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Fred Hurley,  
*Director*

**TOWN OF NEWTOWN**  
WATER AND SEWER AUTHORITY

Marianne Brown,  
*Chairman*  
Louis Carbone  
George Hill  
Alan Shepard  
Eugene Vetrano  
Richard Zang  
Carl Zencey

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE WATER AND SEWER AUTHORITY

The Water and Sewer Authority held a public hearing on April 1, 2015 at the Senior Center, 14 Riverside Road,, Newtown, CT. Chairman Brown called the meeting to order at 7:00pm.

**Present:** Dick Zang, Lou Carbone, Marianne Brown, George Hill, Gene Vetrano, Alan Shepard, Carl Zencey

**Also Present:** Director of Public Works Fred Hurley; Town Attorneys David Grogins and Barbara Schellenberg of Cohen & Wolf; Kurt Mailman of Fuss & O'Neill; Timothy S. Hollister, Esq. of Shipman & Goodwin; Raymond Paier, P.E. of Westcott and Maples, Inc..

**Continued Public Hearing regarding the Proposed sewer extension for 79 Church Hill Road, LLC for 43,750 gpd for sewer capacity to support approximately 350 units of multi-family housing.**

Chair Marianne Brown called the public hearing to order 7:00 p.m.

The Chair explained the proceedings for the public hearing.

Attorney Tim Hollister on behalf of the Applicant provided a letter dated March 31, 2015 in response to Mr. Hurley's and Fuss & O'Neill's presentations at the March 12, 2015 public hearing. Attorney Hollister pointed out that Mr. Hurley just handed him a document that he had not had an opportunity to read and requested that Mr. Hurley go through the materials so that he can respond.

Mr. Hurley explained that several documents were put into the record at the last hearing and the current submission, Volume II, is a Supplement to the March 12, 2015 hearing and also provides answers to questions raised by the applicant. The Supplement contains further evidence of the town's position that the parcel in question was never intended to have access to the sewer system. While there has been some suggestion that the State Plan of Conservation & Development may support the proposed use, it currently does not address the identification of wetlands or aquifer protected areas on the parcel or the need to comply with WSA regulations. In addition, expansion costs would be prohibitive and jeopardize the town financially.

Mr. Paier presented a response to the March 10th report of Fuss & O'Neill: 1. Mr. Paier recognizes that the sewer technical standards of Newtown require an 8" service lateral and he would accommodate that requirement. 2. Mr. Paier explained that the sewer system's current capacity is 930,000 gpd; the average daily flow is at or below 500,000 gpd, leaving 300,000 - 400,000 of unused daily capacity, well in excess of what applicant seeks for development. 3. Mr. Paier understands that the Sandy Hook pump station is at or near capacity - if development would require an increase to that capacity the applicant would be willing to upgrade the system. 4. Peaking factor: not problematic to concur with 121 gpm. 5. 350 versus 400 units - 350 units intended for connection to sewer; 400 is a representation based upon conceptual design with a subsurface onsite sewer disposal system; 6. Subsurface disposal- reports concur that calculation methods consistent with DEEP requirements, worked with information on a conceptual basis, relied upon controlled materials - would coordinate with DEEP for any further testing if the subsurface onsite plan was implemented.

Flow calculation and phosphorous removal - upon further review recalculated to critical segment length, end result is an improved phosphorous reduction. 7. Subsurface onsite plan comments 50,000 gpd flow concur with F&O. Geotechnical report was for general site information, not for actual subsurface onsite system. W&M would provide whatever is needed by the town and state if project design moved forward. Buildings depicted on the concept plan are not representative of actual height or unit count that would be actually built. Those design points would be determined by the architect.

Kurt Mailman responded to points made by W&M and submitted a letter outlining F&O's comments.

Mr. Hurley in response to Attorney Hollister's question acknowledged that the treatment facility does have current capacity to take 43,750gpd - but only 23,000 gpd are within the control of the Town.

Attorney Hollister concluded that we have ships passing in the night between Paier and Mailman with criticism of the conceptual plan. He contended that we are not at the point of designing such a system. What's before the WSA is a request to connect to the sewer system.

He stated, Mr. Hurley' memo and supplement misses the point of the application and contains contradictions: The sewer system has supported new multifamily development. He feels the WSA is picking and choosing which development proposals it will accept for expansion of the sewer connection. The question is whether the subject property will be developed under a P&Z overlay, which requires sewer connection, or will have to proceed with an onsite plan.

