

John Bestor
24 Walnut Tree Hill Rd.
Sandy Hook, CT 06482

March 03, 2015

Newtown Highway Department
Newtown Water and Sewer Department
Office of the First Selectman of Newtown
Newtown Planning and Zoning Commission
Newtown Department of Land Use
Newtown Police Department
Newtown Building Department
Newtown Town Engineer

Re: Application for Development at 79 Church Hill Rd, Sandy Hook (Newtown) CT, on
Feb. 5, 2015 (reference map 38, block 2, lot 1)

HAND DELIVERED

Dear Newtown Water and Sewer Department,

Enclosed, please find Request of John Bestor for Intervenor Status with regard to the
above captioned matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,


John Bestor
203-426-3925

Application for Development at 79 Church Hill Road, Sandy Hook (Newtown), CT

March 03, 2015

REQUEST FOR INTERVENOR STATUS

I, John Bestor, am formally requesting to be granted intervenor status for the 79 Church Hill Rd. development application.

- I. I am the owner of a private home located at 24 Walnut Tree Hill Rd. Sandy Hook (Newtown), Connecticut
- II. I reside in the vicinity of the proposed development for Church Hill Rd. Newtown, Connecticut
- III. I propose to participate in the proceedings by:
 - a. Filing pre-hearing questions to the applicant or other parties and intervenors;
 - b. Presenting testimony at hearing sessions;
 - c. Cross-examination of witnesses at hearing sessions; and
 - d. Filing exhibits, briefs, and proposed findings of fact.
 - e. By motion to extend time.

Dated at Newtown, Connecticut, this third day of March, 2015

Application for Development at 79 Church Hill Road, Sandy Hook (Newtown), CT

March 05, 2015

REQUEST FOR INTERVENOR STATUS

I, John R. Bestor, am formally requesting to be granted intervenor status for the 79 Church Hill Rd. development application.

1. I am the owner of a private home located at 24 Walnut Tree Hill Rd. Sandy Hook (Newtown), Connecticut
2. I reside in the vicinity of the proposed development for Church Hill Rd. Newtown, Connecticut
3. I have filed for intervenor status pursuant to Section 22a-19 CGS because the proposed development from 79 Church Hill Road LLC has or is reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in air, water or other natural resources of the state.
4. I support this application for intervenor status with facts addressed in the Newtown 2004 Plan of Development/Water and Sewer Authority which protects the public health and safety of the citizens of Newtown.
5. I propose to participate in the proceedings by:
 - a. Filing pre-hearing questions to the applicant or other parties and intervenors;
 - b. Presenting testimony at hearing sessions;
 - c. Cross-examination of witnesses at hearing sessions; and
 - d. Filing exhibits, briefs, and proposed findings of fact.
 - e. By motion to extend time.

Dated at Newtown, Connecticut, this fifth day of March, 2015

John R. Bestor
24 Walnut Tree Hill Rd.
Sandy Hook, CT 06482

March 05, 2015

Newtown Highway Department
Newtown Water and Sewer Authority
Office of the First Selectwoman of Newtown
Newtown Planning and Zoning Commission
Newtown Department of Land Use
Newtown Police Department
Newtown Building Department
Newtown Town Engineer

Re: Application for Development at 79 Church Hill Rd, Sandy Hook (Newtown)
CT, Submitted under oath

Dear Newtown Water and Sewer Authority,

Enclosed, please find Request of John R. Bestor for Intervenor Status with
regard to the above captioned matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,


John R. Bestor
203-426-3925

City/County of Newtown / Fairfield County
State of Connecticut
Subscribed and sworn to before me
this 5th day of FEB., '15
by John R. Bestor
Monica E. Duhancik Notary Public
My commission expires 3-31-19

MONICA E. DUHANCIK
NOTARY PUBLIC
MY COMMISSION EXPIRES MAR. 31, 2019

Rec'd. for Record 3-5-2015
Town Clerk of Newtown 1:52
pm
Debbie Aurelia Halstead

To the Editor:

