the Boisverts' home; storage of privies in trailers or on the ground nearby (but completely secure from public view in either event); the occasional minor repair and freshening of the toilets before delivery to customers (but excluding removal of human waste and disinfecting the toilets, which is done at the customers' site), and delivery and pick-up

of the privies. The revenue from this business, on the other hand, constitutes a significant part of the Boisverts' income. Not to allow them to operate it, especially after all these years, and especially when there is no significant departure from the terms of the Ordinance, and arguable no departure at all, would do substantial injustice to the Boisverts. Granting a variance under these circumstances, therefore, is entirely appropriate and would do substantial justice.”

VARIANCE CRITERIA QUESTION #4:

The value of the surrounding properties will not be diminished because:

“The toilets and the trailers in which they are stored are not visible to abutters or the public at large. Moreover, the applicant stores no chemicals or human waste on-site, except for a container of blue biodegradable, odor suppressing liquid which Mr. Boisvert stores securely in the basement of his barn and adds to the tank of each privy before its use, and waste which is kept securely in the tank truck overnight before it is hauled to the septage disposal facility. There are no environmental hazards. There is nothing people can see from this business that is distasteful or that would reduce property values. The trailers used for storage and the portable toilets themselves are located completely out of sight and are secure from public view.

There was a discussion on reading letters into the record later in the meeting.

Lisa Post: Where you say the Boisverts stores the liquid securely in his barn and adds to the tank of each privy before it's used and waste, which is kept securely in the tank truck overnight before it's hauled to septic disposal facility. You are actually brining septage to your home, to your property when you can't dispose of it right away? Is that correct? Is that what that statement means?

Larry Boisvert: Yes, it's in my tank.

Lisa Post: Are there special permits that you need to keep that waste on your property?

Larry Boisvert: Yes, It's on the back of my truck. It's a big blue plate.

Lisa Post: What are the protocols again if there is any leakage...

Larry Boisvert: I have the right to haul it. That is what the big blue plate on the back of the truck does. It's the same procedure as if I'm on the road.

Lisa Post: Which is?

Larry Boisvert: Lime. The State has already...it's the same procedure as if I'm on the road.

Mr. Lombardi: Can I interject? Can you explain why you keep it in the tank and don't bring it to Milford every time?

Larry Boisvert: Sometimes they are closed.

Pam Altner: Is there a protocol or process in place if there is any kind of, we will just call it a “hazmat issue” with any leakage of this waste prior to disposing of it? So you bring it back to the property and there was a problem with the truck and there is a leak, is there a process in place or protocol to contain that issue?

Larry Boisvert: I’m not quite sure. My tank has been inspected by the State so it does not leak.

Pam Altner: How often?

Larry Boisvert: I do it every year. It’s a double wall tank. It does not leak. The State inspected it to make sure it does not leak. The tank is meant to take 30” of vacuum. That is how I clean the toilets. It won’t and it can’t leak.

Pam Altner: Nature has it, in my opinion; there is always an opportunity or chance it could leak. If there is even the smallest chance there is a leak, is there a process or protocol in place to handle this issue?

Larry Boisvert: We have Lyme. It’s not like an egg. You can’t crack it open and everything will go everywhere. I depend on my tank every day. The integrity of the tank must be good or I can’t do my job. It’s like the tires on your car must hold air or you can’t drive it. If there is the smallest leak I can’t do my job. I’m a welder, so I have the equipment to repair my tank if anything happens. I have never had a problem with the tank leaking. I can’t allow that.

Lisa Post: What if a tree falls on it? What would be your protocol for cleaning that up?

Larry Boisvert: The tank has the integrity to take that. I had a tank collapse on me once. It’s not like an egg. I dropped it once and it was ok. If a tree falls on the tank it crushes.

VARIANCE CRITERIA QUESTION #5A:

Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

- (i) **The following special conditions of the property distinguish it from other properties in the area:**

“The property is a large, oddly shaped, 215-acre tract, different in shape and much great in size of most if not all neighboring properties. See Tax Map from the Town of Lyndeborough dated September 1, 2016. As shown on the Plot Plan, the trailers intended for storage of the toilets are located behind the original farmhouse, a significant distance (approximately 300 feet) from Johnson Corner Road, and an even greater distance from any abutters.”

(ii) **No fair and substantial relationship exists between the general purpose of the ordinance provision and the specific application of that provision to the property because:**

“The purpose of the home business ordinance, and the other provisions of the Zoning Ordinance, is to “promote the health, safety and general welfare of the residents [of the Town of Lyndeborough] by preserving the value of buildings; by encouraging the appropriate use of land...[; and] by securing safety from fire, panic and other dangers; providing adequate areas between buildings and rights-of-ways; preserving the rural character of the community; [and promoting good design and arrangement of buildings and land uses.” Sec. 100 (Purpose and Authority). The use of the Boisverts’ property for their portable toilet business is minimal. Moreover, the size and shape of the property create such an enlarged buffer between the abutters and public and the portable privies activity that such activity has virtually no impact on them, whether visually or otherwise. Furthermore, the business is operated in full compliance with applicable DES and other septage hauling and disposal regulations.”

(iii) **The proposed use is a reasonable one because:**

The proposed use is a reasonable one in and of itself. But certainly, as compared to other home businesses that have been permitted by the Town in recent years or were expressly allowed by the 2017 Ordinance (including those that involve hazardous materials and adult entertainment), it is reasonable.

All in all, the Boisverts’ portable toilet business does not adversely affect or jeopardize in any way the health, safety or general welfare of their neighbors or the public generally, and in fact serves to preserve the rural character and health of the community by providing safe and sanitary facilities for the proper disposal of human waste for outdoor functions, projects and events.”

Mr. Lombardi: I would add, even the town used the Boisverts’ portable toilets in the past.

The meeting was opened to comments from abutters who approached the podium.

Abutter **David Roemer**, Larger Lane: I have a question, I don’t have a comment. If I understand this correctly, I’m being told this business is going to be operated such as no portion is going to be visible from Johnson Corner Road? Is that correct? In #2, everything is stored and you can’t see it?

Chair Grybko: That is what we understand.

David Roemer: I would like to refute that to say when I drive by each and every night there is a porta-potty truck parked in the driveway by the little house, usually with a porta-potty on the back, some days, some not. In addition to that, there are regularly porta-potties on the ground next to the small house. So I want to know going forward, am I going to be stuck with every time I drive by in the future, once you grant the variance, I’m going to have to notify the Code Enforcement Officer there is another violation, there is another violation because the truck is there?

Chair Grybko: We are not discussing the truck. People are allowed to park his work trucks. It's basically the privies.

David Roemer: I thought no aspect of the business is going to be visible from the roadway.

Chair Grybko: People drive work trucks and park them in their driveways. We are not going to regulate the work truck. We are talking about the privies.

David Roemer: If there are any privies visible from Johnson Corner Road, that is going to be a violation?

