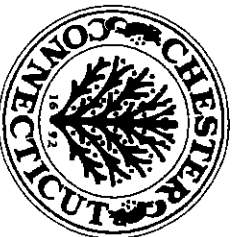


**Town of Chester**  
65 Main Street  
Post Office Box 218  
Chester, Connecticut 06412



facsimile: 860-526-0004  
web page: ChesterCT.com  
e-mail: Chester@snet.net

# **A PLAN FOR THE CONSERVATION OF OPEN SPACE IN CHESTER, CT**

adopted by Town Meeting, March 2, 1999

## **TABLE OF CONTENTS A PLAN FOR CONSERVATION AND PRESERVATION**

### **PREFACE**

### **INTRODUCTION**

- 1. SUMMARY OF THE OPINION SURVEY**
- 2. RECOMMENDED ADDITIONS TO OPEN SPACE**
- 3. SOME METHODS FOR ACQUISITION OR PROTECTION**
- 4. CRITERIA FOR IDENTIFICATION OF AREAS RECOMMENDED FOR OPEN SPACE**
- 5. RECOMMENDATIONS TO PROTECT COMMITTED AND UNCOMMITTED OPEN SPACE**
- 6. SELECTED RESOURCES**
  - Opinion Survey Form
  - MAPS:
    - Committed Open Space
    - Uncommitted Open Space
  - BIBLIOGRAPHY

## A PLAN FOR CONSERVATION OF OPEN SPACE in Chester, Connecticut

### PREFACE

Over the past several years, various commissions have recommended that a plan for the conservation of open space in Chester be developed and implemented. To prepare such a plan, the Chester Conservation Commission held discussions in 1997 and 1998 with town boards, agencies, and other groups concerned with land use in Chester. Furthermore, to gain input from townspeople not in these organizations, the Conservation Commission conducted a survey via the town newsletter. The strong response supported the development of this plan to protect Chester's open space.

The following document is intended to be a guide for the acquisition as well as the preservation of open space and natural resources in town. It is presented to assist the selectmen and various commissions involved with land use planning, as well as for landowners and developers who are contemplating changes in land use.

Chester is fortunate in having state forest, natural lakes, man-made lakes, streams, and the freshwater tidelands of Chester Creek, and even portions of the Connecticut River all within its borders. We must plan now to maintain and protect all of these assets. These are the elements, which make up the Chester environment and contribute to our cherished quality of life.

The Chester Vision Committee: - October 1994

OPEN LAND. "There is only a limited amount of open land left in Chester. The opportunity to purchase land either to develop for some municipal need or to hold as open space should be considered. The Board of Finance should be empowered to recommend setting aside a certain amount of money in the annual budget towards the eventual purchase of such property."

The Chester Plan of Development - Spring 1995

"Develop a specific town-wide Plan of Preservation and Conservation, in cooperation with such agencies as the Conservation Commission, the Chester Land Trust, the Parks and Recreation Commission and the Historical Society. Surveys and inventories compiled by those groups can serve as a basis of information for such a plan. The Plan should identify specific natural and man-made areas for acquisition and regulatory protection."

The Chester Creek Watershed Project Committee -- August 1995

"Develop a comprehensive watershed management and open space plans through the joint efforts of town commissions and others under a Conservation Commission separate from the Inland Wetlands and Watercourses Agency."

## INTRODUCTION

Few towns have as extraordinary a variety of resources as Chester. The town encompasses some of the region's most important natural habitats, including the Connecticut River, freshwater tidal marshes, the coastal flood plain, one of the few remaining white cedar swamps, Pattaconk Brook and Cedar Lake, in addition to tracts of forest. The biological diversity in Chester results from a combination of varied habitats and a mild climate tempered by proximity to Long Island Sound.

Chester is blessed with abundant undeveloped land. Much of this is, fortunately, already committed as open space -- Town property and State Forest, for example. Other open spaces, however, are likely to come under increasing pressure for development. These include lands owned by the Connecticut Water Company, the Chester Fair Grounds, some major wetlands, and some areas with steep slopes or thin soils.

Chester is accessible. Easily reached by boat, automobile, and potentially by rail, Chester invites travelers as well as inhabitants to explore the town more intimately. This is a town of walkers. Rarely does one journey through town without encountering people just out walking for the sheer pleasure of it. Traffic patterns which promote walking, coupled with the advantage of being a town of just the right size, contribute enormously to a sense of shared community in addition to widespread appreciation of the town's natural beauty. Hikers, runners, cyclists, and kayakers come from all over the state to enjoy themselves here. All recognize the importance of preserving the current wealth of scenic vistas, including the Connecticut River, Chester Creek, Cedar Lake, Pattaconk Brook with its historic dams and ponds, and views across open fields and ridges. Clearly we must be attentive to retain and enhance these views which give Chester much of its character.