The original rationale for sewers in Sandy Hook was intended to protect public health and public safety from environmental pollution associated with soil sampling concerns and septic failures that had been studied as far back as 1963. Pollution Abatement Reports (1963-1969) resulted in the CT Water Resource Commission ordering the Town of Newtown "to construct a sewage collection system" in order to protect public health and safety. Field studies conducted in 1976 identified 10% of on-site septic systems as failing within The Borough. In 1990, the CT Department of Environmental Protection asked the CT Attorney General to "take action against Newtown for failing to correct groundwater pollution" which led to a 1991 agreement to establish a timetable that would result in the implementation of a sewer plan "to resolve its identified sewer problems". According to the 2004 Newtown Plan of Development, the Water and Sewer Authority (formerly the Water Pollution Control Authority), reports that "the municipal sewer system was designed to address sewage disposal problems and the Town's sewer avoidance plan is developed to eliminate the need to extend the municipal sewer to serve additional residential areas in the future. ...The intent of the Town's sewer avoidance policies are to foster the maintenance of existing on-site septic systems outside the sewer service areas and avoid the need to extend sewer service beyond the current limits of sewers to serve failed systems."

Jack Bestor
24 Walnut Tree Hill Road
Sandy Hook, CT
(203)-426-3925

To the Editor:

It is important that the WSA protect the public health and safety of the citizens of Newtown. The avowed purpose behind limiting sewer hook-ups was not to encourage the development of future large-scale multifamily complexes. The agreement between the Town and the State to sell gallonage to each other provides flexibility to deal with a sewer abatement need only - not to promote further development. With limited capacity, the WSA needs to carefully protect and hold onto its gallonage capacity - just in case, there is a future need to abate failing septic systems that may occur in the ten houses up WTHRd and the twenty-plus houses on Evergreen Road.

The initial proposal presented to the WSA leaves "unclear" the number of housing units (which can go as high as 350) and is designed to secure preliminary approval to the developer from the WSA before they begin to move forward to other land-use agencies. However, in reality, any large-scale, multifamily development goes against the intended sewer-use agreement of environmental protection for purposes of sewer abatement in order to protect the public health and safety of the citizens of Newtown. The WSA needs to remain steadfast to its original purpose and principles and protect our community from unnecessary and environmentally-damaging development in an area that had already been designated as at significant risk for sewer abatement and groundwater pollution, even before the WTV 212-units and the EC 26-units (Dauti) were allowed to hook-up. When is enough, enough?

Mary E. Burnham
24 Walnut Tree Hill Road
Sandy Hook, CT

Analyzing CT's Conservation Policies - A Case Study of Newtown, CT.

Personal notes from report:

"The increase in development has brought more impervious road surfaces, like roads, which usually drain into watercourses. With this damage there is an increase in nutrient and thermal pollution increasing stressors on the flora and fauna species that keep those systems categorized as healthy."

"the district is within the Pootatuck River Watershed, and it regulates the federally protected sole source Pootatuck Aquifer."

"The regulation is very strict with what it allows and does not allow, and only permits four particular uses; which are 'single family dwellings of two or more acres, open space and passive recreation, managed forest land, and wells and accessory' ... 'for the purposes of providing water supply.'"

"Any other use is strictly prohibited, and variances shall not be granted."

"The Aquifer District had over 10% impervious cover. This is worrisome because as mentioned the federally protected sole source aquifer has a high susceptibility to pollution because of its geologic composition and its high water table."

"Studies have shown that, within an urban town, if the coverage reaches 10% that can be a perceptible or significant disturbance to the local ecosystem (Booth et al 1996; Booth 1991; Hicks & Larson 1997; Horner et al 1996; Klein 1979; May et al 1997)" p23 *Cites 6 studies*

"As to the UConnCLEAR program, the increase in development and associated impervious surfaces alongside watershed lands show a definite impact on the water resources (Chabaeva et al 2007). As an example of the development small tributaries are usually covered by the increasing infrastructure and are being replaced with first and second order networks of roads and ditches. With the new road networks built the tributaries receive increased storm water loading, pollution, stream scouring, and erosion, and as an added factor communities down stream from the suburban community can experience frequent flooding (Zipperer et al 2000)."

