

Legal Notice
Notice of Public Hearing and Special Town Meeting
April 23, 2018

Notice is hereby given there will be a Public Hearing on **April 23, 2018 at 6:30 P.M.** at the Haddam Volunteer Fire Company Community Hall, 439 Saybrook Road, Higganum for an Ordinance enacting a Groundwater Management Zone in the Tylerville Section of Haddam

Notice is hereby given to all electors and others entitled to vote at Town Meetings of the Town of Haddam, Connecticut (the "Town") that a Special Town Meeting of the Town will be held on **April 23, 2018 at 7:00 PM** at the Haddam Volunteer Fire Company, Community Hall, 439 Saybrook Road, Higganum, CT 06441 for the following purposes:

To choose a Moderator to preside over such meeting and to consider and vote on the Proposed ordinance:

1. An Ordinance enacting a Groundwater Management Zone in the Tylerville Section of Haddam

Dated this 12th day of April 2018

Lizz Milardo, Larry Maggi and Melissa Schlag

**Town of Haddam
Groundwater Management Zone Ordinance**

Be it ORDAINED by Town Meeting of the Town of Haddam, held April __, 2018 that pursuant to its municipal powers set forth in the Town of Haddam Charter Section 3-7, and pursuant to Connecticut General Statutes Section 7-148 the Town of Haddam adopts this Groundwater Management Zone Ordinance.

I. Title

This Ordinance shall be known and be cited as the Groundwater Management Zone Ordinance of the Town of Haddam, Connecticut.

II. Purpose

WHEREAS, the Town of Haddam (the "Town") has been working towards the provision of a long-term solution to the groundwater pollution existing in the Tylerville section of the Town and effecting the properties existing within Tylerville listed on Schedule A (each a "Property" and collectively herein, the "Properties"); and

WHEREAS, the State of Connecticut Department of Energy and Environmental Protection (“CT DEEP”) has completed an engineering report consistent with the requirements of Section 22a-471-1 of the Regulations of Connecticut State Agencies (“RCSA”) entitled, “Tylerville Center Water Supply Alternatives Evaluation – Final,” dated October 2017 prepared by AECOM Technical Service, Inc (the “Engineering Report”) which Engineering Report identified the area of the Town of Haddam, in the Tylerville section, in which groundwater pollution has occurred or is reasonably expected to occur (the “Proposed Water Supply Area”), and which was the subject of a Public Scoping Meeting and Public Hearing conducted by CT DEEP on June 21, 2017 in the Town of Haddam in accordance with RCSA Section 22a-417-1; and

WHEREAS, The Engineering Report evaluates alternatives to provide a long-term potable drinking water supply to the properties in Tylerville and identifies extension of the Connecticut Water Company’s existing eight (8)-inch diameter water main from Denlar Drive in Chester to and within the Proposed Water Supply Area in Tylerville (the “Water Supply Line”) as the recommended alternative to provide a long-term potable drinking water supply to the Properties (the “Recommended Alternative”); and

WHEREAS, The Recommended Alternative includes the provision of water service line connections and well abandonment along the Water Supply Line and at each of the Properties if the Property owner agrees to the abandonment of the drinking water well; and

WHEREAS, the Town is obligated pursuant to a Consent Order SRD-230 with CT DEEP to implement the Recommended Alternative;

NOW THEREFORE, The purpose of this Ordinance is to protect the health and safety of the public and residents, guests and business patrons in the Tylerville Section of the Town of Haddam, to protect the groundwater integrity of the Tylerville properties, and to implement the Recommended Alternative remedy, by identifying a Groundwater Management Zone (“GMZ”) to prevent the use of and public exposure to contaminated groundwater drawn from the GMZ, and to prevent further expansion of the contaminated groundwater plume. In consultation with the CT DEEP and Connecticut Department of Public Health (“”), the boundaries of the GMZ are set forth on Figure 1 attached hereto.

III. Scope and Authority

As authorized by Connecticut General Statutes Section 7-148, once this ordinance is applicable to any Property located within the boundaries of the GMZ, comprised as set forth in this Ordinance, no groundwater shall be extracted, consumed or utilized from the ground at that Property, except as otherwise provided within this Ordinance. This Ordinance shall apply to the GMZ notwithstanding the provisions of any other Town ordinance adopted.