The town is also of interest to naturalists. Endangered species of plants and animals as well as those of special interest have been identified throughout the entire length of Pattaconk Brook. The ferry landing is one of the most popular places to view American Bald Eagles throughout the cooler months, and the adjacent swamps and fields provide an extraordinary treat to birdwatchers throughout the entire year. Naturalists commissioned by the Chester Land Trust to study Chester Creek were impressed with the diversity of species present.

Open space contributes to the small town, semi-rural character of Chester -- one of the main reasons why people are drawn to live or visit here. Equally important, open space costs the taxpayers less in the long run than does development. A recent study showed that residential property cost local government \$1.14 in services for every tax dollar collected, whereas farmland and open space required only \$ 0.53.

# **1. THE OPINION SURVEY: Chester Supports Open Space**

In an effort to prioritize conservation efforts, the Conservation Commission distributed an opinion survey via the town newsletter. The magnitude of the response exceeded all expectations. Citizens clearly wish to maintain open space.

1. 94% of respondents currently use or enjoy open space or recreational facilities in town. A few indicated that they were not aware of the locations of open spaces available to the public.

2. Walking (and hiking) is overwhelmingly the preferred activity -- double the responses of the second-most popular activity, wildlife and nature study. Chester residents love to walk.

3. Of those who ranked walking or hiking as a top priority, 80% or more desired the preservation of natural areas. Among natural areas, streams, wetlands and tidal marshes ranked considerably higher than forests, emphasizing the need to preserve or provide safety for pedestrians near these areas.

4. Streams, wetlands and tidal marshes were also ranked highly by those who expressed the need to preserve open space for wildlife and for nature study. A strong interest in Cedar Lake and Pataconk Brook was as expected; this group was, moreover, the most interested in preserving features of historic interest.

5. Of those who ranked biking as the most preferred activity, 100% were interested in the preservation of forests. This reflects the strong interest in the Chester area of off-road biking, either motorbikes or mountain bikes.

6. Of those who ranked biking as their most preferred activity, all were interested in the preservation of streams and wetlands, and 85% of these were interested in the preservation of tidal marshes. From this we conclude that road bikers universally value the scenery provided by streams and marshes, and that off-road bikers are concerned that off-road activities (i.e. mountain biking) be conducted in such a way as to preserve the quality of wetlands.

7. The least desired types of additional open space were athletic fields, and scenic vistas.

8. Zoning restrictions (presumably affecting only new housing) were the most popular method for preserving open space, followed by acquisition by private organizations, then purchase with tax dollars. Town ordinances were the least popular method.

9. The use of private funds was the favored means to acquire open space; use of Town Ordinances was the least favored. Three quarters of those who favored purchasing additional open space using tax dollars would prefer using private funds if possible, but the majority of those who favored using public funds were willing to support a tax increase.

## 2. RECOMMENDED ADDITIONS TO TOWN-OWNED OPEN SPACE

1. Acquire frontage on the Connecticut River, which will provide access for launching canoes, kayaks and rowing boats.
2. Acquire the building rights to the (former) "Bevington property" at the southwest corner of Hoop Pole Hill Road and Route 148, near the Route 9 interchange, and continue to keep it open fields by mowing or grazing. Do the same for the field on the southwest corner of the intersection of Route 154 and King's Highway.
3. Acquire one of the four lots where route 154 crosses Chester Creek for the purpose of canoe and fishing access.
4. Acquire land in the general vicinity of the housing at Cedar Lake Terrace for the purpose of a community-leaching field to meet an expected future need.
5. Acquire land or rights of way for hikers and bikers along the power lines
6. Acquire a pedestrian right of way along the Connecticut River shore between Ferry Road and Dock Road. Follow recommendations of the DEP and conservation organizations as to whether or not to install a boardwalk.
7. Evaluate use of exhausted sand and gravel pits for leaf composting, and possibly for off-road cycling.
8. Acquire a right-of-way for a public footpath from North Quarter Park to Middlesex Turnpike to allow for walking around Chester Creek.
9. Initiate a property transfer surtax to create a fund for purchase and maintenance of additional town open spaces.
10. Be prepared to assemble, on short notice, an Open Space Acquisition Task Force for the purpose of moving rapidly when an opportunity for acquiring open space arises. The core of the team will consist of a few motivated individuals, one of whom will be familiar with the operation of the Board of Finance. The Task Force will require immediate support by individuals familiar with the Planning and Zoning regulations, the Wetland Regulations, the Chester Land Trust, and other organizations as the need arises.