Lisa Post: Are there privies on the truck?

David Romer: Sometimes yes and sometimes no.

Chair Grybko: Are they on the ground?

David Roemer: Sometimes yes and sometimes no.

Chair Grybko: Are they on the ground?

David Roemer: There are certainly some out in the field as you see driving by.

Chair Grybko: Are they used for his air soft business or being stored there.

David Roemer: Here we go...

Chair Grybko: I'm asking because functions have privies and I just don't know whether they are for use or storage.

Mr. Lombardi asked if he could make a comment and was asked to save his comments until after abutters finished their time to address the Board.

Abutter **Paul Turner**, Purgatory Falls Road: I drove by today and saw the truck and two privies that I see frequently too. I have the same question. The comments have been made multiple responses to the five questions, that said you will have no visibility to the privies. These privies are not being used. Some might be used for his airsoft in the field. I'm sure that is the case and he's allowed to do that, so be it. But obviously, the ones that are in the truck being moved to other properties so the fact is they are making statements, and they made them in the past, that we will follow the rules. I have the same question Dave does: "You say you will follow the rules, but when you don't follow them we have concerns as abutters, as neighbors". What happens? Why don't we have an Enforcement Officer who can follow-up? But how many times can we do this and how many times before he is not granted permission to continue the business? Those are our concerns. If the rules are being followed we don't have an issue. But statements that were made in the past and being made tonight that are not true. We just want to make sure that if you say you are going to do something and we agree to it, it's a good idea of the town approves it that you abide by it.

Lisa Post asked questions to Mr. Turner: How long have you lived there?

Paul Turner: Twenty-six (26) years.

Lisa Post: How long has it been a problem for you?

Paul Turner: I have noticed that for the 26 years that I have been there. Larry had a window of time, he was told he was not allowed to have porta-potties on the property, I can't tell you how long that was, maybe a year or two. I'm not saying it interrupts my life. But you are saying it won't be visible. Granted, there are other businesses that have hazardous waste. Our concern is this is hazardous waste too. They have had violations in the past and I'm glad you recognized that as the attorney said. We are concerned we don't want that to happen again. It may not affect me because I'm upstream, but there are people downstream and I don't want this to happen. I don't think you do either or I don't think Larry does either. If you do grant this, we want to make sure there aren't any violations and he's following protocol.

Abutter **Tracey Turner**, Purgatory Falls Road: I want to one more time reiterate what has been said. I think what you are hearing is there has been a history of not abiding by what was stated. I was on the Planning Board when Larry [Bosivert] came before the Planning Board on his other business, [Airsoft-Paintball], I'm not mixing them. Certain criteria were required. He didn't seem to follow the criteria. So that is why we continue to bring this up. Already, we have two people tonight that say they have seen it and you haven't even granted a variance yet. Presumably the toilets should not be there at all, correct? That is exactly the point we are trying to make. There is this history of non-compliance that is a big concern. If there is some way of writing into any approval that happens, these kind of, "What happens if", that would be helpful because of what we have been told in the past, that you have to report it. We have could have over the last 20 years made a career out of reporting things that appear to be violations of regulations that have been required.

So I think a lot of the questions I had were answered about the Safe-T-Fresh and where it is. Just a question about it being stored in the basement of the barn and curious what the conditions under the barn is like. If it's an old barn, I know it's an old lovely house. Is it a dirt floor? What is it stored in? Is it some sort of container? Is it locked? Can it seep out of the container to the floor?

Chair Grybko asked Larry Boisvert to go to the podium to answer questions regarding containment of the chemicals in his barn and how he stores it.

Larry Boisvert: It comes in a plastic container and I store with my oil I use for my tractor.

Chair Grybko: Do you have it locked?

Larry Boisvert: It is not locked.

Chair Grybko: Do you contain this? I'm familiar with pesticide storage units, do you have something you put it on so it won't leak, like a big plastic tub? Do you have it locked, how do

you store your chemicals in your barn? Do you have it on something that if there was a leak in the jug you would have it help in a plastic tub or something?

Larry Boisvert: No, it is on a cement floor, stored with my oil for my tractors.

Chair Grybko: Would it be hard to put it in a plastic tub that would contain...

Larry Boisvert: It would take me two seconds to put it in a tub, just to please everybody.

Chair Grybko: That is generally what pesticides storage units...

Larry Boisvert: It's not a pesticide. I can do the things the Board think is necessary just to please the Board. It's not a pesticide. It is not necessary. The State does not require it.

Tracey Turner. We were told trailers would be behind the house that the privies would be stored in. I was wondering if you have a map.

Secretary Humphreys provided two maps, dated 2004 and 2018, that were part of the file from the applicant (See file). Mrs. Turner reviewed the maps and asked questions about where the house and trailers were located.

Mr. Lombardi, from his seat, objected to this process and said they already made their presentation.

Mrs. Turner wondered about the "little boxes" on the map and asked if they were trailers or privies and asked if some can be outside of the trailers and some inside.

Mr. Lombardi stated that there is no requirement they need to be in the trailers. He asked if Mr. Boisvert can address why they are not all in the trailers. He objected and stated this has been addressed in the course of the application.

Mr. Boisvert was asked why the toilets are not all in the trailers.

Mr. Boisvert: Because I was using them.

Tracey Turner asked if Mr. Boisvert could identify the four boxes on the plan as trailers and if there are four trailers.

Mr. Boisvert: I counted them and I'm agreeing with you.

Tracey Turner: Are you getting them or are they there now?

Mr. Boisvert: They are there now.

Tracey Turner: Are they 18-wheelers, tractor trailer bodies or something else?

Mr. Boisvert: They are old BSP tractor trailer boxes, 65 footers.

Tracey Turner: Question about the inspection records with the State. Are they going to be part of the on-going records of this business?

Chair Grybko: Mr. Boisvert is licensed and permitted by the State as required. The State is regulating him to make sure he follows all the protocol. We are not going to hover over the State.

Tracey Turner: So records of inspections of the trucks are not part of the record we could check to make sure that is happening.

Chair Grybko: We have it as part of our records that Larry has already submitted, permits and licenses he has required to have to run his business.

Mr. Lombardi interjected, "That is public records with the DES".

Tracey Turner: You said repairs have been done on the tanks. What is age of the current tank on your truck? What is the expected life of it? Have you ever replaced it? You said you were a welder and made repairs.

Mr. Lombardi interrupted and asked if she [Mrs. Turner] is asking him [Mr. Boisvert] questions.

Chair Grybko: Larry can you take the podium and answer those questions?

Mr. Boisvert: I have been in business 30 years. I have made many repairs. I have no idea which repairs you are talking about. I did lots of repairs.

Tracey Turner: Just the nature of repairs you have to make on a regular basis, is it maintenance, what if a tree falls on it...

Mr. Boisvert: That question is very vague. I do maintenance on my truck for all kinds of reasons. I even had several trucks and several tanks. So I don't know...