IV. Applicability

This Ordinance shall become applicable to any piece or parcel of land within the GMZ on the date that the public water supply becomes available for connection to any Property by virtue of the presence of the water service line at the Property boundary and the initiation of water delivery to the Tylerville section of Haddam and the Proposed Water Supply Area.

V. Definition

Groundwater: All the water found beneath the surface of the ground including all subsurface water stored in bedrock and overburden aquifers and recharge areas within the GMZ. Groundwater does not include waters found in fire ponds or any other surface water bodies within the GMZ.

VI. Groundwater Management Zone ("GMZ")

There is hereby established within the Town the GMZ as depicted in Figure 1. The particular Properties contained within the GMZ are identified in the Engineering Report, and attached hereto on Schedule A, and can be identified using assessor's maps that are on file at the Town of Haddam Office of Assessor, and can be viewed on the Town of Haddam's website. The GMZ depicted in Figure 1 is subject to future amendment. Any future amendment to Figure 1 or Schedule A of this Ordinance is subject to all notice and procedural requirements applicable to a municipal ordinance amendment in the Town of Haddam.

The Town Clerk shall record a certificate of inclusion of each Property referring to this ordinance in the Haddam Land Records and shall index such certificate on the Grantor index in the name of each Property owner as listed in the records of the Haddam Town Assessor as of the effective date of this ordinance.

VII. Use Regulations

Within the GMZ, except as specifically provided in Section VIII (Exceptions), the following regulations shall apply:

- A. The extraction, consumption, or utilization of groundwater for any purpose, including residential wells is prohibited in the GMZ.
- B. Unless an exception is granted pursuant to Section VIII E, all existing groundwater wells must be permanently and physically separated from any internal or external plumbing prior to or immediately upon connection to the public water supply made following authorization granted pursuant to part C of this Section.
- C. Unless an exception is granted pursuant to Section VIII E, all existing groundwater wells must be abandoned in accordance with the provisions of the Connecticut Well Drilling Code and Rules, Sections 25-126 through 25-137 of the

General Statutes and Regulations of the State of Connecticut and all applicable regulations of the Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district, within thirty (30) days of connection to the public water supply made following authorization granted pursuant to part C of this Section.

- D. Unless an exception is granted pursuant to Section VIII E, for all properties located within the GMZ that contain any habitable structures (residential, commercial or industrial) with running water the owner or such other duly authorized person must within thirty (30) days of receiving notice that a connection from the building or buildings served by existing groundwater wells will be provided to the public water system either: 1) provide written authorization on the form contained in the notice that the connection can be installed; or 2) file an application for an exception under Section VIII E of the Ordinance. In the event that the application for an exception is denied, written notice of authorization must be provided within thirty (30) days of denial on the form contained in the original notice of the availability of the connection to the public water supply.
- E. Nothing in this regulation shall prohibit any party from developing property within the GMZ provided that any development proposal requiring on-site drinking water shall demonstrate the ability to connect to public water at such party's expense and be approved by the Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district.

VIII. Exceptions

- A. Groundwater in the GMZ may be used for the purpose of evaluating groundwater quality for environmental investigation.
- B. This Ordinance shall not apply to any investigation or monitoring wells installed or required to be installed, by any federal, state, or local government authority.
- C. Nothing in this regulation shall prohibit the use of a closed-loop system for geothermal heating purposes.
- D. An exception is granted for the continued use of the existing industrial well used for marina purposes located at 4 Harper's Landing, provided such Property remains in compliance with the exception terms and conditions of section VIII.E.a.iii-iv of this ordinance.
- E. Any person who owns property within the GMZ may request from the Town of Haddam an exception to Sections VII.A, VII.B, and VII.C of this Ordinance for continued use of a well in existence on the effective date of this Ordinance or

installation of a new well after the effective date of the Ordinance, subject to the following conditions. An exception under this Paragraph does not apply until granted in writing by the Town of Haddam.

