

**New Hartford Zoning Board of Appeals  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Wednesday, May 15, 2019 at 7:00 PM  
New Hartford Town Hall  
530 Main Street, New Hartford, Connecticut**

**PRESENT:** Chairman Mary Lou Rayno, Bert Brander, Scott Goff, Paul Griffin (7:16PM), Alternate John Wilhelm; and Zoning Enforcement Officer Mike Lucas.

**ABSENT:** Lew Chappel and Alternates John Rouleau and Keith Schaufler.

Chairman Mary Lou Rayno called the meeting to order at 7:05PM.

Mr. Wilhelm was seated for Mr. Chappel.

**1. PUBLIC HEARINGS:**

None.

**2. PENDING APPLICATIONS:**

None.

**3. NEW BUSINESS:**

None.

**4. OTHER MATTERS:**

**A. Meeting Between Zoning Board of Appeals and Farmington Valley Health District.**

Ms. Rayno welcomed staff from Farmington Valley Health District. She explained that the invitation was extended due to the number of tear-down and rebuilds this Board is reviewing at West Hill Lake as well as a recent addition along the Bakerville Brook. FVHD Director Jennifer Kertanis introduced Chief Sanitarian Dianne Harding and Senior Sanitarian Pat Gigliotti. She noted their thirty years of sanitarian experience in Connecticut.

Responding to one of the first questions Ms. Rayno had provided to FVHD in advance of this meeting regarding the approval process of septic system designs for the West Hill Lake area, Ms. Harding explained the difference between the expectations for designs between new construction and additions/repairs. She explained that with new construction, defined as situations where development is undertaken on a lot with no existing dwelling, the septic system must be professionally engineered as well as be 100% code compliant with today's health code. In contrast, repairs to an existing system are a different category entirely, according to Ms. Harding. Although 100% code compliance is sought, in many instances, that is not feasible due to steep slopes or exposed bedrock. She noted that in those instances, sanitarians will rely upon their many years of working in the area, reviewing the files, and conducting site walks. They will meet with licensed septic system installers and the homeowners, according to Ms. Harding. Occasionally in difficult situations, they will require the assistance of a professional engineer.

Ms. Harding pointed out that they will occasionally issue exceptions for certain difficult situations. She noted that they are permitted to do so. Ms. Harding reported that there are three situations in which the State of Connecticut must issue exceptions: well separation distances, an easement (a system off the property), and two buildings on one system.

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Ms. Harding explained that just because an exception is granted, it only means that the system does not meet 100% code compliance.

With respect to West Hill Lake, Ms. Harding explained that FVHD's review of the application would look at it no differently than any other application, such as one on Town Hill Road.

Ms. Harding also noted that while many separation distances are included in their consideration, a wetlands buffer review area is not. She reviewed some of the factors that are considered for a system to be "code compliant" including separation distances, total square footage, the spread along a contour, and shallow water table. Ms. Kertanis provided copies of the code.

It was pointed out that FVHD does not require a reserve area on an existing system.

Mr. Goff reviewed the challenges this Board faces with applications that come before them, especially near West Hill Pond and Bakerville Brook.

Ms. Gigliotti explained that septic systems are based on the number of bedrooms and noted that the definition of bedrooms is not the same as the one used by building departments. She explained that if the room has privacy and has easy access to a full bath, it would be called a bedroom.

Ms. Gigliotti also explained that when bedrooms are added to an existing home as part of a construction project, the applicant is only required to present with a design to reflect where a 100% code-compliant system could be located should the existing septic system fail. The property owner is not required to modify the system at the time that the bedrooms are added but instead are only required to show where it could be located should it become necessary, according to Ms. Gigliotti.

Noting the latitude that FVHD has, Mr. Goff questioned whether they have the ability to be stricter in reviewing proposals when they are located within sensitive areas. Ms. Kertanis noted that Torrington Area Health District requires an engineered design for every single repair. She explained that in order to adopt a similar policy, it would be something that the local Board of Health would adopt.

Ms. Kertanis noted that any structure such as a generator, a propane tank, and a swimming pool needs sign-off from FVHD prior to being issued a building permit. It was noted that even lot line revisions need sign-off from them, too.

Mr. Goff questioned whether information could be obtained regarding failed septic systems. Ms. Harding noted that there is no database relative to failed systems. However, all files are online and can be reviewed at FVHD's website. She explained that if a septic system is failing and they visit the site with an engineer who reviews perc tests and prepares a plan, then there would be information on a failing system. Mr. Goff referred to a home with a failed system that was sold and never was repaired.

### **5. APPROVAL OF MINUTES: April 17, 2019 & April 30, 2019.**

**MOTION:** Mr. Brander, Mr. Griffin second, to approve the April 17, 2019 Minutes; unanimously approved.

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**MOTION:** Mr. Griffin, Mr. Brander second, to approve the April 30, 2019 Minutes; Motion passed with Mr. Griffin, Mr. Brander, Ms. Rayno, and Mr. Wilhelm voting aye while Mr. Goff abstained.

It was noted that the April 25, 2019 Minutes should be reviewed for approval at the next regular meeting.

**MOTION:** Mr. Brander, Mr. Griffin second, to adjourn the meeting; unanimously approved.

The meeting adjourned at 8:10PM.

**Respectfully submitted,**

**Pamela A. Colombie  
Recording Secretary**