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TOWN OF NORTH BRANFORD

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Notice of Public Hearing

The North Branford Town Council will hold a Public Hearing on Tuesday, October 17, 2017 at 7:30 p.m. in the North Branford Town Hall Council Chambers.

The purpose of the Public Hearing will be to hear comments on Proposed Ordinance #2017-4, which amends Chapter 189 of the Code of the Town of North Branford, entitled "Sewers and Sewage Disposal" as summarized below.

§189-9 Definitions – adds new definition for "Farm Related Permitted Activity"

§189-11 Use by lots outside Primary Service Area – adds section to allow new buildings for farm related permitted activity to connect to the sanitary sewer system if septic system is not possible or feasible

§189-12 Prohibitions – adds section limiting discharge from farm related permitted activity to sanitary sewer system to 3,000 gallons per day

Public comments on this matter are welcome.

A copy of the proposed ordinance is on file in the Office of the Town Clerk, Atwater Memorial Library, Edward Smith Library and posted on the town's website.

Dated at North Branford, Connecticut this 4th day of October, 2017.

Lisa A. Valenti, MMC
North Branford Town Clerk

Publication date: October 12, 2017
The Sound



Proposed Ordinance 2017-4
Chapter 189, entitled Sewers and Sewage Disposal

ARTICLE III
White Hollow/Middletown Avenue Sewer Facilities

Additions are in bold. Deletions are in brackets.

§ 189-8. Purpose.

The Town of North Branford has been directed by the Connecticut Department of Environmental Protection to address failures of residential on-site subsurface waste water disposal systems (septic systems) in the White Hollow/Middletown Avenue area of Northford. The Water Pollution Control Authority (hereinafter "Authority") has determined that, due to the number of system failures and the difficulty in addressing these failures on-site, the affected areas will be sewered and connected to a gravity interceptor sewer running south down Middletown Avenue (Route 17) from the intersection of Reeds Gap Road to an existing pump station at Mansfield Drive near the intersection of Middletown Avenue (Route 17) and Route 22. The area to be sewered lies wholly within public water supply watershed. The state Policies Plan for the Conservation and Development of Connecticut 1987-1992 provides that sewer facility design and capacity in water supply watershed areas shall not induce further intensive structural development. The flow capacity of the White Hollow/Middletown Avenue interceptor sewer is limited. Therefore, the Town Council, in concurrence with the Authority, as resolved to ensure that all properties within the White Hollow/Middletown Avenue Sewer Service Area, as herein defined, are provided adequate use of the sewer service area facilities, that existing lot not within the sewer service area which may require sewerage in the future shall have the opportunity to use those facilities and that the requirements of the Department of Environmental Protection shall be met. Accordingly, the following Article is adopted by the Town Council to regulate the use of the facilities constructed to serve the White Hollow/Middletown Avenue Sewer Service Area.

§ 189-9. Definitions.

As used in this Article, the following words and terms shall have the meaning hereinafter set forth:

BUILDING LOT - A property which has been or may be developed on the basis of an on-site septic system in compliance with the requirements of the Connecticut Public Health Code and in accordance with the North Branford Zoning and Subdivision Regulations¹ in effect at the time this Article is adopted.

DOMESTIC SEWAGE - Sewage that consists of water and human excretions and other waterborne wastes incidental to the occupancy of a building, **including waste from farm related permitted activities or uses existing at the time of enactment of this ordinance**, but excluding stormwater, wastewater from any commercial or industrial activity or discharges

of more than one thousand (1,000) gallons per day from water-softening equipment or building heating or cooling equipment.

¹ Editor's Note: The Zoning and Subdivision Regulations are on file in the office of the Town Clerk.

FARM RELATED PERMITTED ACTIVITY - Activities in compliance with current zoning regulations that promote locally grown or produced agricultural products, including farm stands, wineries, breweries, and retail sale of locally grown or produced agricultural products, excluding activities resulting in the discharge of animal waste byproducts to the sewer system.

FACILITIES CONSTRUCTED TO SERVE THE WHITE HOLLOW/MIDDLETOWN AVENUE SEWER SERVICE AREA - All interceptor sewers, lateral sewers, force mains and pump stations north of the existing pump station on Mansfield Drive near the intersection of Middletown Avenue (Route 17) and Route 22, which serve the areas designated on Schedule A² attached hereto and made a part hereof.