- a. A property owner seeking an exception under this Paragraph must comply with the following requirements:
 - i. The property owner shall submit a plan that shall include, but not be limited to, the property boundaries, the location of the proposed or existing well, all other water lines and connections, septic systems, a detailed description of the anticipated use of the well, and the anticipated maximum and sustained pumping rates. The plan shall be signed by a person qualified as a Licensed Environmental Professional (LEP) in the State of Connecticut who certifies that the location of the proposed or existing well is not within an area of Contaminated Groundwater (defined below) and use of this proposed or existing well is not reasonably likely to cause migration of the groundwater contamination plume in Tylerville or of other known areas of contamination. Any testing of existing and proposed wells shall be performed at the property owner's expense using methods acceptable to CT DEEP and the Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district. The testing must be performed at a laboratory certified by the State of Connecticut Department of Public Health to perform drinking water analytical testing for volatile organic compounds.
 - ii. For an existing well, the property owner shall provide sampling results that document that the existing private water supply does not contain contamination above the more stringent of the following standards: (i) federal or state drinking water and groundwater standards (Maximum Contaminant Levels), which standards are currently codified in Sec. 19-13-B102 or Sec. 19-13-B101 of the State of Connecticut Public Health Code, (ii) Drinking Water Action Levels established by the State of Connecticut Department of Public Health pursuant to Section 22a-471 of Connecticut General Statutes, and (iii) Groundwater Protection Criteria as described in Connecticut Remediation Standard Regulations pursuant to Section 22a-133k- through 22a-133k-3 of the Regulations of Connecticut State Agencies, as such standards may be amended from time to time. Groundwater in excess of any such standard shall be herein referred to as "Contaminated Groundwater". For existing wells, the sample must have been collected and analyzed within 6 months of the date of the request for an exception. For a well that has not yet been installed, the property owner may be granted a conditional exception that allows installation of a well based on the information available at the time

of the submission of the request to install the well, however, the property owner must provide sampling results within 60 days after installation of the well that document that the newly installed well does not contain Contaminated Groundwater. The exception to allow use of this well will not be granted until the results have been reviewed by the Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district, all other applicable requirements of the exception provision have been met.

- iii. For existing wells the property owner shall certify that the property is not connected to a public water line.
- iv. For a proposed well on a property that is connected to the water line, the property owner must certify that any well that may be subject to the exception is permanently and physically separated from the internal plumbing system of the premises and a reduced pressure device is installed to protect against a cross connection with the public water supply.
- v. The property owner shall certify that they have read the information provided by CTDEEP regarding the decision not to connect to the water line. This information includes:
 - 1. Notice that CTDEEP cannot assure that the private well will not be contaminated in the future;
 - 2. Notice that CTDEEP will not be performing regular monitoring of the private water supply well; and
 - 3. Information relating to the implications under CEPA policy and regulations for non-compliance with a cleanup action or for actions that may cause migration of groundwater contamination.
- vi. The property owner shall perform monitoring of the well water supply as described in this Paragraph. The monitoring shall be performed twice per year for the initial five years after the approval of the exception and then annually, thereafter. The well must be sampled and tested for volatile organic compounds using methods acceptable to Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district. The testing must be performed at a laboratory certified by the State of Connecticut Department of Public Health or EPA to perform drinking water analytical testing for volatile organic compounds. Results of testing must be transmitted to the Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district within 30 days of the receipt of the

sampling results by the property owner or within 90 days of the sampling of the water supply, whichever is sooner.

- b. An exception granted under this Paragraph shall expire within 60 days of property transfer, and any new owner shall re-apply for the exception in order to receive approval to continue the use of the well. Such an exception shall also expire if contaminated groundwater is detected in the private well at any time in the future. If such exception expires, the property owner shall be required to connect to the water line at their expense.
- c. Upon approval of an exception granted under this Paragraph, the property owner shall record a notice in the Town of Haddam Land Records, which notice is noted on the most current deed for the property, in such form as provided in Appendix A, within 30 days of the approval of the exception. The notice shall state that the property is subject to this Ordinance, is within the Groundwater Management Zone, and that the exception that allows the continued use of the private water supply well expires upon change in ownership of the property.
- d. An exception granted under this Paragraph shall be terminated by the Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district, if any of the following conditions, in the opinion of the Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district, occur:
 - i. the water supply is determined to contain contaminated groundwater as a result of testing by the property owner, the CT DEEP, or the Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district;
 - ii. a failure to properly monitor and submit well water quality data;
 - iii. a failure to properly test a cross-connection prevention device installed pursuant to section VIII.E.a.iv of this ordinance ; or
 - iv. CTDEEP notifies the Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district that contaminated groundwater is migrating in the direction of the water supply, or the water supply may be influencing the migration of the contamination.
- e. If an exception granted under this Paragraph expires or is terminated, the property owner shall abandon the well at the property owner's expense within 30 days of the notice from the Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district. The well abandonment shall be conducted in

accordance with the provisions of the Connecticut Well Drilling Code and Rules, Sections 25- 126 through 25-137 of the General Statutes and Regulations of the State of Connecticut and all applicable regulations of the Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district. The documentation of well abandonment shall be submitted to the Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district within 30 days after the completion of well abandonment.

