

**TOWN OF BETHLEHEM
SPECIAL TOWN MEETING
_____, 2023**

ORDINANCE CONCERNING SUBSURFACE SEWAGE DISPOSAL SYSTEMS

Section 1. Authority.

This ordinance is adopted pursuant to Connecticut General Statutes § 7-148(c)(7)(A)(viii), § 7-148(c)(7)(H)(xi), and 7-148(c)(7)(H)(xiii).

Section 2. Amendment to Code of Ordinances.

The Code of the Town of Bethlehem, Chapter 109, Subsurface Sewage Disposal Systems, is hereby amended as follows:

“Chapter 109. Subsurface Sewage Disposal Systems

Definitions.

Any term not specifically defined in this section shall use the definition of the Connecticut State Building Code.

- A. Dwelling: Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or that are occupied for living purposes.
- B. Dwelling Unit: a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- C. Multifamily: Two or more dwelling units.
- D. Subsurface Sewage Disposal System: means a system consisting of a house sewer; septic tank followed by a leaching system, any necessary pumps and siphons, and any groundwater control system on which the operation of the leaching system is dependent.
- E. Special Subsurface sewage disposal permit: A permit resulting from a completed application, completed review, and a lawful approval of that application from the Planning Commission, pursuant to § 109-4 through § 109-6 of this chapter.

§ 109-1. Single-family dwellings.

On or after the effective date hereof, where a Subsurface Sewage Disposal System is required, no single-family dwelling shall be constructed in the Town of Bethlehem on any piece or parcel of land unless either:

- A. The parcel contains no less than 1 1/2 acres, exclusive of wetlands and watercourses, as defined in C.G.S. § 22a-38, as amended, and of which at least one contiguous acre shall contain no slope in excess of 25% original grade; **or**
- B. A special Subsurface Sewage Disposal System permit is issued by the Bethlehem Planning Commission in accordance with §§ 109-4 through 109-6 of this chapter; **or**

C. The dwelling is exempt pursuant to § 109-7 of this chapter.

§ 109-2. Multifamily dwellings.

A. On or after the effective date hereof, where a Subsurface Sewage Disposal System is required, no multifamily dwelling shall be constructed in the Town of Bethlehem **unless:**

- (1) The density of the development will be no greater than one dwelling unit per 1 1/2 acres, exclusive of wetlands and watercourses, as defined in C.G.S. § 22a-38, as amended, and of which at least one contiguous acre per dwelling unit shall contain no slope in excess of 25% original grade; **or**
- (2) A special Subsurface Sewage Disposal System permit is issued by the Bethlehem Planning Commission in accordance with §§ 109-4 through 109-6 of this chapter.

§ 109-3. Commercial, industrial, institutional, or other structures.

On or after the effective date hereof, where a Subsurface Sewage Disposal System is required, no commercial, industrial, institutional or any other structure or land use that is not a single-family or multifamily dwelling shall be constructed in the Town of Bethlehem on any piece or parcel of land unless and until a special Subsurface Sewage Disposal System permit has been issued in accordance with this chapter.

§ 109-4. Application for special Subsurface Sewage Disposal System permit.

Any person, as defined in C.G.S. § 1-1(k), as amended, owning an interest in any land in the Town of Bethlehem may, with the written consent of the owner of record title to said land, file an application with the Bethlehem Planning Commission for a special Subsurface Sewage Disposal System permit.

§ 109-5. Application review procedures; grant or denial of permit.

A. The Bethlehem Planning Commission shall review and decide upon any application for a special Subsurface Sewage Disposal System permit in accordance with standards set forth in, and a renovation analysis completed in accordance with, the Connecticut Department of Energy and Environmental Protection's "Guidance for Design of Large Scale On Site Wastewater Renovation Systems," dated 2006, as it may have been subsequently revised. In determining whether the proposed Subsurface Sewage Disposal System complies with those standards, the Commission shall seek input from a Connecticut licensed professional engineer of its choosing. Particular attention shall be paid to phosphate sorption, nitrogen dilution, bacteria die-off, virus inactivation, and potential groundwater impacts at any area of interest, which may include property lines, wetlands, watercourses, culverts, swales and subsurface drains. Prior to conducting any testing or data collection required for the renovation analysis, the applicant must provide notice of a minimum of (10 business days) to the Commission's chosen engineer to allow that engineer to observe all pertinent data collection efforts, including but not necessarily limited to deep test pits, borings, standpipes, piezometers, topographic measurements and permeability

measurements. The renovation analysis must be certified by a Connecticut licensed professional engineer hired by the applicant.