PRIMARY SEWER SERVICE AREA - An area specifically designated by the Authority in which existing lots will be sewerred and may be connected to the White Hollow/Middletown Avenue interceptor sewer upon construction of that sewer as provided herein.

RESERVE AREA - An area specifically designated by the Authority in which existing building lots may be sewerred and connected to the White Hollow/Middletown Avenue interceptor sewer under the provisions of and after satisfaction of the requirements of §189-10C or 189-11 of this Article.

SECONDARY SEWER SERVICE AREA - An area specifically designated by the Authority in which existing lots will be sewerred and may be connected to the White Hollow/Middletown Avenue interceptor sewer when the Authority determines that sufficient failures of existing septic systems have occurred to warrant sewer service.

§ 189-10. Designation of areas.

A. Sewer service area. The White Hollow/Middletown Avenue Sewer Service Area includes a Primary Sewer Service Area and a Secondary Sewer Service Area designated by the Authority as follows:

- (1) The Primary Sewer Service Area includes those lots existing in conformance with the North Branford Zoning and Subdivision Regulations in effect at the time this Article is adopted, fronting on Reeds Gap Road East, Walnut Lane, Ash Drive, Fern Drive, Oak Drive, Acorn Lane, Foxhill Drive, Lanes Pond Road, White Hollow Road, Hummingbird Drive, Snowbird Lane, Skylark Drive, Meadowlark Lane, Hillside View Road, Bluejay Drive, Middletown Avenue, Youngs Apple Orchard Road, Hickory Lane, Woodland Drive, Lakeview Drive, Mountain View Road, Mountain View Terrace, Blue Trail Court, Blue Trail Drive, Brookfield Road, Hyla Lane, Ginny Drive, Linda Court and Lime Kiln

Road, as are specifically shown on the map attached hereto and made a part hereof as Schedule A and depicted as "Primary Service Area" on said map.

² Editor's Note: Schedule A is on file in the office of the Town Clerk.

- (2) The Secondary Sewer Service Area includes those lots existing in conformance with the North Branford Zoning and Subdivision Regulations in effect at the time this Article is adopted, fronting on Lanes Pond Road, Reeds Gap Road East, Reeds Gap Road West, Oxbow Lane, Holly Mar Hill Road, Berncliff Drive, Evergreen Road and Laurel Lane, as are specifically shown on the map attached hereto and made a part hereof as Schedule A³ and depicted as "Secondary Service Area" on said map.
- B. Reserve Area. The Reserve Area includes those existing building lots fronting on a portion of Old Post Road, a portion of Maltby Lane, Deepwood Lane, Alling Road, Alling Court, a portion of Middletown Avenue (Route 17) and a portion of Anderson Road, all as specifically shown on the map attached hereto and made a part hereof as Schedule A and depicted as "Reserve Area" on said map.
- C. Designation of additional areas. The Authority may designate additional areas to be added to the White Hollow/Middletown Avenue Sewer Service Area, including but not limited to lots within the Reserve Area, after approval by the Connecticut Department of Environmental Protection pursuant to Section 22a-416 of the Connecticut General Statutes, in accordance with the following requirements:
- (1) Prior to designating an area to be added to the White Hollow/Middletown Avenue Sewer Service Area, the Authority shall hold a public hearing. Notice of the public hearing shall be published twice in a newspaper of general circulation in the town, the first not more than fifteen (15) nor less than ten (10) days before the hearing and second at least two (2) days before the public hearing. In addition, notice shall be given, by certified mail, return receipt requested, to each owner of record of land located in the area to be designated.
 - (2) The Authority may designate an additional area only upon a finding that:
 - (a) The lots to be served in the proposed area are building lots which contain existing buildings with on-site septic systems at the time of the designation.
 - (b) The area has experienced a high rate of septic system failure.
 - (c) Site conditions make on-site repairs infeasible.
 - (d) Other feasible alternatives to not exist.
 - (e) The requirements of § 189-12 are met.

³ Editor's Note: Schedule A is on file in the office of the Town Clerk.