- f. No exceptions shall be granted under this Paragraph if contaminated groundwater is present beneath the property or if a well is reasonably likely to cause migration of the groundwater contamination plume at Tylerville and other areas of contamination.
- F. Failure to comply with the conditions of any exception granted under this Section shall constitute a violation of this Ordinance and may subject the property owner to penalties as identified in Section IX.

IX. Violations

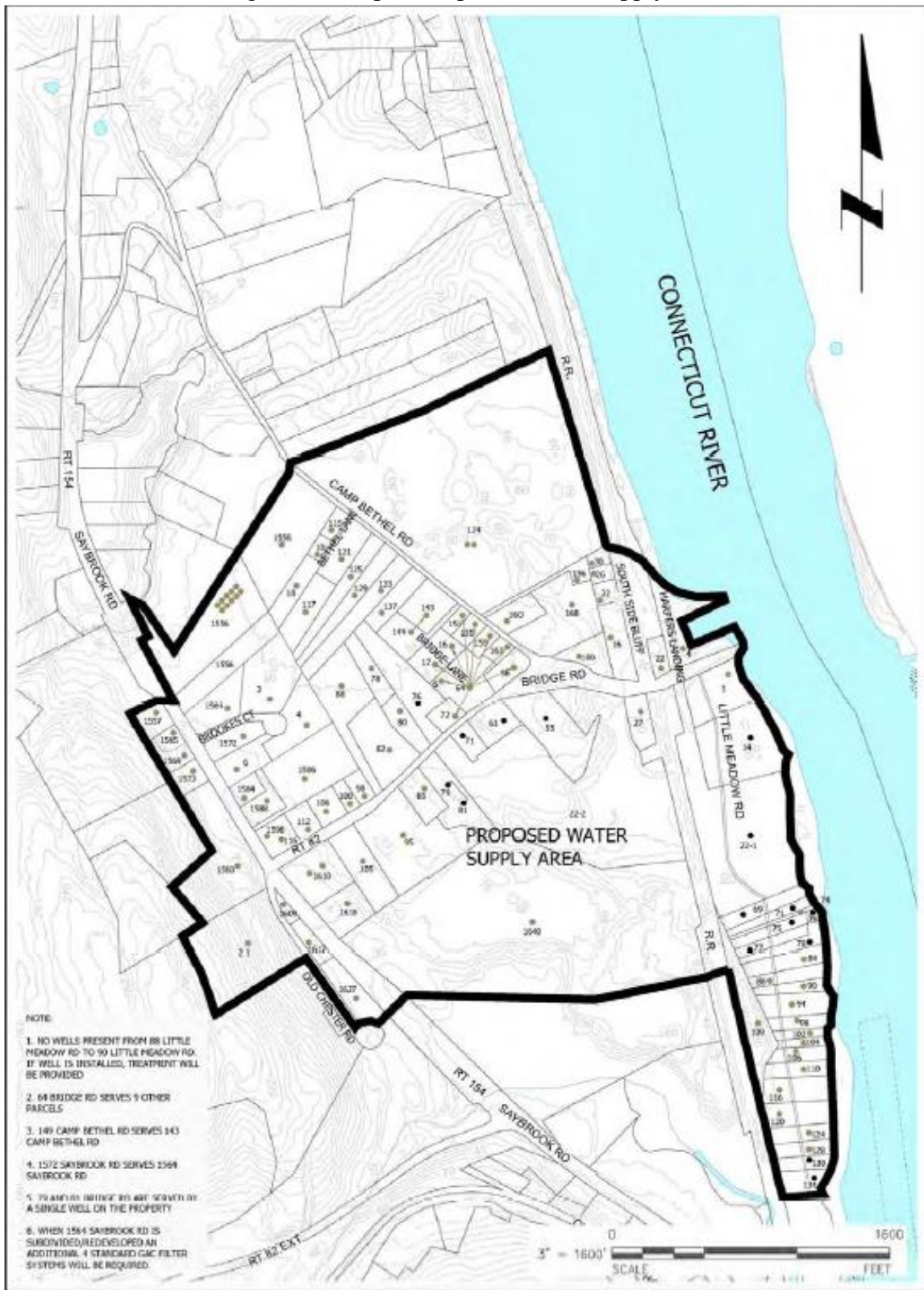
- A. The Town of Haddam Health Department, Connecticut River Area Health District, or other applicable regional health district, may institute or cause to be instituted, in the name of the Town, any and all actions, legal and equitable, that shall be appropriate or necessary for the enforcement of the provisions of this Ordinance.
- B. Any person, firm or corporation, being the owner or occupant of, or having control or the use of land within the GMZ who is found to violate any provision of this Ordinance, may be cited in the amount of \$250 per day in accordance with the citation ordinance adopted in accordance with Connecticut General Statutes Section 7-152c. Each day such violation is permitted to exist shall constitute a separate offense.