## 3. SOME METHODS FOR ACQUISITION OR PROTECTION

These descriptions of some of the more common techniques used to acquire or designate open space land are adapted from materials provided by the National Audubon Society and the University of Connecticut:

Zoning Restrictions. Restriction of activities permitted on privately held land.

Fee Simple. Outright purchase of land. The purchasing organization becomes the full owner and has complete control over the land and its uses. This process provides for full protection and complete public access to the land. It can, however, be costly.

Fee simple/lease back. A full purchase of the land is completed, however the land is leased back to its previous owner under specific conditions. The conditions may include restricting the land's development, along with requiring public access.

Purchase of Development rights. One can purchase the development rights to a particular property. This method does not provide full ownership of the land, rather the buyer "owns" how the land can be developed. For example, if a farmer sells the development rights, the purchaser of the rights has authority on how that land is developed or not developed. The farmer continues to own the land, but can only use it for those purposes and cannot develop the land in any other manner. This method is less costly than purchasing the land outright.

Conservation Easement The landowner retains legal title and all rights associated with the property except the right to develop the site. As the ownership changes, the land remains subject to the development easement restrictions. A conservation easement may allow some uses of the land that could produce income for the owner, such as forestry or farming. The owner also can control the land to ensure privacy, security and maintenance.

Donations / Exchanges. The town may receive open space land through private donation. Land can also be acquired through exchanges with other public agencies or nonprofit organizations. Exchanges usually occur when developable land is exchanged for undeveloped land with open space value.

Tax Foreclosure and Eminent Domain. Land may revert to public ownership through foreclosure if owed taxes are not paid. The government can also obtain land via eminent domain laws. This process involves the government taking private land for a public purpose, and is usually seen as a "last resort" effort given the legal and cost implications involved.

#### **4. CRITERIA FOR IDENTIFICATION OF AREAS RECOMMENDED FOR OPEN SPACE**

The following criteria were chosen as the bases for recommending preservation or conservation of a parcel of land as open space:

- Preservation of Water Quality
- Prevention of Erosion and Sedimentation
- Flood Control
- Development of Appropriate Traffic and Pedestrian Routes
- Protection of Scenic Vistas and Other Natural Visual Pleasures
- Preservation of Habitats for Wildlife
- Provision for Appropriate Recreation Facilities

## 5. RECOMMENDATIONS TO PROTECT OPEN SPACE

### A. Preservation of Water Quality

1. Increase education of adjacent landowners on the importance of preventing deterioration due to runoff of nutrients into lakes and streams. Promote buffer strips, low-phosphorous fertilizers, proper septic system design and maintenance, and incorporation of permeable surfaces.

*Implementation: Conservation Commission, Cedar Lake Terrace Association, Sanitation, Director of Health.*

2. Leave the freshwater tidal marshes along the Chester Creek in a natural condition to be utilized for passive recreation and nature study.

*Implementation: Conservation Commission, Chester Land Trust, Inland Wetlands Agency, Planning and Zoning Commission*

3. Keep organic wastes (leaves, grass clippings, brush, horse manure) out of coves, ponds and rivers.

*Implementation: Selectmen, Department of Public Works, Conservation Commission, Cedar Lake Management Commission*

### B. Erosion and Sedimentation

1. Construct roads in new subdivisions with minimum allowable pavement widths, bordered by broad, grassed shoulders, which incorporate swales to collect runoff. Distribute runoff by avoiding curbing where possible.

*Planning and Zoning, Inland Wetlands Agency*

2. Minimize disturbance of natural topography.

*Planning and Zoning, Inland Wetlands Agency*

3. Establish buffer greenbelt areas adjacent to all waterbodies (minimum width 5 feet, wider on steeper slopes) having shrubs, trees, and uncut grass.

*Cedar Lake Terrace Association, Inland Wetlands Agency, Planning and Zoning, Cedar Lake Management Commission*

4. Work with the State Forest Commission to establish and mark trails so as to redirect all non-pedestrian traffic (Mountain bikes, Motocross, BMX, Off-road vehicles, etc.) along trails where the inevitable erosion will not affect watercourses.