Chair Grybko: What is a typical repair of a tank?

Mr. Boisvert: I didn't like it anymore so I changed it. I'm talking about maintenance. It's so vague.

Chair Grybko: Do you weld your tanks on a regular basis and how often do you replace your tanks.

Mr. Boisvert: If I have to. In 30-years I probably have gone through five tanks. I just change them. If I get a feeling I don't like it, I just change it. One tank collapsed

Tracey Turner: That was the reason for my questions. I don't know that business. I'm curious to understand it better so if you approve this what we can expect in terms of maintenance on it.

Chair Grybko: All we can tell you is that the State inspects the truck yearly, according to Larry. That is what we have to go by. He has all the inspections and permits and licenses he is required to have.

Abutter **Steven Brooks:** I think we all heard, "A tank collapsed", "I don't trust them". A while ago we heard, "There has never been a leak". There was not a clear answer to an Emergency

Preparedness Plan in the event your tank leaks over the course of the night or a weekend on the property. I think that is indicative of a relatively casual way of managing a business that carries stuff that none of us wants on the ground near our homes. That is reflective of the character of how it's run. I don't think it's in the interest of the town to grant a variance on this.

David Roemer: I want to set the record straight on one thing. Earlier the comments made that back in 2003 that effluent was dumped into a lagoon on the property. I have paperwork faxed to me by the Town of Lyndeborough, a DES report that clearly states that effluent was dumped on the property, twice, not once. And the second time it was done after someone was told not to do it and what was there has to be cleaned up. The fact it occurred more than once after being told not to do it, I think speaks to the character, or lack of character, of the individual. I further my comments to say, given the size of the property, I don't think there is anybody in this room, except the Boisverts that can say for certain that dumping is not taking place as we sit here tonight because no one is allowed to go onto the property to inspect it. Nobody has been out there recently to see if there is another lagoon out in the back somewhere. Give the past history, the attorney would like us to believe it ancient history. I would suggest, that is something to be taking into consideration before you grant a variance for a business like this in the area.

Mr. Boisvert stood up and addressed Mr. Roemer and made some heated comments and negative remarks about his neighbors. He was asked to make his comments to the Chair.

Chair Grybko asked if any other abutters have comments to make. A non-abutter wanted to make a comment but was not allowed at this time.

Mr. Lombardi asked if he could respond to these allegations. Mr. Turner, ah Mr. Roemer brought up questions about the concerns about hazardous waste. I think the Board has been pretty responsive to that. Mr. Boisvert has obtained all the appropriate permits he needs to run his business and has gone above and beyond having his truck inspected every year, instead of every other year as required. Mr. Boisvert will comply with that requirement. We addressed and submitted information on other things including Safe-T-Fresh which this Board is interested in as well. I would just ask the question of anyone who has concerns about environmental issues here what they do with their own chemicals in their own homes. We all have them. Are they in plastic bags? Are they in plastic tubs? Gallons of paint, that is about as toxic as you can get. What do all these people do with their paint? Are there any paint cans that are out there with no covers or a loose cover and danger of falling over and getting into the ground water? I think some of these specific questions that can be asked, and anyone has the right to ask them, but I think they are pinpointing Mr. Boisvert, for whatever reasons, and he has answered these questions. He answered the questions about the integrity of his truck. He explained how the tank is built. People are still asking what happens if a tree falls on it, fine, what happens if an asteroid comes down and hits, fine, there probably will be things all over the place, but that is true of any chemicals leaking. I think he has taken as many precautions as can be expected as someone who is running this kind of business and has gone above and beyond to address these questions. A gentleman referenced the fact there were two incidences of effluent being dumped on the property. If the Board wants to take that into account, that is fine. I can't dispute

that. Perhaps that is in the record. I was not there at the time. Maybe Mr. Boisvert has a legitimate reason for that happening? That is well in the past. The fact remains that DES confirms he has met all his obligations, then some since 2003. Anybody can go on the DES records or call them and say, "What is the situation with this property". It's not as if they are ignoring it. They are there every year and taking a look at this property. It's entirely unfair to speculate on what might be happening at the property when people don't know. As far as requiring Mr. Boisvert not to carry privies on his truck, that probably fair if when he parks it in his driveway. He is conducting a business, so we would ask that not be if the Board is going to grant the variance and we ask that is not a condition on this variance. But if the Board believes that is the only way this can be conducted, in compliance with the variance, I would think Mr. Boisvert will abide by that. Outside of that, ordinance does allow for materials and equipment to be stored outside and to be kept outside, that was clearly made a condition of it when it was back in 2012. You couldn't do that at all. The Town decided, we are going to allow those things to be outside, so they are, they are down back. The only thing that people can complain about is the fact a privy or two might be on the truck at times when they are travelling past. And by the way, I don't know if the statement is correct or is there is truth in it, this has been going on for 26-years because it was a fact the privies were off the property all together for a period of time after the 2005 Superior Court Decision. Mr. Boisvert did that to be in compliance with that decision. I would also add this; people may believe that Mr. Boisvert doesn't intend to abide by the regulations of the Town. That is not true first of all. Secondly, the Zoning Ordinance has been amended many times in the past and many times recently. And those rules have changed. The only reason Mr. Boisvert brought those privies back is because the Ordinance changed to allow the privies to be stored outside. And at that time as well, the Town also eliminated the requirement for Planning Board approval. So he didn't need specific approval from the Town and felt, in consultation with the Land Use Consultant, that he did not need permission from the town itself because he already had it under the Ordinance. And to say that was in bad faith on his part, which is the clear implication is just not fair.

Mr. Lombardi continued: There is a suit before Superior Court right now that involves a Cease and Desist Order to Mr. Boisvert and his business for lack of complying with the town and lack of approaching the town to obtain a permit. The Town has since realized they [Mr. Boisvert] did apply. We applied in the Fall 2016, the town thereafter, determining that he never made that application, issued a Cease and Desist Order then subsequently filed a law suit against him based on the 2005 Ordinance. If there is any bad faith here, it's on the part of the town. We are trying to rectify the situation here. There has been bad blood on both sides here, and that's understood. The Boisverts, however, have tried to make this right. They are going above and beyond to make sure they are in compliance with all the related Ordinances and the right rules and regulations that apply here. Mr. Boisvert has been here, willing to testify to answer questions. So to suggest the Town is blameless in all this, is not...

List Post started to make a comment...

Mr. Lombardi: Excuse me. I'm trying to talk here. Again, we are not here to make issues of that. We want this to go away. The way it goes away, is the Town grant them permission. Currently under this Variance Request to operate that business, which they operated for a long

time, whether that was lawful or not, they believed they were grandfathered. That was all hashed out in 2005 in Superior Court decision. The Boisvert abided by and honored that decision by taking those privies off the property. They brought them back when the Ordinance changed. So here we are, I think the Town wants to come to a decent resolution of this and the Boisverts do as well. This Variance Request is an opportunity for people to make things right. And we would only ask you allow the Boisverts to continue with this and grant the Variance. If you want to put conditions on that, it's within the Board's prerogative and privilege to do so. But we would ask that everybody moves on and that the Board grant this request.