X. Effective Date

Adopted by Vote at Town Meeting on _____

Effective on _____.

Figure 1 - Map of Proposed Water Supply Area



Schedule A
List of Properties

OWNER OF RECORD	ADDRESS
Derek Becker	10 Bethel Lane
Rodney Maxwell	18 Bethel Lane
Daniel Wheeler & Hannah Doolittle	16 Bridge Lane
John Pierce	17 Bridge Lane
Susan Springer	1 Bridge Road
Kris & Anne Marie Pszczolkowski	22 Bridge Road
Paul Horgan	27 Bridge Road
The Riverhouse Properties LLC	55/57 Bridge Road
Joseph & Amy Bergin	56 Bridge Road
Robert Grassia	61 Bridge Road
Jack & Lois Kneale	64 Bridge Road/6 Bridge Lane
Lance Brown & Billie Jean Noonan	71 Bridge Road
Christine Wilson & Anita Collins	72 Bridge Road
Allen & May Lis Jensen	76 Bridge Road
David & Irene Kucharski	78 Bridge Road
Marguerite Novak	80 Bridge Road
Sharon & Robert Botelle	79/81 Bridge Road
Haddam Commons Development Co. LLC	82 Bridge Road
HWGA LLC	85 Bridge Road
Haddam Self Storage LLC	88 Bridge Road
Bridge Street Associates	95 Bridge Road
Bridge Street Associates	98 Bridge Road
LOGI LLC	100 Bridge Road
CCC Haddam LLC	105 Bridge Road
Salvatore & Delia Adorno	106 Bridge Road
Golden Brass LLC	112 Bridge Road
Lafayette Realty Co.	116 Bridge Road
DBP LLC	3 Brookes Court
DBP LLC	4 Brookes Court
DBP LLC	6 Brookes Court
Valerie Johnson	115 Camp Bethel Road
Derek & Michelle Zaremba	117 Camp Bethel Road
James McPhee & Brandon Miller	121 Camp Bethel Road
Camp Bethel Assoc. Inc.	124 Camp Bethel Road
David & Joyce Baker	125 Camp Bethel Road
Robert Larsen	129 Camp Bethel Road
Robert Gardner	133 Camp Bethel Road
David Andeen	137 Camp Bethel Road
Doris Finn	143 Camp Bethel Road
Joan Vile	149 Camp Bethel Road
Joan Vile	151 Camp Bethel Road
Joshua & Jessica James	155 Camp Bethel Road
Deborah Borton	156 Camp Bethel Road
Jane Nemecek	159 Camp Bethel Road
Jeffrey Gardner & Laurie Irving-Gardner	160 Camp Bethel Road
Richard & Robin Stillman	163 Camp Bethel Road