*Selectmen, Conservation Commission, Civic Groups,*

5. Maintain a vegetative buffer in the water along shorelines to prevent erosion by damping effects of wave action.

*Conservation Commissions and Inland Wetlands*

6. Enforce speed and no-wake laws on lakes and rivers.

*State and local authorities*

C. Flood Control

1. Minimize impermeable surfaces such as paved areas. Encourage construction of parking areas using gravel or pavers to promote percolation. Obtain gradual drainage by means of lightly sloped grassed swales.

*Planning and Zoning, Inland Wetlands Agency*

2. Permit no significant decrease in flood storage volume or significant increase in impediment to flow in the flood plain for the Connecticut River.

*Planning and Zoning, Inland Wetlands Agency*

D. Traffic and Pedestrian Routes (responsibility of Selectmen and Department of Transportation)

1. Stripe the width of car driving lanes appropriately for posted speed limits. Leave room on wider roads to accommodate pedestrians and cyclists.
2. Install "Bike Route" signage along Routes 154, 148, Grote Road, Railroad Avenue, and Main Street.
3. Install only bike-friendly grates on all catch basins.
4. Create pedestrian lay-bys by means of gaps in the guardrails along Route 148. Do the same for any new guardrails.
5. Designate certain trails (particularly those where erosion, noise, and traffic would adversely affect wildlife, vegetation or inhabitants) as "pedestrian only".



6. When Route 154 is repaved, widen it where necessary to permit safe bicycle traffic. Make sure that the shoulders are paved smoothly so that there is no drop-off or curb to endanger bicyclists or pedestrians riding or walking at the edge of the road. If possible, provide (particularly near bends in the road) an alternate pedestrian path on the outside of the guardrails.

7. Establish corridors for public footpaths in any new developments or subdivisions.

#### E. Scenic Vistas and Visual Treasures

1. Promote cluster housing in order to preserve uninterrupted open space.

#### *Planning and Zoning*

2. Insist on greater variety in the type of open space required in subdivisions. These have traditionally been unbuildable areas with wetlands or rock outcroppings. Seek instead to preserve uplands, open fields, wildlife corridors, etc.

#### *Planning and Zoning and Conservation Commission*

3. Preserve the fields, which act as the initial visual "gateways" to Chester: e.g. the former Bevington farm and farmhouse, the fields at the Ferry Landing, the fields to the north of the Fairgrounds.

#### *Planning and Zoning and Conservation Commission, Chester Land Trust, Selectmen*

#### F. Wildlife

1. Establish an old growth, no-logging strip in the Pattaconk Forest.

#### *Conservation and the Connecticut Forest Service.*

2. Maintain vegetation in the water along shores as a critical area of retreat and spawning for fish and other aquatic creatures.

#### *Conservation Commission, Cedar Lake Management Commission*

3. Prevent disturbance of stable and diverse plant communities to avoid damage by invasive species such as Phragmites and purple loosestrife.

#### *Conservation Commission*

4. Protect from encroachment or damage the chain of wetlands, which extends parallel to the railroad tracks along the Connecticut River from Deep River nearly to Haddam.

#### *Planning and Zoning and Conservation Commission, Chester Land Trust, Selectmen*

#### G. Recreation

1. Require allowance for recreation (in the broadest sense) in any new, multi-lot subdivision.

#### *Planning and Zoning, Conservation*

2. Forbid the use of internal-combustion engines on Cedar Lake and Chester Creek upstream of the Railroad bridge except for emergency or safety reasons.

#### *Park and Recreation Commission, Cedar Lake Management Commission*

3. Work with the State DEP to construct a walking, jogging, and cycling path parallel to the railroad tracks. Handicapped accessible.

#### *Conservation Commission and Selectmen*

4. Construct a mountain bike path in the corridors outside of and parallel to Route 9

#### *Conservation Commission, Selectmen, Department of Transportation*

### 6. SELECTED RESOURCES

FORMS      The form used for the Public Opinion Survey

MAPS

### BIBLIOGRAPHY

#### Members of the Committee

Al Bisacky	Bill Burr
Claire Dudley	Rick Holloway
Nancy Kluck	Patty Pendergast
Anna Sweeney	

#### Advisers and consultants:

Greg Smith (CRRPA staff)	
John Ball	Tom Kablik
George Trevisani	Barbara Delaney

Layout and Design:

Drawings:

## *Open Space & the Future*

Open Space - an investment in our future  
Patty Pendergast, Conservation Commission

Our homes are a reflection of who we are. Where we live, how we tend our property, the attention we pay to our surroundings is indicative of how we choose to live our lives. Limiting factors/realities aside, if we decide to seize opportunities, we can make tangible differences in our quality of life.