Lisa Post: I wanted to clarify. You referred to the 2005 Ordinance, are you really referring to the 2005 Superior Court?

Mr. Lombardi: No. If you read the Superior Court complaint that is on the docket today, it references provisions of the Ordinance that were not in effect when the suit was filed. Only that they were in effect as of 2005.

Lisa Post: I'm referring to the 2005 Superior Court decision where they said he could not keep his business on the property and he moved to Milford. You said tonight that he brought them back because the 2012 Ordinance he thought he was grandfathered in.

Mr. Lombardi: No. That is not what I said.

Lisa Post: That is not what you just said?

Mr. Lombardi: No. I said that when they originally started the business they believed they were grandfathered? They brought them back after the Ordinance changed to allow for there to be storage of these items outside.

Lisa Post: Which was the 2012 Ordinance you were referring to?

Mr. Lombardi: That is correct.

Lisa Post: I understand that. But did Mr. Boisvert ever go for an appeal to overturn that Superior Court ruling?

Mr. Lombardi: That is irrelevant.

Lisa Post: Why is it irrelevant?

Mr. Lombardi: Because he complied with the decision of the court. Why would he appeal it?

Lisa Post: They said he couldn't have the porta-potty business on his property...

Mr. Lombardi: Based on the 2005 Ordinance. That was changed in 2012.

Lisa Post: But it was never taken out of... He would have to go back and get an appeal on that. It was never taken out of he would have to go back and get an appeal on that.

Mr. Lombardi: That is not correct.

Address the Chair...

Lisa Post: As I believe we discussed the other day with our attorney he said it was an “illegal return to business” because he would have had to appeal that Supreme Court ruling that he couldn’t keep the porta-potty business as a Home Business on his property.

Chair Grybko: That is not irrelevant because he does not meet the Home Business definition that we have. That is why he is in for a Variance. So that does not matter in this.

Mr. Lombardi: That correct. Again, the reason that 2005 decision does not apply is because it was based on the Ordinance in effect at that time and that Ordinance no longer applies. I’m sure the attorney would agree with me.

Chair Grybko: Are you done? Why don’t you read the letter you have.

Mr. Lombardi read a letter from Real Estate Agent James Goddard, dated October 3, 2018 (see attached)

Vice Chair Rick Roy read a letter from resident Wally Holt, dated 9-13-18 (see attached)

Pam Altner read a letter written by abutter Dan Holt into the records. No date. (see attached)

Lisa Post read a letter from abutters Adriene and Wayne Colsias, dated Sept. 11, 2018 (see attached)

Chair Grybko read a letter from abutters Michael and Lauren Wile, dated May 22, 2018. (See attached. Add 2 maps to the record that were submitted by the Wiles)

Chair Grybko: Is there any abutter that would like to talk?

Donna Anthony from 154 Johnson Corner Road stood up and said she’s a ground water abutter and asked to make a comment.

Mr. Lombardi: Excuse me. She’s not an abutter. Can she identify her property?

Chair Grybko: We allowed Wally Holt’s letter and he is not an abutter so we will allow her.

Donna Anthony: My name is Donna Anthony. I live just up the road at 154 Johnson Corner Road. Mr. Boisvert had said that all the portable potties are cleaned off-site where they are used. I assume he sucks them out then brings them back but he also said they are cleaned right there which means to me there is still residue inside. How does he gets that out and if he is cleaning it on-site does that mean if I rent one from him is he cleaning it in my backyard? If not, where is he cleaning it?

I had another question on the MSDS. I believe OSCEA might require a MSDS for this material on his site. I would like to know the name of it so I can look up the MSDS. Under the heading of “Trust but Verify”. Mr. Boisvert said he constantly goes and dump in the sewage dump place. Can we see any receipts or proof from this?

Chair Grybko asked Mr. Boisvert to make a statement as to how you treat the porta-potties, how you clean them and what residue might be in them and all of that.

Mr. Boisvert: You call for a toilet. I bring the toilet to you. There is nothing to the hopper.

Chair Grybko: Let me understand. The toilet is just one unit that is contained, right?

Mr. Boisvert: It's about 4x4 wide and 7 feet tall. When you open the door it looks like a place you can go to the bathroom. It's self-contained. Without it being set-up, it's dry, no chemicals. Now it's ready for customer to use. I dump five gallons of water in the hopper, put toilet paper on the holder. There is a urinal on wall so men can do their thing. I take a bucket with water and wet inside of toilet. I have a towel and wipe the inside of the toilet. I want it to be nice and dirt free. Then I go to the inside my truck and take a bottle of chemical. I do one last inspection and look at the toilet and squirt the chemical in hopper. I look at toilet and say I'm done.

Mr. Boisvert *continued:* Now you are done using the toilet. I come back with my truck. I open the door. I stick my hose in hopper. I then take the unused toilet paper out and the soap and I put it in my truck. I start my engine which causes a vacuum in the tank. My tank will make a noise and I know it is ready to suck up the effluent that is in the hopper. I open the valve and it sucks up everything in the hopper until it's dry. There is nothing left in the hopper. I then turn around with the hose in my hand and go back to the truck. I put the hose on the truck and I shut the engine off. I wiggle my toilet, like a Weeble, to my truck. And I push the toilet onto my truck. I'm done. Thank you. Good-by.

Lisa Post: Clarification. So you never actually wash the inside of the toilet?

Mr. Boisvert: No. Why would I? I sucked it all out.

Lisa Post: There can be residue in it.

Mr. Boisvert: Yes, and I don't want to see it. Neither do you.

Lisa Post: So it's never cleaned out?

Mr. Boisvert: No, it is not perfectly clean. It is not like your toilet in your house. It's not white porcelain where everything shows. It is gray. I don't want to look in it and neither do you. It's meant for people to go to the bathroom. So many people don't want to see it. Maybe wedding people do. I tell them, "Go away, stop being so nervous". They are being particular about things you don't want to see. Why are you inspecting inside the toilet? That is maybe what you are concerned about but don't look at it.

Chair Grybko: Basically you suck it all out. If there is any residue left, it is in there for the next customer.

Mr. Boisvert: Yes. You are concerned about things you don't need to be concerned about. That is what I tell people. I'll tell you to forget about it.

Rick Roy: So when you clean at the site before you bring it back it's not perfectly spotlessly clean, there is something left in it?

Mr. Boisvert: It's a gray plastic container. Shit sticks to the inside sometimes, I don't care about it.

Rick Roy: So when you bring it to the next site it just becomes part of the next toilet site...

Mr. Boisvert: Yes. Usually I suck most of it out. Unless you want to get in there with your nose and check it out, fine.

