

MINUTES OF THE BOARD OF HEALTH MEETING FOR THE NEWTOWN DISTRICT DEPARTMENT OF HEALTH, THURSDAY, JANUARY 29, 2015, NEWTOWN MUNICIPAL CENTER, LAND USE CONFERENCE ROOM, 3 PRIMROSE STREET, NEWTOWN, CT 06470

PRESENT: Donna M. Culbert - Director of Health, Dr. Robert Grossman, Chairman; Board Members: Joan Crick, Bernie Meehan, Curtis Read

1. PUBLIC PARTICIPATION: Kim Danziger, P.E.

## II. Acceptance of Minutes of Previous Meetings

Bernie Meehan made a motion to accept the minutes from the BOH meeting on June 30, 2014. Seconded by Joan Crick. Motion approved.

## III. Reports of Officers and Director of Health

### New Business

1. The BOH members met with Kim Danziger, per his request, regarding a potential Elderly Housing Zoning Regulation Amendment with regard to wastewater disposal.

Ms. Culbert noted that a primary concern for development of this property is water supply. Mr. Read asked if proof of adequate water supply was required for this project. Ms. Culbert explained that because this is an unusual request, the NHD would require it. Ms. Culbert explained that this is a new concept for the Health District - single-owner, large property with multiple users. Ms. Culbert added that if the water supply was supplied by Aquarion or the property Association, it would have to meet all of DPH's requirements for a public water supply. Mr. Meehan asked if these were going to be privately owned lots. Ms. Culbert replied no. Mr. Read noted that the parcel in its entirety would eventually be sold to an Association.

Ms. Culbert informed the BOH members that when Mr. Danziger first presented this parcel's concept, Mr. Danziger shared with her different iterations of development that could happen with this property with regard to current zoning regulations. Ms. Culbert stated that the NHD does not know what the actual soil conditions are in this area because soil testing has not been performed.

Ms. Culbert stated that she had been in contact with the Planning and Zoning Department regarding Mr. Danziger's request and shared with the BOH member her written response to Rob Sibley, Deputy Director, Planning and Zoning. It is as follows:

*"The potential changes with regard to water supply and wastewater disposal are not in agreement with the basic tenets of the Newtown Sanitary Code, which speaks to preference to public water supply and sanitary sewers for wastewater disposal. A copy is attached."*

*“In the development of property that is not feasible to extend an existing public water supply water main, and in this case where the water supply would be considered a "public water supply", approvals would be required from Ct Dept of Public Health and Ct DEEP Public Utilities Regulatory Authority.*

*With regard to wastewater disposal, the area outside of the sewer area in town is the Sewer Avoidance Area; and it is the Health District's responsibility (along with all of its partners) to ensure that future development does not create a condition that will eventually require sewers to remedy a wastewater disposal problem. The Sanitary Code includes specific land area allotments and soil condition requirements that help to ensure adequate wastewater disposal.*

*The concept of several septic systems on one lot is one that does not lend itself to the Sewer Avoidance model.”*

Ms. Culbert explained to the BOH members that Mr. Danziger feels that this application as presented is not in disagreement with the Newtown Sanitary Code. Ms. Culbert restated her concerns that this is a new concept being presented and wants to be prudent before any changes to the zoning regulations are made based on only one particular property. Ms. Culbert shared her concerns that because the property would be owned by one owner he/they would ultimately have the responsibility of a discharge of greater than 5,000 gallons per day. Normally this would be a DEP system, but because it would be 25 separate systems over a large parcel of land, it has been indicated to her that it would not be considered for approval by them.

Ms. Culbert's concerns regarding the management of 25 septic systems was a key concern to her; Ms. Culbert stated that provisions could be made for all kinds of conditions, but the NHD is not at that place now.

Mr. Meehan asked what would happen if one were to fail. Ms. Culbert replied that an Order would be issued to the Association to repair the failing septic system. Mr. Meehan and Ms. Culbert discussed various difficulties with other Associations in neighboring towns and problems encountered to resolve public health and other issues. Mr. Meehan concurred with Ms. Culbert's e-mail to Mr. Sibley that the Newtown Sanitary Code was available for enforcement, because of lack of public sewers in this area and a lack of access in these situations.