An opportunity is opening to us ALL of us in Chester. The Conservation Commission is birthing a Town Open Space Plan. This working document will help to chart a course through the channels of change bound to come.

The Open Space Committee is currently pulling together the thoughts offered by town leaders: The Board of Selectmen, the Garden Club, the Merchants Association, and the Land Trust to name a few. There will be opportunities to view the document and express your opinion before the final printing. On November 2nd, the Conservation Commission will review the plan as it stands and propose adoption. As part of the process, the document will be accessed on the town web page; copies will be made available at town hall and the library for review. Then it will come to Town Meeting on December 1st, where there will be a Public Hearing on the draft document for your comments. This will be a good opportunity for you to be heard and discover neighboring opinions. The intent is to have this come to Town Meeting in February, for adoption by all of us.

The Open Space Plan must address myriad concerns - sustainable development, habitat protection, educational and recreational opportunities, fiscal responsibilities, future trends. We have to harmonize with Town Plan of Development, the Town Vision Statement; live up to environmental designations: Ramsar International Wetlands of Importance, The Silvio O Conte National Fish and Wildlife Refuge Special Focus Area, Nature Conservancy's Tideland area, one of the regionally cited year round important migratory bird area. We have to plan for the American Heritage River designation and all that could entail, as well as the inherent challenge that comes along with being a heartbeat from the best place in the USA to live.

Why do you live here? What are you willing to sacrifice to hold on to the quality of life we enjoy now? How do we balance resources and needs? The past and the future? What is your vision for your children? Do you like living closely with nature? What do you want to come home to? How safe do you feel here? These are our choices. While many do not have the time to volunteer and address ongoing concerns in town, this is one opportunity where we can directly affect our lifestyle. Feel free to contact the Open Space Committee members through Conservation Chairman John Ball at 526-3634 or First Selectman Martin L. Heft at 526-0013.

## WASTEWATER MANAGEMENT ORDINANCE

### Section 1 Purpose of Ordinance

The purpose of this ordinance is to:

- (a) Protect the public health and welfare of the town through the prevention of public health nuisances and environmental degradation that may have a detrimental impact on the quality of the town's subsurface and surface water resources.
- (b) Affirm and declare that a policy of sewer avoidance should be applied to all areas of the Town of Chester where on site treatment and disposal of wastewater is deemed feasible.
- (c) Define wastewater management practices and generate inspection data. Information so generated may be used to develop and modify a wastewater management plan.
- (d) Regulate and control the design, construction, operation and maintenance of septic systems in the town, and require periodic inspection and maintenance of these systems.
- (e) To educate property owners about proper care maintenance procedures for septic systems.

### Section 2 Definitions

For the purpose of this ordinance, the following words and terms shall have the meaning hereto assigned. The word "shall" is always mandatory:

- (a) **AUTHORITY:** The Water Pollution Control Authority for the Town of Chester, Connecticut.
- (b) **DIRECTOR:** The Sanitarian of the Town of Chester or the designee(s) appointed by the Board of Selectmen.
- (c) **SEWAGE:** Water and human excretions or other waterborne wastes incidental to the occupancy of a residential or nonresidential building, but not including disposal of manufacturing process water, cooling water, wastewater from water-softening equipment, commercial laundry wastewater, blow-down from heating or cooling equipment, water from cellar or floor drains, surface water from roofs, paved surfaces or yard drains, wastewater from marine toilets or other such chemical toilets or holding tanks, hazardous or toxic wastes, or the like.
- (d) **SEPTIC SYSTEM:** A subsurface sewage disposal system consisting of a house or collection sewer, a septic tank followed by a leaching system, any necessary pumps or siphons, and any groundwater control system on which the operation of the leaching system is dependent.
- (f) **PUMPOUT:** The removal of septage from a septic system by a septic tank cleaner.
- (g) **DISPOSAL PERMIT:** A permit issued by the Authority for permission to dump septage at the specified treatment plant.
- (h) **PERMIT TO DISCHARGE:** A permit issued by the Director for permission to use a septic system.
- (i) **OWNERS:** Owners of record of property situated within the Town of Chester.
- (j) **USERS:** Owners of property upon which is located one or more septic systems.
- (k) **COMMERCIAL & INDUSTRIAL USERS:** Owners of septic systems for all buildings other than dwellings, except for special users and other users.
- (l) **DWELLING:** A building used solely as a residence.
- (m) **MULTIPLE DWELLING PROJECT:** All units of residential condominiums, apartment houses, planned communities and the like.