Rick Roy: So it would be very small particulates?

Mr. Boisvert: Yes.

Rick Roy: To follow that up. Now that it's done as far as the cleaning, you bring it back to your property. There is some further maintenance; cleaning the outside and inside with some kind of cleaner?

Mr. Boisvert: You know how your truck gets dirty and you like to wash it so it's pretty. Dust blows on it. Well when you bring a toilet to a lady who wants to rent one, she doesn't like to see that. It blows inside too. I have a bucket with water and I wet the inside. I take my towel and wash it with only water.

Rick Roy: You use a cleaner?

(The two men were talking over each other)

Mr. Boisvert: I don't use any chemicals, except what goes in the hopper, just water and elbow grease.

Rick Roy: When you clean it with water do you use a hose? Do you sort of wipe it down with something then you do your hose, at your house?

Mr. Boisvert: I use a high-pressure power washer.

Rick Roy: You use a pressure washer. That was my question. That is what I wanted to know. That kind of pertains to the requirement of registering his thing

Mr. Boisvert: It's just water. I don't use any chemicals. No Lestoil or nothing.

Chair Grybko: Does anyone else have a comment? Abutters?

Donna Anthony: I have not gotten the name of the product so I can look up the MSDS. *Mrs. Anthony was told it was Safe-T-Fresh.*

Rick Roy: If I could just make a comment on questioning of these materials. With respects to remarks that people may be a little casual with their personal lives with paint and things around. I think we hold commercial people at a little higher standard. Their due diligence, because they

are commercial, should be a high standard. Frankly, most of us should be complying with safe practices. For example, if you have a tractor and you have a gallon of diesel fuel, it should be contained. Because he's a business I think the public expects a little more from a business than individuals. It's a reasonable point to make. You learn as you go along.

Chair Grybko: Before we go into deliberation I think we need to have a site visit so we can see exactly what we are all talking about. I don't believe we can deliberate and talk about conditions, if we grant you a variance, without seeing where your operation is and when you talk to us about trailers and things stored outside trailers. I think we need to see where everything is stored so we understand what you are talking about how you do your business. I don't think we can deliberate yet. We would like to schedule site walk.

VOTE: Rick Roy moved to have a Site Walk at the property to review the attributes of the property and where things are stores so the Board can physically observe the business.

Chair Grybko: We do not want to close the deliberation at this time. We may have questions after the site walk before we deliberate.

VOTE: Lisa Post added to the motion since it's a public meeting, **"the public is invited to attend as well and to have the site visit during the day as soon as possible.**

After consulting their calendars, the Board asked Mr. Boisvert and his attorney if October 23, 2018 is a good day for a site visit. Mr. Lombardi will respond to the secretary and chairperson.

VOTE: Rick Roy moved, Pam Altner seconded, to have a Site Walk, during daylight hours, to review the attributes of the property and where things are stores so the Board can physically observe the business. The property is 54 Johnson Corner Road owned by Larry Boisvert d/b/a Portable Privies and Feel Good Farm. The public is invited to attend. Motion passed 4-0.

VOTE: Lisa Post moved to continue the Variance Hearing for Case 2018-3, Portable Privies Home Business/Larry Boisvert, to November 8, 2018 at 7:00 p.m. Pam Altner seconded. Motion passed 4-0.

Mr. Boisvert asked who covered the liability when the public comes on his property. That question will be looked into. Member Lisa Post asked if he has liability for the public for his other business on the property. Attorney Lombardi interrupted the conversation.

Most of the public left at 8:37 p.m.

Resident Bob Booream asked to look at the 2012 zoning. He was handed a copy to review from the secretary's three-ring binder which was printed from the Town Report.

Meeting Minutes:

Lisa Post proposed amendments to the October 4, 2018 meeting minutes. She will review them with the secretary and they will make changes to be voted on at the next meeting.

The Board would like to ask the Town if they are aware of any complaints before 2012 regarding seeing the toilets on Mr. Boisvert's property at 54 Johnson Corner Road.

VOTE: Pam Altner moved, Rick Roy seconded to adjourn at 8:50 p.m. Motion passed 4-0.

Respectfully submitted,

Kathleen Humphreys

Kathleen Humphreys
ZBA Secretary

Attached Documents:

Safe-T-Fresh Manufacture Safety Data Sheet, submitted by Lisa Post at the 10-17-18 meeting

Documents and website links from NHDES, submitted by Rick Roy at the 10-17-18 meeting. Includes: emails with Tim Sweatt and Mitchell Locker from NHDES. Includes: discharge and infiltration of non-domestic wastewater information.

*Letter from abutters Michael and Lauren Wile, dated May 22, 2018. (Emailed to Chair Grybko)
Add two maps to the record that were submitted by the Wiles, not previously in the record.*

Letter from Real Estate Agent James Goddard, dated October 3, 2018 (submitted by Atty. Lombardi)

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Letter from abutter Dan Holt, no date, (submitted by Atty. Lombardi)

Letter from abutters Adrieene and Wayne Colsias, dated Sept. 11, 2018 (submitted by Atty. Lombardi)

RECEIVED
SAFETY OFFICE
OCT 17 2018

SAFETY DATA SHEET
SATELLITE SAFE-T-FRESH 6000

Page: 1

Compilation date: 28/03/2011

Revision date: 10/01/2014

Revision No: 1

Submitted by Lisa Post.

Section 1: Identification of the substance/mixture and of the company/undertaking

1.1. Product identifier

Product name: SATELLITE SAFE-T-FRESH 6000

Product code: 1163

1.2. Relevant identified uses of the substance or mixture and uses advised against

Use of substance / mixture: PC35: Washing and cleaning products (including solvent based products).

1.3. Details of the supplier of the safety data sheet

Company name: Satellite Industries Inc

2530 Xenium Lane

Minneapolis

Minnesota 55441

USA

Tel: +18002334089

Email: oscarm@satelliteco.com

1.4. Emergency telephone number

Emergency tel: +1.800.424.9300 CHEMTREC # 19618

Section 2: Hazards identification

2.1. Classification of the substance or mixture

Classification under CLP: Acute Tox. 4: H302; STOT SE 3: H335; Eye Dam. 1: H318; Resp. Sens. 1: H334; Skin Irrit. 2: H315; Skin Sens. 1: H317

Classification under CHIP: Xn: R20/22; Xi: R37/38; Xi: R41; Sens.: R42/43; N: R50

Most important adverse effects: Harmful if swallowed. Causes skin irritation. May cause an allergic skin reaction. Causes serious eye damage. May cause allergy or asthma symptoms or breathing difficulties if inhaled. May cause respiratory irritation.

2.2. Label elements

Label elements under CLP:

Hazard statements: H302: Harmful if swallowed.

H315: Causes skin irritation.

H317: May cause an allergic skin reaction.

H318: Causes serious eye damage.

H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled.

H335: May cause respiratory irritation.

[cont...]