(f) The utilization of the facilities constructed to serve the White Hollow/Middletown Avenue Sewer Service Area by the additional area will not interfere with or preclude those lots within the Primary and Secondary Sewer Service Area or Reserve Area from utilization of the sewer service area facilities or otherwise diminish reserve capacity to a point that interferes with utilization of the facilities by lots lying within the Primary and Secondary Sewer Service Area or Reserve Area.

(3) Designation of an additional area shall require the affirmative vote of a majority of the members of the Authority.

§ 189-11. Use by lots outside Primary Service Area.

A. No lot lying outside the Primary Sewer Service Area shall be permitted to connect to or otherwise utilize the facilities of the White Hollow/Middletown Avenue Sewer Service Area, except by special application to the Water Pollution Control Authority and only after a finding that all of the following requirements have been satisfied:

(1) Either

(a) The lot to be served is a building lot which contains an existing building with an on-site septic system at the time of application, or

(b) the use of any proposed building to be constructed on said lot shall be for farm related permitted activity as defined herein, and shall be an allowed use of said property under Town zoning regulations in effect at the time of application.

(2) **For lots in compliance with (1)(a) of this section,** the Director of the East Shore District Health Department determines that the existing on-site septic system is either nonrepairable or that repairs are not feasible and written documentation of that determination is provided by the Director. The final determination as to repairability or the feasibility of repairs of an on-site system shall be made by the Water Pollution Control Authority.

For lots in compliance with (1)(b) of this section, the Director of the East Shore District Health Department determines that the required septic system to support the uses of the farm related building to be constructed on said lot is either not feasible or not possible to be constructed on said lot. The final determination as to the feasibility of an on-site system shall be made by the Water Pollution Control Authority.

(3) The utilization of the facilities constructed to serve the White Hollow/Middletown Avenue Sewer Service Area by the lot will not interfere with or preclude those lots within the Primary and Secondary Sewer Service Area or Reserve Area from utilization of the sewer service area facilities or otherwise diminish reserve capacity to a point the interferes with utilization of the facilities by lots lying within the Primary and Secondary Sewer Service Area or Reserve Area.

(4) Utilization of the sewer services by the lot will not violate the provisions of § 189-12 below, any requirements or conditions set by the State of Connecticut or the Connecticut

Department of Environmental Protection regarding the construction and use of the White Hollow/Middletown Avenue Sewer Service Area or any grant/loan agreement between the Water Pollution Control Authority, the Town of North Branford, State of Connecticut or Connecticut Department of Environmental Protection or any funding or lending requirements governing the sewer service area.

- B. The applicant shall bear the burden of proving that each of the foregoing conditions have been satisfied.
- C. The concurring vote of a majority of the members of the Authority shall be required to approve any application made in accordance with this Article.

§ 189-12. Prohibitions.

- A. Any lot lying outside of the Primary or Secondary Sewer Service Area which is not a building lot, as defined in § 189-9 of this Article, is prohibited from connecting to or otherwise utilizing the White Hollow/Middletown Avenue Sewer Service Area facilities.
- B. No person shall discharge wastewater into any collection line, lateral line, lateral sewer, interceptor sewer or any other means of conveying wastewater to facilities constructed to serve the White Hollow/Middletown Avenue Sewer Service Area if:
 - (1) Such wastewater originates from any building, facility or other manner of construction which is hereafter erected, in whole or in part, upon land which is defined as a floodplain or flood hazard area within the meaning of Section 25-68b(5) or defined as a wetland area within the meaning of Sections 22a-29 and 22a-38 or defined as beaches and dunes within the meaning of Section 22a-93(7)(C) of the Connecticut General Statutes; and
 - (2) The conditions of the land within the affected property boundaries render is incapable of supporting an on-site septic system in compliance with the requirements of the Connecticut Public Health Code.
- C. No person shall discharge wastewater other than domestic sewage into any collection line, lateral line, lateral sewer, interceptor sewer or any other means of conveying wastewater to facilities constructed to serve the White Hollow/Middletown Avenue Sewer Service Area.
- D. The volume of domestic sewage discharged from any single property approved by the Water Pollution Control Authority for a farm related permitted activity or use existing at the time of enactment of this article, shall not exceed 3,000 gallons per day on an average annual basis. All such permitted uses shall install a water meter on the supply line to said building(s) which shall be monitored annually by the Town to ensure compliance with this article, and for sewer use billing purposes.**