- (n) RESIDENTIAL USERS: Owners of septic systems for dwellings.
- (o) SPECIAL USERS: Owners of septic systems for public schools, municipal offices and buildings, churches, museums and not-for-profit organizations.
- (p) SPECIFIED TREATMENT PLANT: The treatment plant required for use will be determined by the Authority.
- (q) OTHER USERS: All other users not defined above.

### **Section 3 Adoption of Public Health Code**

Sections 19-13-B100, B100A, B103, and B104 of the Connecticut Department of Public Health and Addiction Services, Public Health Code Regulations, and all amendments including technical standards thereto hereinafter adopted, are hereby incorporated by reference in this ordinance and made a part hereof, and are hereinafter referred to in this Ordinance as the Public Health Code. Where inconsistencies or ambiguities occur between the requirements of the Wastewater Management Ordinance and the requirements of the Public Health Code, the more stringent requirements shall govern.

### **Section 4 Adoption of Regulations**

- (a) The Authority is authorized to adopt, and amend, as needed, reasonable regulations and fee schedules for the effective enactment of enforcement of this ordinance.
- (b) The Authority is authorized to establish, and amend, as needed, a schedule of fines or other penalties for non-compliance with the mandatory pumpout schedules or other requirements of this ordinance. Such fine and penalty schedules and amendments to same shall be approved by a Town Meeting prior to their enactment and shall comply with applicable Connecticut General Statutes and Regulations of State Agencies.

### **Section 5 Design, Construction and Operation of Septic Systems**

- (a) All new septic systems, and improvements to existing septic systems, in the Town of Chester, shall be designed and constructed in compliance with the Public Health Code, Ordinances and Special Acts of the Town of Chester, and any applicable regulations and standards of the Connecticut Department of Environmental Protection, whichever are more restrictive.
- (b) New Construction: Prior to the issuance of a building permit for any new building (as defined by Town Zoning Regulations) requiring a septic system, there shall be a design of the proposed septic system prepared by a licensed professional engineer registered in the State of Connecticut. Such design shall include a report of all soil testing done on said property. No building permit shall be issued until such design has been approved by the Director.
- (c) Building Conversions. Change in Use: No building shall be converted so as to allow continuous occupancy, winterization or any change in use that will potentially increase water usage unless the owner or the owner's authorized agent submits to the Director soil test data and design plans or a sketch which demonstrates that after the conversion or use change, a code-complying septic area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner shall be required to perform additional soil testing. The property owner or the owner's authorized agent must also submit documentation that the current system has been

pumped and inspected within the previous five years, and that the system was working properly at the time of inspection. The Director may require expansion of the existing septic system or installation of a new septic system at the time of conversion or use change for those properties where sufficient size, proper location and adequate hydraulic capacity of the underlying naturally occurring soils of the existing septic system have not been demonstrated by the applicant or where the proposed conversion or change in use results in a 50% or greater increase in design flow.

- (d) Additions or Renovations: No addition or renovation to a building that will decrease area available for septic repair or increase design flow shall be permitted unless the owner or the owner's authorized agent submits to the Director soil test data and design plans or a sketch which demonstrates that after such addition or renovation, a code-complying septic area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner shall be required to perform additional soil testing. The property owner or the owner's authorized agent must also submit documentation that the current system has been pumped and inspected within the previous three years, and that the system was working properly at the time of inspection. The Director may require expansion of the existing septic system or installation of a new septic system at the time of addition or renovation for those properties where sufficient size, proper location, or adequate hydraulic capacity of the underlying naturally occurring soils or the existing septic system has not been demonstrated by the applicant to be working properly or where the proposed addition or renovation results in a 50% or greater increase in design flow or number of bedrooms. If the applicant submits soil test data, design plans or sketch and is unable to demonstrate that adequate area on the lot is available for a code compliant system, such addition or renovation may be permitted provided the addition does not reduce the available area on the lot for septic repair and does not increase either the estimated design flow or the number of bedrooms.

- (e) Garages, sheds, decks, and swimming pools: No garage, accessory structure or in-ground or above-ground swimming pool shall be permitted unless the owner or the owner's authorized agent submits to the Director soil test data and design plans or a sketch which demonstrates that after such construction a code-complying septic area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner shall be required to perform additional soil testing. If compliance with these requirements cannot be proved, such addition or renovation may be permitted provided the addition does not reduce the available area on the lot for septic system repair. Separating distances from such a structure to any part of the existing septic system shall comply with the requirements of Section 5 (a) above.