SAFETY DATA SHEET
SATELLITE SAFE-T-FRESH 6000

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USA

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[cont...]

SAFETY DATA SHEET
SATELLITE SAFE-T-FRESH 6000

Page: 2

Signal words: Warning

Hazard pictograms: GHS05: Corrosion
GHS07: Exclamation mark
GHS08: Health hazard



Precautionary statements: P280: Wear protective gloves.
P282: Wear eye protection.
P301+310: IF SWALLOWED: Immediately call a POISON CENTER or doctor.
P304+340: IF INHALED: Remove victim to fresh air and keep at rest in a position comfortable for breathing.
P304+341: IF INHALED: If breathing is difficult, remove victim to fresh air and keep at rest in a position comfortable for breathing.
P305+351+338: IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
P310: Immediately call a POISON CENTER or doctor.

2.3. Other hazards

PBT: This substance is not identified as a PBT substance.

Section 3: Composition/information on ingredients

3.2. Mixtures

Hazardous ingredients:

ALCOHOLS, C9-C11, ETHOXYLATED

EINECS	CAS	CHIP Classification	CLP Classification	Percent
-	68439-46-3	-	Acute Tox. 4: H302; Skin Irrit. 2: H315; Eye Irrit. 2: H319; Acute Tox. 4: H332; STOT SE 3: H335	30-50%

POLYMERIC COLORANT (BLEND)

-	-	-	-	1-10%
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GLUTARALDEHYDE

203-856-5	111-30-8	-	Acute Tox. 3: H331; Acute Tox. 3: H301; Skin Corr. 1B: H314; Resp. Sens. 1: H334; Skin Sens. 1: H317; Aquatic Acute 1: H400	1-10%
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[cont...]

SAFETY DATA SHEET
SATELLITE SAFE-T-FRESH 6000

Page: 3

BRONOPOL (INN)

200-143-0	52-51-7	-	Acute Tox. 4: H312; Acute Tox. 4: H302; STOT SE 3: H335; Skin Irrit. 2: H315; Eye Dam. 1: H318; Aquatic Acute 1: H400	1-10%
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Section 4: First aid measures

4.1. Description of first aid measures

Skin contact: Remove all contaminated clothes and footwear immediately unless stuck to skin. Wash immediately with plenty of soap and water. Consult a doctor.

Eye contact: Bathe the eye with running water for 15 minutes. Consult a doctor.

Ingestion: Wash out mouth with water. Do not induce vomiting. If conscious, give half a litre of water to drink immediately. Consult a doctor.

Inhalation: Remove casualty from exposure ensuring one's own safety whilst doing so. Consult a doctor.

4.2. Most important symptoms and effects, both acute and delayed

Skin contact: There may be irritation and redness at the site of contact.

Eye contact: There may be irritation and redness. The eyes may water profusely.

Ingestion: There may be soreness and redness of the mouth and throat. Nausea and stomach pain may occur. There may be vomiting.

Inhalation: There may be irritation of the throat with a feeling of tightness in the chest.

Delayed / immediate effects: Immediate effects can be expected after short-term exposure.

4.3. Indication of any immediate medical attention and special treatment needed

Immediate / special treatment: Not applicable.

Section 5: Fire-fighting measures

5.1. Extinguishing media

Extinguishing media: Suitable extinguishing media for the surrounding fire should be used. Use water spray to cool containers.

5.2. Special hazards arising from the substance or mixture

Exposure hazards: In combustion emits toxic fumes.

5.3. Advice for fire-fighters

Advice for fire-fighters: Wear self-contained breathing apparatus. Wear protective clothing to prevent contact with skin and eyes.

Section 6: Accidental release measures

[cont...]

SAFETY DATA SHEET
SATELLITE SAFE-T-FRESH 6000

Page: 4

6.1. Personal precautions, protective equipment and emergency procedures

Personal precautions: Refer to section 8 of SDS for personal protection details. Turn leaking containers leak-side up to prevent the escape of liquid.

6.2. Environmental precautions

Environmental precautions: Do not discharge into drains or rivers. Contain the spillage using bunding.

6.3. Methods and material for containment and cleaning up

Clean-up procedures: Absorb into dry earth or sand. Transfer to a closable, labelled salvage container for disposal by an appropriate method.

6.4. Reference to other sections

Reference to other sections: Refer to section 8 of SDS.

Section 7: Handling and storage

7.1. Precautions for safe handling

Handling requirements: Avoid direct contact with the substance. Ensure there is sufficient ventilation of the area.

7.2. Conditions for safe storage, including any incompatibilities

Storage conditions: Store in cool, well ventilated area. Keep container tightly closed.

Suitable packaging: Not applicable.

7.3. Specific end use(s)

Specific end use(s): No data available.

Section 8: Exposure controls/personal protection

8.1. Control parameters

Hazardous ingredients:

GLUTARALDEHYDE

Workplace exposure limits:

Respirable dust

State	8 hour TWA	15 min. STEL	8 hour TWA	15 min. STEL
UK	0.2 mg/m ³	0.2 mg/m ³	-	-

8.2. Exposure controls

Engineering measures: Ensure there is sufficient ventilation of the area.

Respiratory protection: Self-contained breathing apparatus must be available in case of emergency.

Hand protection: Impermeable gloves.

Eye protection: Safety glasses. Ensure eye bath is to hand.

Skin protection: Protective clothing.

Environmental: Refer to specific Member State legislation for requirements under Community environmental legislation.

[cont...]

SAFETY DATA SHEET
SATELLITE SAFE-T-FRESH 6000

Page: 5

Section 9: Physical and chemical properties

9.1. Information on basic physical and chemical properties

State: Liquid
Colour: Blue
Odour: Pleasant
Evaporation rate: Slow
Oxidising: Non-oxidising (by EC criteria)
Solubility in water: Soluble
Viscosity: Non-viscous
Boiling point/range°C: 100
upper: n/a
Relative density: 1.05
VOC g/l: <50
Flammability limits %: lower: n/a
Flash point°C: >93
pH: 3.5-5

9.2. Other information

Other information: Not applicable.

Section 10: Stability and reactivity

10.1. Reactivity

Reactivity: Stable under recommended transport or storage conditions.

10.2. Chemical stability

Chemical stability: Stable under normal conditions.

10.3. Possibility of hazardous reactions

Hazardous reactions: Hazardous reactions will not occur under normal transport or storage conditions.
Decomposition may occur on exposure to conditions or materials listed below.

10.4. Conditions to avoid

Conditions to avoid: Heat.

10.5. Incompatible materials

Materials to avoid: Strong oxidising agents. Strong acids.

10.6. Hazardous decomposition products

Haz. decomp. products: In combustion emits toxic fumes.

Section 11: Toxicological information

11.1. Information on toxicological effects

[cont...]