OWNER OF RECORD	ADDRESS
Marc & Nancy Phaneuf	168 Camp Bethel Road
Jeffrey & Emily Merriam	180 Camp Bethel Road
Northern Exposure LLC	4 Harpers Landing
State of Connecticut	14 Little Meadow Road
Kathleen Klinck	69 Little Meadow Road
Norman Hanenbaum & Barry Hanenbaum	71 Little Meadow Road
Keith & Teresa Blethen	74 Little Meadow Road
Daniel Champ	75 Little Meadow Road
Daniel Champ	76 Little Meadow Road
Barbara Frey	77 Little Meadow Road
Scott Catanzaro	78 Little Meadow Road
Martin Duffy	84 Little Meadow Road
John Quinto	88 Little Meadow Road
Michael Telow	90 Little Meadow Road
Estate of David Lenzi	94 Little Meadow Road
Donald & Maryanne Smith	98 Little Meadow Road
Richard Hetzler Trustee	102 Little Meadow Road
John & Virginia Murphy	104 Little Meadow Road
106 Little Meadow Rd LLC	106 Little Meadow Road
Donald Smith	109 Little Meadow Road
Jacqueline Gardell	110 Little Meadow Road
William & Marjorie Supple	116 Little Meadow Road
Angelo Romano & Paula Apro	120 Little Meadow Road
Dorothy Piper	124 Little Meadow Road
John Butler	128 Little Meadow Road
Lorraine Bouffard	130 Little Meadow Road
Richard & Maria Bellemare	134 Little Meadow Road
Donald & Marianne Smith	0 Old Chester Road – N (Map 65, Lot 2-1)
MCAP Sabine Pointe LLC	1556 Saybrook Road
Brian & Diana Dutch	1557 Saybrook Road
DBP LLC	1564 Saybrook Road
Donna Everett	1565 Saybrook Road
Mohammed Sohail & Javed Khan	1569 Saybrook Road
DBP LLC	1572 Saybrook Road
1573 Saybrook Rd LLC	1573 Saybrook Road
Donald & Marianne Smith	1583 Saybrook Road
Ronald Petrucelli Jr. & Mary LeBlanc	1584 Saybrook Road
Angier, Angier & Angier LLC	1586 Saybrook Road
Margaret Winkley	1588 Saybrook Road
Lafayette Realty Co.	1598 Saybrook Road
Susan McColl	1609 Saybrook Road
HCPD LLC	1610 Saybrook Road
Naim Krasniqi	1617 Saybrook Road
Veselak LLC	1618 Saybrook Road
Saybrook Rd LLC	1627 Saybrook Road
State of Connecticut	1640 Saybrook Road
Joseph & Ellen Picone	16 South Side Bluff
Estate of Eleanor Fenn & Bradford Fenn	22 South Side Bluff
John Borton Jr.	26 South Side Bluff
Charles & Mary Orcutt	30 South Side Bluff

Appendix A: Draft Notice

Re: Insert Property Owner
Insert Property Address
Insert Tax Assessor's Map, Block, Lot

**NOTICE OF GROUNDWATER CONTAMINATION AND
EXCEPTION TO GROUNDWATER ORDINANCE**

This **Notice of Groundwater Contamination and Exception to Groundwater Ordinance** ("Notice") is made this ____ day of ____ 20__, by _____ (Property Owner) to provide information concerning groundwater contamination and an exception to the Groundwater Ordinance of the Town of Haddam, Connecticut (the "Groundwater Ordinance") affecting that certain parcel(s) of real property located at _____ (the "Property").

WHEREAS, EPA has identified the existence of a plume of contaminated groundwater at Tylerville, in Haddam, Connecticut; and

WHEREAS, the Town of Haddam's Groundwater Ordinance identifies a Groundwater Management Zone that prevents the use of and public exposure to contaminated groundwater drawn from the Groundwater Management Zone, and that protects the integrity of Tylerville Recommended Alternative remedy by preventing further expansion of the contaminated groundwater plume; and

WHEREAS, the taxing authority of the Town of Haddam identifies the Property as Block _____, Lot _____, on the Town of Haddam's Tax Assessor's map # _____, as shown on the figure attached as Exhibit "B," attached hereto and made a part hereof, and identifies the current owner of the Property as _____; and

WHEREAS, on _____(DATE), the Town of Haddam Health Department, [Connecticut River Area Health District, or other applicable regional health district granted], in writing, an exception under Paragraph VIII.e of the Groundwater Ordinance for the following well(s) on the Property: _____. The exception is subject to the following conditions:

_____.

NOW, THEREFORE, the _____ (Property Owner) provides notice that:

FIRST, the Property is subject to the Groundwater Ordinance of the Town of Haddam, Connecticut, which prevents the use of contaminated groundwater drawn from the Groundwater Management Zone.

SECOND, the Property is located within the Groundwater Management Zone as defined in the Groundwater Ordinance of the Town of Haddam, Connecticut.

THIRD, the Property has been granted an exception under Paragraph VIII.e of the Groundwater Ordinance by the Town of Haddam Department of Health for the (continued) use of the following well(s) _____.

FOURTH, the exception that has been granted to the Property under Paragraph VIII.e of the Groundwater Ordinance is subject to the following conditions:
_____.

FIFTH, the exception that has been granted to the Property under Paragraph VIII.e of the Groundwater Ordinance expires upon change in ownership of the Property, and any new owner must reapply for an exception under the Groundwater Ordinance.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

Date

Notary Block