- (f) Lot Line Modification: No lot line shall be modified or any other activity performed that affects soil characteristics or hydraulic conditions so as to reduce the area available to repair an existing septic system, unless the property owner or the owner's authorized agent submits soil test data and design plans or a sketch to the Director that demonstrates that after the proposed lot line change or other activity, a code-complying area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner shall be required to perform additional soil testing. In no case shall a modified lot line violate Subsection (d) of Section 19-13-B103d of the

Public Health Code which requires that each septic system shall be located on the same lot as the building served.

- (g) Soil Testing: The Director may require that investigation for maximum ground water level in areas of special concern, or for subdivisions with proposed building lots in areas of special concern, as defined in Section 19-13-B103d(e)(1) of the Public Health Code, be made between February 1 and May 31, or such other times when the ground water level is determined by the Commissioner of Public Health to be near its maximum level.
- (h) Right of Entry: The Director shall have the right of entry to any land in the Town of Chester for the purpose of conducting inspections of water wells or septic systems.
- (i) Malfunction: A septic system shall be deemed to be a malfunctioning system if sewage is allowed to discharge or flow from it into any storm drain, stream, water body, gutter, street, roadway or public place, or if sewage discharges from said system to the surface or subsurface of any property so as to create a nuisance or condition detrimental to health as determined by the Director or as designated by the Public Health Code.

## **Section 6      Water Usage**

The Authority is authorized to obtain from any water company providing water service to users of the Town, all necessary records to determine the consumption of water by customers of such companies. The Authority may enter into such contracts and agreements, as it deems necessary and appropriate, with such water companies for the purpose of obtaining access to the above-mentioned records.

## **Section 7      Registration of Septic Cleaners**

Any person, firm, corporation or partnership engaged in the business of cleaning, pumping or disposing of septage in the Town of Chester shall be licensed by the appropriate regulating agency of the State of Connecticut.

## **Section 8      Cleaning, Inspection and Disposal Requirements**

- (a) All residential users, except for those within Multiple Dwelling Projects of ten or more dwelling units, shall have their septic systems cleaned and inspected at least once every five (5) years, unless a longer period is allowed by the Director pursuant to Section 10. The septage may be dumped at the specified treatment plant during normal operating hours upon purchase of a Disposal Permit, or at any-out-of-town facility in conformance with the policies, regulations and ordinances of the Town of Chester and the State of Connecticut.
- (b) Special users shall have their septic systems cleaned and inspected at least once every five (5) years, unless otherwise designated by the Authority. The septage may be dumped at the specified treatment plant during normal operating hours upon purchase of a Disposal Permit, or at any-out-of-town facility in conformance with the policies, regulations and ordinances of the Town of Chester and the State of Connecticut.
- (c) Residential users occupying Multiple Dwelling Projects of ten or more family dwelling units shall use a pumpout schedule approved by the Director. The septage may be dumped at the specified treatment plant during normal operating hours upon purchase of a Disposal Permit, or at any-out-of-town facility in conformance with the policies, regulations and ordinances of the Town of Chester and the State of Connecticut.

- (d) Commercial, industrial and other users shall have their septic systems cleaned and inspected at least once every five (5) years unless otherwise designated by the Authority of Director. These users may not use the specified treatment plant, and their septage shall be dumped at any out-of-town facility in conformance with the policies and regulations of the facility and the State of Connecticut.
- (e) For all septage generated in the Town of Chester, a record of the cleaning and inspection shall be completed by the septic cleaner and forwarded to the Director on a form or forms provided for that purpose by the Authority. Such record shall include the size and origin of the load, the date of pumping, and such other data as required by the Authority.
- (f) A septic cleaner attempting to discharge septage which was pumped or generated in a town other than Chester (even if it is only part of a load) into the specified treatment plant shall be ordered to remove the vehicle from the site immediately by an agent of the Town or Authority.
- (g) The Authority may set appropriate fees for Disposal Permits and policies for use of the specified treatment plant, and may modify these fees and policies as required from time to time. The fee schedule and policies shall be made publicly available by the Authority or its designated agent.