"In essence, impervious cover as a landscape can effect how an ecosystem would work normally."

Specific to Newtown p. 27+:

There are 8 Subregional Watersheds within Newtown:

The Pootatuck River Watershed is the largest.

Then Housatonic River Watershed & Pond Brook Watershed.

"The Town of Newtown also has an aquifer protection district, but through years of mismanagement in the land use and inland wetlands departments this area has had a lot of development within its boundaries."

"with researching the town's new [building] regulations the town's policies have not approached the idea of managing impervious cover of residential zoned properties."

Impervious Surface Coverage within Each Watershed in Newtown. p34

Chart showing that two largest % of impervious surfaces:

Deep Brook. 10%. Pootatuck R. 8%.

"...3.5% is considered the threshold percentage that emphasizes any numbers above this causes 'significant increase in water level fluctuates, conductivity, fecal coli form bacteria, and total phosphorous (Taylor et al 1995)"

"The remaining watershed were within the sensitive to impacted with impervious surface cover percentages ranging from 7% to 11%. These are watersheds that raise most concern for having impervious impacts because since 2002 (the analysis year) there has been an exponential increase in development in Newtown".

"Out of all the watershed regions the two that pose the most concern are Deep Brook and Pootatuck River Watersheds. The two watersheds at 10% and 8% have had the greatest impacts, and high percentages were expected because town centers are located in these regions along with many residences."

"These percentages are worrisome...because there are physical and biological declines of the most sensitive species at just 5% impervious cover (May et al 1997)".

"...as the impervious cover percentage increases the watershed becomes increasingly sensitive and exposed to erosion and species loss as well as increased chemical and thermal exposures."

Wetland and Watercourses Percent Impervious Coverage within 100 feet:

"If there is much developed within 100 feet of all wetlands and watercourses it can also be assumed there are some older unmanaged private septic systems within this frontage, and it is plausible that seepage from those areas is happening."

Wetland and Watercourses Percent Impervious Coverage within 300 feet:

"Wetlands and watercourses [for all but the lowest] are seeing impacts to the most sensitive flora and fauna, and nutrient loading has started within these systems".

Acquifer Protection District with Impervious Surface Coverage:

"Because of the Pootatuck Aquifer's composition of predominately inter-bedded layers of sand and gravel with lesser amounts of silt and clay this area is highly susceptible to contamination.

"With its relatively high permeability and its shallow water table that is recharged mainly by precipitate percolating through the soil we can assume that this area can be treated as if was surface water, and this aquifer is within the impacted zone in the Impervious Cover model."

"...the area will be assumed to have nutrient loading seeping into groundwater that is consumed by the town's citizens in this area. These nutrients that can contaminate the drinking water include nitrogen (nitrate and nitrite), phosphorous, and other inorganic contaminants, such as MTBE! To name a few. (EPA 2008)"

"All of these nutrients mentioned can have health effects when consumed particular to infants six month or younger."

3.5.15

Contact: Chet Arnold. UConnCLEAR. Haddam, CT. 860-345-4511

Preparatory notes for WSA meeting - 3.12.15

I am submitting my Application for Intervenor Status with regard to the 79 Church Hill Road LLC application. I make this application because I firmly believe that 79 Church Hill Road's LLC is likely to have the effect of unreasonably polluting an already fragile environmental infrastructure, thereby impairing and threatening the public trust in that our water and other natural resources will be protected.

Since the last meeting, I looked into the back history and original rationale for sewers in Newtown. We did not agree to build sewers in town until threatened in 1990 by the DEP "for failing to correct groundwater pollution". Prior to that, pollution abatement reports in the mid-1960s indicated that the Town of Newtown needed a sewer collection system "in order to protect public health and safety".