Mr. Danziger stated that he could go back to the P & Z Commission and present this concept as individual lots. Mr. Danziger stated he could present this project as 25 individual homes with their own septic systems and wells while maintaining the Elderly housing. Ms. Culbert stated that the NHD did support PZC zoning change for 35,000 sf lots in cluster development, but not for full density development.

Mr. Meehan asked if the age-restriction could be lifted by another owner. Mr. Danziger stated that when the documents are presented for approval to P&Z, the age-restriction would be set in place for perpetuity. Mr. Danziger noted that current zoning regulations for cluster zoning approve the development of 35,000 sq. foot lots.

Mr. Meehan asked Ms. Culbert for her thoughts. Ms. Culbert replied that it is important to note that this is a new project concept presented to the NHD, so there are no precedents that have been set. Ms. Culbert's first concern is the fact that in this case you have one lot, one owner and a large amount of waste water, Ms. Culbert added that the owner would be responsible for 11,000 gpd; 5000 gpd is a DEP standard. Ms. Culbert noted that other condo associations in town have access to public sewers or have DEP systems. Mr. Meehan asked about trailer parks. Ms. Culbert shared that Meadowbrook, the mobile home park on 302, is served by sewer. The South Main Street mobile home park is served by a septic system.

Mr. Read asked Mr. Danziger what the soil types were like in the area. Mr. Danziger replied that he did not know. Ms. Culbert added that she had been in contact with Matt Pawlik, Engineer, from the State Health Department. Mr. Pawlik did look at the State soil conservation maps and thought that the soils were fair. Ms. Culbert informed the BOH members that looking at the plot plan proposal and taking into consideration the slope and the wetlands alone, the conceptual numbers of lots shown would probably not add up.

Ms. Culbert was concerned that this proposal does not agree with Newtown's sewer avoidance. Ms. Culbert thought it would be useful to talk to the Water and Sewer Authority because Elderly Housing regulations require sewer service; a regulation that belongs to them and not the NHD. Ms. Culbert added that this is an enormous amount of work for the NHD to go through and felt the burden should be on the potential developer; the Health District is not interested in initiating relaxing existing wastewater disposal requirements.

Mr. Read stated that part of the issue is that the BOH is seeing a site specific application without knowing anything about the site. Mr. Read further stated that because the District does not know soil conditions or potential water supply conditions, it would be premature to make a policy based on a theory that is not fleshed out. Mr. Read asked about the availability of public water and sewer in the area. Mr. Read was cautious about not wanting to break NHD policy unless an applicant could prove their plan was feasible. Dr. Grossman agreed with Mr. Read.

Mr. Meehan asked if a community septic system were possible for this application. Ms. Culbert replied that if the community septic system were over 5,000 gpd, the DEP would become involved and that is usually time-consuming and expensive.

The BOH members agreed that they would support Ms. Culbert going before Planning and Zoning, if requested, and explaining what the concerns of the NHD are and allow them to make their policy.

Mr. Read suggested to Mr. Danziger that he soil test the property when the weather changes. Mr. Danziger agreed, but stated that he still needs to do the necessary testing to support the application as proposed. Mr. Read stated that the policy as it stands now is to minimize the impact on the environment and hinterlands and the idea is to treat it properly and centrally, ensuring the water will be clean.

Mr. Read noted that that approach allows for the density and that as a developer it is a lot easier to have public water and sewer. To make a regulation that one size fits all is a very hard thing to do. Mr. Read did not see the need for the NHD to say to P&Z that they need to change their regulations so he can do this. Mr. Read added that Mr. Danziger should go before P & Z with the property owner, explaining the proposal, and prove that it makes sense.

Mr. Danziger stated that P & Z likes this concept. Mr. Danziger said that P&Z requested that he go before the Health District for their support and see what it would take to approve it. Mr. Read replied public water and sewer. Mr. Meehan asked if a community sewer and well would be adequate. Mr. Read replied that when utilizing a community well you would have to be sure of an adequate yield. Mr. Read noted that that could be a recipe for disaster down the road.