#### **Section 9     Permits to Discharge**

- (a) Permits to Discharge shall be issued or renewed by the Director to owners whose septic systems meet the conditions listed below. Permits to Discharge will permit the owner to discharge a specified number of gallons per day (peak or average) to the septic system described on the permit.
- (b) Permits to Discharge shall be valid, unless revoked or suspended, for a period of five years, or as specified by the Director.
- (c) A Permit to Discharge shall be issued or renewed by the Director:
  1. Upon the final inspection of a newly constructed septic system which is deemed by the Director to meet at that time all the requirements of this ordinance, or
  2. Upon the final inspection of a malfunctioning septic system which is deemed by the Director to meet at that time all the requirements of this ordinance, or
  3. Upon cleaning and inspection of an existing septic system, provided that no malfunction is detected during the inspection and the appropriate inspection report is submitted to the Director.
- (d) A Permit to Discharge may be revoked or suspended due to a malfunction disclosed by an inspection by the Director or another party. If a malfunction has been identified, a Permit to Discharge shall not be renewed until the Director determines that any and all malfunctions have been corrected in accordance with the applicable sections of this ordinance.
- (e) The Director shall have the authority to extend the expiration date of a Permit to Discharge if the property owner provides proof of (1) recent septic system inspection or (2) limited use of the system sufficient to warrant such extension.



## **Section 10 Non Compliance with Septic System Cleaning and Inspection Requirements**

It is the intent of the Authority and the Director to implement enforcement of this ordinance and any other regulations it may adopt through education and cooperation with residents, commercial establishments and other owners. Enforcement of this ordinance is provided for as follows:

- (a) The Director shall be empowered to order any owner to have his septic system cleaned and inspected if (1) such system has not been cleaned and inspected within the past five years, or as previously designated by the Director or his agent, or (2) there is cause to believe there exists a malfunction of the system. Such order shall be sent by certified mail to the last known address of the owner.
- (b) In the case of an order issued pursuant to subsection (a)(1) of this section, upon the failure, neglect, or refusal of any owner to have his system cleaned and inspected within the time period specified in the order, or if the order is returned to the sender as undeliverable, the Director shall be empowered to bring a civil action in Superior Court to compel compliance with the order.
- (c) In the case of an order issued pursuant to subsection (a)(2) of this section, upon the failure, neglect, or refusal of any owner to have his system cleaned and inspected within the time period specified in the order, or if the order is returned to the sender as undeliverable, the Director is hereby authorized and empowered to effect the cleaning and inspection of the system, at the owner's expense, by employing the services of any licensed person, firm, corporation or partnership engaged in the business of cleaning, pumping or disposing of septage. The Director is authorized to pay the costs of such cleaning and inspection and, if such costs are incurred, shall demand reimbursement for such costs from the owner. Such demand will be sent by certified mail. In the event that the owner fails, neglects or refuses to reimburse the director for said costs within thirty days of demand, or if the demand is returned as undeliverable, the director is empowered to bring civil action in Superior Court to collect such costs from the owner. The Director is further empowered to bring a civil action in Superior Court to compel compliance with any order issued pursuant to subsection (a)(2) of this section.
- (d) In the event of the failure, neglect or refusal of an owner to comply with an order issued by the Director pursuant to subsections (a)(1) and (2) of this section, the director shall have the authority to impose and collect fines in accordance with the Connecticut General Statutes and Regulations of State Agencies. For purposes of calculating any such fine, each day following the expiration of the time period specified in the Director's order shall be deemed a separate violation of said order and of this ordinance until the day upon which the owner takes the action required in such order. The Director may collect all fines incurred under this section by making demand upon owners. Such demand will be sent by certified mail and shall state the amount of the fine and the reason therefore. In the event that the owner fails, neglects or refuses to pay such fine within thirty days of demand, or if the demand is returned as undeliverable, the director is empowered to bring a civil action in Superior Court to collect such fine from the owner.
- (e) In the event that an owner fails, neglects or refuses to comply with any order issued by the Director pursuant to this section, the owner's Permit to Discharge shall be revoked, and the building department shall be informed of such revocation.

**Section 11    Inspections by the Director**

The Director shall develop and maintain and amend as required a plan to inspect the septic systems of all or most of the owners within the Town of Chester within five years of the effective date of this ordinance. Septic systems shall be inspected at least once every five years thereafter, or as deemed necessary by the Director. The Director shall have the right to inspect the septic system and/or to observe the septic system cleaning at his discretion. The Director shall have the right to perform such tests as he deems appropriate to determine whether or not said septic system is malfunctioning.

adopted by Town Meeting March 2, 1999.