Since we were forced by the state to build a municipal sewer system, we built what was needed and then planned to apply a sewer avoidance plan to handle any pre-existing failing septic systems. It was clearly stated in WPCA, now WSA, section of the 2004 Newtown Plan of Development that the purpose behind the sewer avoidance plan was to protect for possible abatement if septic systems on nearby properties up WTHRd or on Evergreen Road failed. The intent of sewer avoidance and abatement policies was not to build large-scale multifamily complexes that would further deteriorate an already fragile environmental area. That is the gist of the two letters that Mary Burnham and I submitted and were printed in the Newtown Bee two weeks ago. I will leave them with you as well.

Since then, I carefully read Mr. Hollister's letter to this Commission that he submitted at the previous meeting. There were many statements in that letter that I found problematic, misleading in intent and far from fully truthful.

Mr. Hollister states that "there is no environmental condition on the remaining 32 acres" that would preclude or counsel against making sewer available to the acreage. I found this statement presumptuous and without proof. He states that the site is not in the "sewer avoidance area" which may be technically true - I'm not sure, but it is misleading because most of the property is combined with what had been the house on the corner which had frontage directly on the sewer line.

Then, Mr. Hollister goes on to state that the property is "well suited" for any type of multifamily development - that certainly is his opinion and that of the developer he represents, but it remains a highly contested opinion.

On p.3 of his letter, Mr. Hollister makes several claims that should not be left unquestioned:

First, Mr. Hollister claims again that the property is not in the sewer avoidance district

- is that a fact? Then why was corner house on the sewer line.
- he references the recent adoption of overlay zone by P&Z as if it was done just for the benefit of this development.

Second point, under B, Mr. Hollister would have you believe that many houses in the vicinity are "already connected to the sewer". - that is simply not true, as far as I know, only the 210 WTV units and the adjacent Jones property are connected to the sewer. The rest of our properties up the hill are on septic systems.

Third, under D, Mr. Hollister acts as if the unused capacity exists as if it was designated for future development rather than to protect the community from potential future problems.

Fourth, Mr. Hollister suggests that the DEEP - is that the same as DEP? - has no concern because it "has issued ~~more~~ relevant orders". What does that mean? Has DEP even been asked to weigh in on this? I doubt it.

no

I looked into a unpublished study using UConn CLEAR data which made a strong case for needing to protect the fragile and already-overextended Pootatuck River Watershed from further impervious surface coverage as such cover led to pollution, erosion, nutrient loading, species loss, chemical and thermal exposures. The study went on to indicate that the Aquifer Protection District was highly susceptible to contamination because of its high permeability and shallow water table, thereby posing increased risk to our drinking water and putting public health and safety at risk. Given how fragile this critical ecosystem is, I would suggest more in-depth study is warranted rather than passively accept a carefully-worded self-serving statement from the developer's attorney.

In his letter, Mr. Hollister further points out that the town land-use policies were amended for the benefit of this proposed project and then proceeds to tell the WSA how to do their business by approving this application so that P&Z can consider an application under its new regulations -- I say Slow down, Mr. Hollister and stop trying to ram this dangerous, potentially environmentally damaging project down the throats of a neighborhood and community that wants no part of it.

I thank you for your patience on this matter and simply want to end with words from Chief Seattle from the children's book Brother Eagle, Sister Sky:

And I quote: "This we know: All things are connected like the blood that unites us. We did not weave the web of life. We are merely a strand in it. Whatever we do to the web, we do to ourselves. We love this earth as a newborn loves its mother's heartbeat. If we sell you our land, care for it as we have cared for it. Hold in your mind the memory of the land as it is when you receive it. Preserve the land and the air and the rivers for your children's children and love it as we have loved it."

The simplicity of those words belies great depth and eloquence. Thank you.