- B. If the application satisfies the standards contained in said analysis, the Commission's engineer shall so advise the Bethlehem Planning Commission. If the application fails to meet the standards contained in said analysis, the Commission's engineer shall notify the First Selectman, the Building Official and the Bethlehem Planning Commission. The Commission shall act upon the application within 65 days after the date of receipt of the engineer's report. For the purposes of this chapter, the term "date of receipt" shall have the meaning set forth in Section 8-7d(c) of the Connecticut General Statutes. The Commission may grant, grant with conditions, or deny the application for a special Subsurface Sewage Disposal System permit depending upon the extent to which it finds the application consistent or inconsistent with the provisions of this § 109-5. The Commission may place conditions on the approval of any application if it finds that such conditions are reasonably necessary or appropriate to protect groundwater quality and to assure compliance with the standards set forth in Subsection A above.
- C. The Building Official shall not issue a building permit until compliance with said standards is obtained.

§ 109-6. Applicability of Subdivision Regulations.

For the purposes contained herein, said Bethlehem Planning Commission and the applicant for a special Subsurface Sewage Disposal System permit hereunder shall follow the procedures set forth in Section 2 of the Subdivision Regulations of the Town of Bethlehem, as maybe amended from time to time, except that, as used in the context of this chapter, "subdivision" in said regulations shall mean "special Subsurface Sewage Disposal System permit"; "Planning Commission" and "Commission" in said regulations shall mean "Bethlehem Planning Commission"; "Town of Bethlehem" and "Town" in said regulations at Section 2.3.2 shall mean "Bethlehem Planning Commission"; and "by resolution" in said regulations shall mean "in its determination." Further, as used in the context of this chapter, Subsections 2.3.4, 2.4.2.C.iii, 2.4.2.C.iv and 2.4.2.C.v of said Subdivision Regulations shall not apply.

§ 109-7. Exemptions.

- A. Construction of a single-family dwelling on a subdivision lot containing less than 1 1/2 acres, as aforesaid, which subdivision lot was approved by the Bethlehem Planning Commission between the effective date of the Subdivision Regulations for the Town of Bethlehem (March 13, 1955) and the original effective date of this chapter (May 15, 1997), shall be exempt from the operations of this chapter. Exemption from the Planning Commission does not exempt you from Bethlehem Inland Wetland Agency and/or Local Health Authority.
- B. The Planning Commission, at its discretion, may forego Chapter 109 of this Code if only the septic tank is being replaced, and no other alterations to the system are being made.
- C. Performance of work to a residence where only a replacement of facilities or

appurtenances of the property is performed. Examples include roofing, windows, siding, outdoor stairs, decks, etc. This exception would be valid only if there is no increase in the area to the building.

§ 109-8. Enforcement.

The Board of Selectmen is authorized to enforce the terms of this chapter by notice, cease and desist order, court order or such other lawful means as the said Board of Selectmen may possess.

§ 109-9. Fee for application.

The application fee for a special Subsurface Sewage Disposal System permit under this chapter shall be \$2000.00 per Subsurface Sewage Disposal System **or** the actual cost of review (including, but not limited to engineering design and construction plan review costs), whichever is greater at the time the application is received, payable to the Town of Bethlehem. No application shall be complete, and no permit shall be issued until the application fee is paid in full.

§ 109-10. Construction on or changes to wastewater discharge for nonexempted properties.

Where a subsurface sewage disposal system is necessary on lots, parcels or pieces of property not explicitly exempted by § 109-7 of this chapter, any activity requiring a permit under the Connecticut state building code shall not take place unless a special Subsurface Sewage Disposal System permit is issued by the Bethlehem Planning Commission in accordance with §§ 109-4 through 109-6 of this chapter. In addition, any use that may change the character or volume of wastewater to be discharged or decreases the area available for sewage disposal shall be subject to the requirements of this section.”

Section 3. Effective Date.

This ordinance shall take effect fifteen (15) days after a publication of a summary of its provisions pursuant to Connecticut General Statutes §7-157(b).

Adopted by town meeting on February _____, 2023.

Published in the _____ on _____, 2023.

Effective date: _____, 2023.

Recorded in the Bethlehem Town Records: Vol. _____, Pg. _____.