SAFETY DATA SHEET
SATELLITE SAFE-T-FRESH 6000

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Toxicity values:

Route	Species	Test	Value	Units
ORAL	RAT	LD50	>1500	mg/kg

Relevant effects for mixture:

Effect	Route	Basis
Acute toxicity (harmful)	INH ING	Hazardous: calculated
Irritation	OPT INH DRM	Hazardous: calculated
Sensitisation	INH DRM	Hazardous: calculated

Symptoms / routes of exposure

Skin contact: There may be irritation and redness at the site of contact.

Eye contact: There may be irritation and redness. The eyes may water profusely.

Ingestion: There may be soreness and redness of the mouth and throat. Nausea and stomach pain may occur. There may be vomiting.

Inhalation: There may be irritation of the throat with a feeling of tightness in the chest.

Delayed / immediate effects: Immediate effects can be expected after short-term exposure.

Section 12: Ecological information

12.1. Toxicity

Ecotoxicity values: Not applicable.

12.2. Persistence and degradability

Persistence and degradability: Biodegradable.

12.3. Bioaccumulative potential

Bioaccumulative potential: No bioaccumulation potential.

12.4. Mobility in soil

Mobility: Readily absorbed into soil.

12.5. Results of PBT and vPvB assessment

Persistence (P-):

days

Half-life in marine water: <60

Half-life in fresh or estuarine water: <40

Half-life in marine sediment: <180

Half-life in fresh or estuarine water sediment: <120

Half-life in soil: <120

Persistence result: not P-

Bioaccumulation (B-):

[cont...]

SAFETY DATA SHEET
SATELLITE SAFE-T-FRESH 6000

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Bioaccumulation result: not B-

Toxicity (T-):

Toxicity result: not T-

PBT identification: This substance is not identified as a PBT substance.

12.6. Other adverse effects

Other adverse effects: Negligible ecotoxicity.

Section 13: Disposal considerations

13.1. Waste treatment methods

Disposal operations: Transfer to a suitable container and arrange for collection by specialised disposal company.

Recovery operations: Not applicable.

Disposal of packaging: Clean with water.

NB: The user's attention is drawn to the possible existence of regional or national regulations regarding disposal.

Section 14: Transport information

Transport class: This product does not require a classification for transport.

Section 15: Regulatory information

15.1. Safety, health and environmental regulations/legislation specific for the substance or mixture

Specific regulations: Not applicable.

15.2. Chemical Safety Assessment

Chemical safety assessment: A chemical safety assessment has not been carried out for the substance or the mixture by the supplier.

Section 16: Other information

Other information

Other information: Sheet prepared in accordance with applicable US laws and regulations.

Phrases used in s.2 and 3: H301: Toxic if swallowed.
H302: Harmful if swallowed.
H312: Harmful in contact with skin.
H314: Causes severe skin burns and eye damage.
H315: Causes skin irritation.
H317: May cause an allergic skin reaction.
H318: Causes serious eye damage.
H319: Causes serious eye irritation.
H331: Toxic if inhaled.

[cont...]

SAFETY DATA SHEET
SATELLITE SAFE-T-FRESH 6000

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H332: Harmful if inhaled.

H334: May cause allergy or asthma symptoms or breathing difficulties if inhaled.

H335: May cause respiratory irritation.

H400: Very toxic to aquatic life.

R20/22: Harmful by inhalation and if swallowed.

R37/38: Irritating to respiratory system and skin.

R41: Risk of serious damage to eyes.

R42/43: May cause sensitisation by inhalation and skin contact.

R50: Very toxic to aquatic organisms.

Legal disclaimer: The above information is believed to be correct but does not purport to be all inclusive and shall be used only as a guide. This company shall not be held liable for any damage resulting from handling or from contact with the above product.

Submitted by ZBA Member Rick Roy for the Oct. 17, 2018 ZBA Meeting for Case 2018-3. Received by Secretary Kathleen Humphreys. KH

On Wednesday, October 17, 2018, 4:02 PM, Locker, Mitch <Mitchell.Locker@des.nh.gov> wrote:

Dear Mr. Roy:

Please note below - as requested - information relative to discharges and infiltration of nondomestic wastewater in NH.

In reference to our discussion today --- cosmetic washing/ rinsing of latrines is considered a nondomestic wastewater discharge. This type of wastewater discharging to the ground and/or groundwater requires either

(1) a registration under [Env-Wq 402 33](#) . or

(2) collection and storage in a holding tank for transport to a municipal wastewater treatment facility.

The nondomestic wastewater registration form can be accessed at the following link: http://des.nh.gov/organization/divisions/water/dwgb/dwspp/bmps/documents/floor_drain_form.pdf.

The Holding Tank Registration Form can be found at:

<https://forms.nh.gov/onlineforms/?FormTag=NHDES-W-03-074>

Best,
Mitchell Locker, P.G.
Groundwater Recharge Program
Drinking Water & Groundwater Bureau
☎ [\(603\) 271-2858](tel:6032712858)
Fax: [\(603\) 271-0656](tel:6032710656)
✉: Mitchell.locker@des.nh.gov
web link / Groundwater Recharge
Program: http://des.nh.gov/organization/divisions/water/dwgb/dwspp/gw_discharge/index.htm

~~~~~

**DOMESTIC Wastewater**

First, all domestic wastewater discharges to the subsurface in NH are regulated under [Env-Wq 1000](#)

Contact the [Subsurface systems Bureau](#)

## NONDOMESTIC Wastewater

The discharge of nondomestic wastewater has four options in NH:

1. discharge to local municipal sewer - *requires local approval*
2. discharge under the authority of a Groundwater Discharge Permit – *requires site evaluation , hydrogeologic study, groundwater monitoring and wastewater treatment* permit continues as long as discharge.
3. discharge to a holding tank for transport off-site to a local wastewater treatment plant
  - a. Hold tank Fact Sheet:  
<https://www.des.nh.gov/organization/commissioner/pip/factsheets/dwgb/documents/dwgb-22-8.pdf>
4. discharge under the authority of a Registration.: nondomestic wastewater discharged to the ground/groundwater is required to be registered with the NH Department of Environmental Services (NHDES) thru the Groundwater Recharge Program under [Env-Wq 402.33](#).

The registration review includes: review of site, local groundwater uses, storm water drainage, wetlands and surface water locations, review of what is being washed or contacted, the safety data sheets (SDS) of any product ingredient(s) used and discharged.

If the activity is determined to be eligible the NHDES issues a conditional registration (letter). One of the conditions of the registration is that there is no discharge of a regulated contaminant in the wastewater stream.

*(Regulated compounds are listed in Env-Or 600, Contaminates Site Management Rules (Specifically Table 600-1)*

Following is a link to those rules:

<http://des.nh.gov/organization/commissioner/legal/rules/documents/env-or600.pdf>

Registrations issued may also include conditions specific to the activity to verify discharges remain in compliance.

I hope this is helpful

MLOCKER



On May 18, 2018, at 4:26 PM, Michael Wile <[michael.wile@gmail.com](mailto:michael.wile@gmail.com)> wrote:

Mrs. Karen Grybko,

My name is Lauren Wile (Heimann) and my husband's name is Michael Wile. We own the property located at 6 Johnson Corner Rd. (Tax Map 237, Lot #16). We recently received a letter in the mail concerning Case #2018-02 and Case #2018-03. We unfortunately will be unable attend the public hearing being held on May 22nd regarding both cases. In light of this, we would like to convey some concerns through this email.

We don't fully understand what Mr. Laurent Boisvert II is trying to get approval for. Does he want to only operate the administrative part of the proposed commercial portable toilet business or does he want to operate all functions of the company on his property? Is he planning on sanitizing used portable toilets on his property in Lyndeborough? We do not have any concerns about the proposed commercial portable toilet business if he is only planning on operating administrative tasks of the business on his property. If Mr. Boisvert II does want to do more than just that, we do have some concerns.

If he wants to store the portable toilets and chemicals at his property, we are concerned about some of the implications of the business. Environmentally speaking, many if not all chemical solutions that are used in portable toilets can cause environmental issues if an accident occurs. If he is also planning on sanitizing portable toilets on his property as well, we would assume human waste would make matters worse if an accident occurred. We feel environmental factors are especially important to note as Curtis Brook runs adjacent and downhill within the majority of Mr. Boisvert II property. Curtis Brook also feeds into Purgatory Falls. If there is an accident, we are concerned it could interfere with the quality of the well water, natural habitat, and tourists visiting Purgatory Falls around Rural Lands One.

If Mr. Boisvert II does operate all function of the proposed company on his property, does he plan to move out once the business becomes established, so he can use the land for his company only? If he does plan to move away from this area once his business starts up, we are concerned that the business could change the atmosphere of our quaint, beautiful town.

Specifically concerning case #2018-03, if Mr. Laurent Boisvert II does operate all functions of the company on his property, we would imagine it would be in direct opposition to section 701. We believe it would be reasonable to expect a smell from the operation which would affect surrounding property values and possibly tax revenue. We would also believe there would be a possibility of an increase in odorous trucks driving through Lyndeborough which would affect more than just individuals living near his property.

We apologize for writing such a long email. We appreciate you reading through the whole thing. We have attached two maps on this email to help further explain our thoughts.

In short, we would like to request you to vote against Mr. Laurent Boisvert II proposed commercial portable toilet business if he plans on operating more than just administrative functions on his property. If it is possible, we would like our name and identity to be kept anonymous.

Thank you for your time.

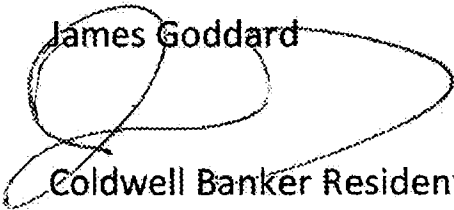
-Lauren & Michael Wile

**To whom it may concern.**

I was asked if the privy business that the Boisvert's have had in operation would affect property values in the local area/neighborhood.

I have sold the home that is above their current place of operation, and sold the abutting land below them. On neither of these sales was there any issue or concern that I dealt with, or did I take into consideration in my determination of value the privy business that was being run. I believe due to the amount of land the Boisvert's have, and the way the operation is set back from the road is why I did not have to address it.

James Goddard



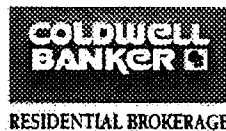
10-3-18

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**James Goddard**  
REALTOR

603-801-2177  
603-589-6900

James.Goddard@NeMoves.com



*no date letter*

*file*  
Submitted to ZBA by Atty. Lombardi  
2/13/18 Case 2018-2  
Boisvert Rehearing (KH)

**Daniel W Holt**  
**Holt Bros. Orchard Partnership**  
**352 Center rd**  
**Lyndeborough NH 03082**

Item #5  
**RECEIVED**  
SELECTIONS OFFICE

**SEP 13 2018**  
during ZBA meeting  
Case 2018-2 (KH) 2/13/18

**To The Lyndeborough ZBA,**

**I am writing to you in support of Larry and Sharon Boisvert about their long time business, Portable Privies. I have known Larry my entire life. We were both brought up in the town of Lyndeborough and have worked together a few different times at my family farm. Home businesses in a small town are not only important for the owners of the business, but also for the residents of the town. Our town has many diverse businesses. From automotive shops, to contractors and a bus company for our school children as well as many other agricultural and home businesses. I am an abutter of their land and have no concerns of any environmental issues. We share land on Curtis Brook where I am downstream from their land and have never had any issues or concerns.**

**I would hope that the town and the Boisvert's can come to a simple and speedy agreement to not cause any more expenses or hardship to either side.**

**Thank you for your consideration**  
**Daniel W Holt**

*Daniel W Holt*

9/13/18

TO:

TOWN OF LYNDENBOROUGH

Zoning board of adjustment

I see no reason why Larry Boisvert  
can't operate his portable toilet business.  
He is in compliance with the state,  
DES regulations and should follow  
what rules the town of Lyndeborough has  
as well. His job is in big demand  
these days. I don't believe his  
business has any effect on the environment  
around his property and the neighbors  
as well. It's only fair that he be  
granted permission to continue.

Shawson,  
Walt / Holt  
160 FOREST Rd.  
Lyndeborough N.H.  
654-6987

Submitted to ZBA by J. Lombardi  
9/13/18 ZBA Case 2018-2 Boisvert  
(KH)

September 11, 2018

Zoning Board Of Adjustment  
Town Of Lyndeborough

www.ParadiseFarmNH.com  
468 Center Rd  
Lyndeborough, NH 03082  
603-345-0860

Item # 6

RECEIVED  
SELECTMEN'S OFFICE  
SEP 13 2018  
During ZBA meeting  
Case 2018-2 (KH)

To Whom It May Concern:

We are Adrienne and Wayne Colsia, owners and operators of Paradise Farm LLC. We have been abutters and neighbors of Larry and Sharon Boisvert for the past 16 years.

FROM  
J. Lombardi  
9/13/18

As we understand it the Boisvert's have been operating their portable privy business for 30 years, have been in compliance with DES regulations, and have posed no threat to the natural environment in the course of their operation. We feel it is wrong and unfair to try to deny the Boisvert's their opportunity to make a living with their long standing operation. If DES is okay with their operation then the town should be okay with it.

There are several people in our town who have incorporated their large parcel of land into their business. This is the way it is in a small town and as long as they are in compliance with all zoning regulations should not be denied their ability to make an honest living.

We support the Boisvert's in allowing them to continue their long standing portable privy business. Thank you for your consideration in this matter.

Sincerely,

*Wayne Colsia*  
Adrienne W. Colsia

Wayne and Adrienne Colsia  
Paradise Farm LLC  
468 Center Rd.  
Lyndeborough, NH 03082  
603-345-0860