

**Town of Hillsborough Water & Sewer Commission**  
**August 10, 2017 Meeting Minutes**

Meeting called to order 6:00 pm. Present were Commissioners Peter Mellen, Herm Wiegelman and Chris Sieg; Paul Dutton, WWTF Operator; and, Penny Griffin, Administrator.

Paul Dutton advised the Commissioners that he will be out on medical leave for three (3) to four (4) weeks at the end of September. On-call coverage during that time was discussed. All agreed to have WSO+ alternate on-call weekend coverage with Eric Edwards.

Mr. Dutton stated that NHDES completed their dam inspection at the waste water plant this past week. A discussion was held regarding the recommendations that the inspector will be sending in a letter to the Selectmen. They will also copy the Commissioners on the letter.

A discussion was held regarding the raising of manholes and water gates in the areas being paved by the highway department. Paul advised the Commissioners that Bill Goss will have his crew raise the manhole on Norton Drive when they grind it for paving. Paul stated that he has all the riser rings for the other areas to be paved and he and Eric Edwards will be installing those.

7 pm Herm Wiegelman left the meeting.

Commissioner Mellen stated that he had received water quality complaints regarding smell and color. A discussion was held regarding complaints received from July 31 through August 4. Complaints began on July 31 from East Washington Road stating the water "smells like band aids". On August 3rd and 4th complaints of odor and color fluctuation came from Center Road, Walnut Street, Willowrock Apartments, Jackson Street, Depot Street and Henniker Street. Complaints were forwarded to WSO+ to investigate. There were no immediate issues found and all testing is within limits. In re-checking with the customers, the issues were reported to have cleared up by Monday, August 7.

Future personnel needs were discussed. The Commissioners stated that they will continue to look into hiring a licensed water operator.

Paul Dutton advised the Commissioners that all the water meters at Maple Leaf Village have been updated with new register heads with radios.

A discussion was held regarding properties found with unusually high water usage during the reading of the meters for the 3rd issue billing.

7:45 pm Paul Dutton left the meeting.

The Commissioners reviewed and discussed a Zoning Board of Adjustment application for 78 County Road. The Commissioners agreed that due to short amount of time between their ability to review the application at a meeting and the ZBA hearing scheduled for Monday, August 14 at 7pm, they will write a letter and have Commissioner Sieg attend the hearing. The letter outlines the following concerns:

- **Env-Wq 1008.04** requires a minimum distance of 10 feet from the bed of any individual sewage disposal system and the property line. While the Proposed Sewage Disposal System Plan attached to the application does not indicate a distance from the proposed leach bed to the west side of County Road, it appears to be placed at the minimum ten foot setback.

However, the property line along County Road is labeled "Lot Lines Approximate" and a note on the plan states that "Boundary Information is Approximate" and "Boundary Lines to be Verified by a Licensed Land Surveyor Prior to Construction." In addition, the property line shown along County Road does not parallel the traveled way as is typically the case but instead runs along the edge of the traveled way in the vicinity of the proposed leach field.

Should the board decide to grant this variance, we would urge the board to have boundary lines verified prior to the any such decision, as any change in the boundary line along County Road could result in the placement of the leach bed closer to Loon Pond than presently proposed.

- Section 160-8 J.(2) of the Loon Pond Ordinance states that "**No....subsurface septic disposal systems, or discharges therefrom, shall be built or maintained within 200 feet of the mean high-water mark of Loon Pond or any lake, reservoir or stream tributary thereto.**"

The section goes on to say that "**Existing, properly functioning, septic systems within 200 feet of the shoreline shall remain in place. If failure occurs, the repair or replacement shall be carried out in accordance with Env-Ws Chapter 1000.**"

It is our opinion that the granting of the variance request to allow the construction of the proposed septic system would be in keeping with the intent and purpose of the Loon Pond Ordinance, which is "**to protect the purity of the water of Loon Pond which is the sole public drinking water supply for the Town of Hillsborough.**"

- Granting of the variance to allow conversion from seasonal to year-round use would in our opinion not be in keeping with the Loon Pond Ordinance. The basis for such an opinion can be found in Section 160-8 M. which states;

**"Grandfathering of existing land uses shall be subject to the following: Existing uses as of the date of enactment of this section may be continued**

**by the landowner; such continued use shall be subject to any other rules which may limit the continuance of an existing use. If a change in use occurs or an expansion is proposed, the rule requirements must be met. A change in use shall include, but is not limited to, a change from seasonal to year-round use.”**

We believe the ordinance is very clear that if a change in use from seasonal to year-round is proposed, **“the rule requirements must be met.”** Section 160-8 of the Loon Pond Ordinance was approved by the voters in 1999, 18 years after the 200 foot setback was established, and would appear to be in conflict with the earlier Sections 160-1 through 160-7 of the ordinance.

Section 160-8 H. addresses this issue by stating **“Where any provision of these rules is in conflict with state law or other local ordinances, the more stringent provision shall apply.”**

The more stringent provision is found in 160-8 M., which requires that if a change of use – including conversion from seasonal to year-round use - is proposed for an existing non-conforming use, the rule requirements must be met. No provision for variance from these requirements is provided.

Additionally, changing the non-conforming use from seasonal to year-round would result in significant and permanent increases in the impacts upon Loon Pond and its waters. Granting the variance would also open the door for the many other seasonal homes on the lake to be converted to year-round use.

The ordinance is very clear that if a change of use is proposed, all rule requirements must be met. We therefore ask that the board deny the application for variance to allow the conversion of use at 78 County Road from seasonal to year-round.

The Commissioners reviewed and authorized the July 25, 2017, meeting minutes; 2017 AP vouchers #15 for water in the amount of \$45,828.22 and for sewer in the amount of \$12,283.23; time cards; and, 2017 3rd issue billing cycles for water – Hillsborough in the amount of \$167,545.32; water – Deering in the amount of \$4,852.36; and sewer in the amount of \$155,993.45.

Commissioner Mellen asked Penny Griffin to contact Cody Boisvert of WSO+ to obtain a drawing of the proposed Butler Park work for the Commissioners to review at the next meeting.

A discussion was held regarding an email from Emily Bender of EPA in response to an inquiry into the status of the waste water treatment facility NPDES Permit by Michael Pon of the Villager Newspaper. In the email, Ms. Bender stated that EPA anticipates moving forward with the permit to increase the flow, and plans to incorporate requirements from the NH DES Antidegradation study. The details of that study are

outlined in a letter from NH DES to Hillsborough Water & Sewer Commission in 2008. The Commissioners agreed that Underwood Engineers will review the draft permit when it is presented for public comment.

Commissioner Sieg motioned to adjourn the meeting. Commissioner Mellen seconded the motioned. All voted in favor. Meeting adjourned 9:35 pm

Respectfully submitted,

Penny Griffin, Administrator

Water and Sewer Commissioners Meeting Minutes  
Approved by: Date:

Peter Mellen, Chairman

Herm Wiegelman

Chris Sieg  
Water and Sewer Commissioners  
Town of Hillsborough