How the subject property will be developed is the issue? Giving a conditional approval will allow the applicant to work with P&Z and Wetlands on how best to develop the property.

Mr. Zang responded to claim that Mr. Hurley's presentation contained contradictions by pointing out that the other multifamily developments are located in the sewer service district while the applicant's parcel is outside the sewer service district.

Attorney Grogins inquired about who would pay for the additional capacity. Attorney Hollister responded that they had taken no position either way on the cost issues but they have no intention of saddling taxpayers with costs that they can't absorb. This would be part of the planning they'd like to do with the Town.

Mr. Hurley noted that Attorney Hollister's initial application had numerous references to the subject parcel not being in a sewer avoidance area. He asked if Mr. Hollister still held that position after all the documentation to the contrary submitted by the Town. Attorney Hollister pointed out that most of the 79 Church Hill Road property is shown as rural lands - that can connect to sewers under the state plan of C&D. Attorney Hollister asserted that there are no environmental issues that warrant the parcel being in a sewer avoidance area.

Alan Shepard asked Mr. Hurley to explain the history behind excluding the land from the sewer district. Mr. Hurley explained that DEEP required Newtown to put it in sewer avoidance category when they negotiated for the sewer system. Mr. Hurley further stated that the State C&D was to set priorities for State funding and carried no regulatory authority over local boards.

Attorney Hollister asserted that many areas throughout the state have been mislabeled as sewer avoidance areas by Bill Hogan from CT DEEP.

Mr. Zang recalled that the guidelines that Newtown is following were provided by the state. .

Mr. Hurley put in another exhibit, a map showing the sewer service district as it was listed in the WSA regulations and Water Pollution Supply Plan in 2011, which excluded the balance of 79 Church Hill. .

A second map indicating the Town Aquifer Protection Zone was submitted that showed that a large portion of Walnut Tree Hill road, where Walnut Tree Village was located was in the Aquifer Protected Zone leading to its connection to the sewer system.

The Chair opened the meeting to public participation.

Mary Burnham 24 Walnut Tree Hill Road, Sandy Hook expressed confusion regarding why the applicant was referring to the P&Z overlay which has not been done yet. Dick Zane explained that the overlay zone requires that subject properties be connected to the sewer system. Mr. Shepard reiterated that WSA is only looking at gpd and sewer capacity.

Liz Fay 10 Evergreen Road, Sandy Hook had a question about the natural gas pipeline on the parcel and the potential impact of the proposed development. Mr. Zang explained that the application references the easement for gas line and there were routine procedures for sewer lines to cross natural gas lines.

Rich Fenaroli, 2 Walnut Tree Hill Road, Sandy Hook, questioned if the WSA's position was to keep the applicant from proceeding, irrespective of the Applicant's willingness to jump through all necessary hoops. If the provisional approval is granted, will it result in the Authority losing its regulatory power to deny final approval. Mr. Zang explained that the only issue is whether to allow the connection. Mr. Shepard reiterated the only concern is gpd. .

John Bestor 24 Walnut Tree Hill Road, Sandy Hook feels it is really important to protect health and safety. His research came up with 9 articles about maintaining sewer abatement. He stated that the firm of Shipman & Goodman was very involved in Hartford writing laws that taxpayers get stuck with - we're being manipulated and bullied.

Brian Atherton, 7 Black Walnut Drive, Sandy Hook commended commission's time and effort to consider, millennia's don't want to own, they want to rent. By 2017 they'll be the majority of workforce. Bad memory re acquisition of FFH, due diligence was not proper, not conformed to industry standards - FFH was a bad deal, this is a good deal. We need to grow our tax base and have a plan for our community systems and meet current demands. If we don't change we'll be left behind.

Jean Sander 211 Walnut Tree Hill Road, Sandy Hook disagrees with Mr. Atherton. Wants to know who is going to pay for increase in school enrollment if half the 350 units have just one child. WSA needs to protect limited public sewer system in Sandy Hook. Asked why should we use capacity for development, instead of reserve it for existing businesses and homeowners in Sandy Hook? Where's the need for all of this when the development on Church Hill is empty.

Mr. Hurley pointed out again that only 23,000 gpd capacity is in the Town's control, the remainder is controlled by state.

Mr. Zang moved to adjourn the hearing. Mr. Vetrano seconded the motion. All in favor.

The hearing adjourned at 8:09 p.m.

Submitted,

Carolyn Signorelli, Clerk Pro Tem