Mr. Meehan stated that Mr. Danziger was asking for a blanket change of the NHD regulations. Mr. Danziger stated that if P & Z were to allow this potential use, what would be the NHD requirements to demonstrate the viability of it. Mr. Meehan stated that under the current interpretation, Ms. Culbert deemed the project not viable and that the BOH members supported her decision.

Ms. Culbert stated that it is important for the District to recognize the Water and Pollution Control Authority role with regard to the sewer avoidance area. Ms. Culbert noted that the WPCA has spent decades and millions of dollars to determine where the sewers are and where the sewers are not, and where the sewers are not is called the Sewer Avoidance area. The town has spent millions of dollars chasing waste water disposal problems. If this conversation is to continue, the Water and Pollution Control Authority need to be part of the conversation. Mr. Danziger agreed.

The BOH members thanked Mr. Danziger for his presentation.

Mr. Meehan made a motion to support Ms. Culbert's decision in this matter. Joan Crick seconded. Motion approved.

**Update of District activity (last meeting June 30, 2014)**

- Environmental activity:
- Food service Inspections including Temp Events – 182
- Soil testing – 52
- Septic Repairs – 36
- New Septics – 10
- Wells – 30
- Building permit sign-offs - 167
  
- School Based Health Center - opening mid-February 2015 +/-
  
- Recovery & Resiliency Board – meeting monthly
  
- 21st Annual Health Fair – September 20, 2014
  
- Preparedness - School exercise at NT Ambulance Facility. Ebola preparedness, conference calls, Region 5 exercise and local response.
  
- On-going: Work & strengthening relationships with VNA's and community health; Newtown Prevention Council (coalition of community members toward a safe and substance free town) preparing for DOJ funded “convocation”
  
- Continue to do regional planning with HVCEO public health emergency planning committee and Region 5 ESF 8 Health and Medical Services.
  
- Lyme and tickborne disease prevention in the community continued to be a major interest of the Health District's efforts and resources, working with community partners, utilized the BLAST program at many local events and opportunities. Moving forward with Newtown Board of Selectman approved contracted plan for organized prevention efforts. Have conducted survey, next steps will be interviews, focus groups, presentations, possible “branding” and marketing plan.
  
- Community Health Needs Assessment work. Western Connecticut Health Network – working with the greater Danbury/HVCEO region on Chronic Disease prevention, engaged with committee on Wellness “Know Your Numbers” campaign.
  
- Continued work with mental health and other health care providers regarding community recovery. Staff wellness.

### **Board Member Appointments**

Ms. Culbert shared with the BOH members that Herb Rosenthal does want to remain on the Board. Audrey Grasso could not make today's meeting. Dr. Grossman's position needs to be renewed. Joan Crick was renewed last year.

### **Review of FY 2014-15 Budget**

Ms. Culbert stated that in her review of the past meeting minutes the current FY2014-2015 budget was not formally approved and that it should be done for the record. Board members remembered reviewing the budget, and if necessary, they could make an amendment to the meeting minutes. Ms. Culbert will review the past meeting notes/tapes to verify and bring back to the Board.

### **Proposed FY 2015-2016 Budget**

Ms. Culbert informed the BOH members that she reviewed the proposed FY 2015-2016 Budget with Dr. Grossman and submitted the proposed budget to the Boards of Selectmen in Newtown, Bridgewater and Roxbury. Ms. Culbert stated that due to a marginal increase in revenue and continued use of unreserved Fund Balance, the requests to the individual towns is less this year.

Bernie Meehan made a motion to accept the proposed budget for 2015-2016. Seconded by Joan Crick. Motion approved.

### **Executive Session**

Mr. Read made a motion to go into Executive Session. Joan Crick seconded. Motion approved.

Executive Session adjourned.

Dr. Grossman asked if there was any further business. Hearing None, Bernie Meehan made a motion to adjourn the meeting. Joan Crick seconded. Motion approved. Meeting adjourned

Submitted by:

Maureen Schaedler  
Administrative Assistant