



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN

Water Shortage Ordinance Subcommittee

Monday, August 6, 2018

9:00AM

Main Meeting Room, Town Hall, 933 Hopmeadow Street

SPECIAL MEETING AGENDA

Call to Order

1) Minutes

- a) April 12, 2017
- b) June 20, 2017
- c) May 2, 2018
- d) May 15, 2018
- e) May 21, 2018
- f) June 5, 2018

2) Public audience

3) Review responses to Board of Selectmen's referral to community stakeholders, boards and commissions

4) Discussion of draft ordinance and next steps

Adjourn



BOARD OF SELECTMEN
Water Shortage Ordinance Subcommittee – Special Meeting
Tuesday June 20, 2017
5:00 PM – Simsbury Town Offices – Main Meeting Room
Minutes
(Completed by member Chris Kelly)

1) Call to Order

The meeting was called to order at 5:00 PM. Present were Selectperson’s Chris Kelly and Mike Paine. Also present from the Conservation and Inland Wetland’s Commission was Don Rieger.

2) Pledge of Allegiance

3) Public Audience

No comments were made in public audience

4. Review Version of Water Shortage Ordinance Edited for Previous Feedback.

Don Rieger, Mike Paine, and Chris Kelly reviewed a number of areas of the proposed ordinance and identified changes to be submitted to the Town Attorney.

These areas are contained in the grid below. Mike Paine made a motion approved by Chris Kelly to forward these edits to the Town Attorney. The motion passed unanimously.

#	Section	Comments	Rationale
1	157-1	Although we asked to have this included in this draft, we have determined that the final line should be deleted. <i>and after a period of voluntary conservation measures have failed to provide adequate relief for the water shortage depletion.</i>	1) The ambiguity leaves too much room for confusion and debate. 2) The desire to ensure that voluntary measures have been either inadequate or are not the proper action can be addressed by adding a statement to 157-5 and 157-6. See below 3) Do not want to have language that can be construed to mean that voluntary efforts have to be tried before implementing the restrictions (typically they will have, but in extreme cases voluntary efforts may be bypassed, based upon the wisdom of the Board.
2	157-5	Change the first sentence from: <i>Upon its determination that a water shortage exists, the Board of Selectmen.....</i> <i>To</i> <i>Upon its determination that a water shortage exists and that voluntary conservation measures have failed or are deemed inadequate to provide relief for the water shortage, the Board of Selectmen.....</i>	1) This language supports the request from the Board to have language that reinforces a desire to have the Board attempt voluntary efforts first where possible.
3	157-6	Change the first sentence from: <i>Upon its determination that a state of ground water depletion exists, the Board of Selectmen.....</i> <i>To</i> <i>Upon its determination that a state of ground</i>	1) Same as above

		<i>water depletion exists and that voluntary conservation measures have failed or are deemed inadequate to provide relief for the water shortage, the Board of Selectmen.....</i>	
4	157 – 2 (2) and (3)(7)	In (2), (3) (7) and replace: <i>The Board of Selectman may consult with the Director of Public Works, the Chairman of the Town Conservation Commission, and with the Farmington Valley Health District, prior to making its determination</i> <i>With</i> <i>The Board of Selectmen may consult with the Water Companies, other government officials, the Farmington Valley Health District, and other persons the Board shall deem as appropriate</i>	1) The Board did not want to name Simsbury government entities specifically, but have language leaving it to the wisdom of the Board as to who to include.
5	157 – 2 (6)	Change definition of Water Company from: <i>Water Company means the Aquarion Water Company, the Avon Water Company, or the Tariffville Water Company or their successors and assigns or any other Water Company providing public water supply in the Town</i> <i>With</i> <i>Water Company means the Aquarion Water Company, the Avon Water Company, or the Tariffville Water Company or their successors and assigns or any other public utility Water Company providing public water supply in the Town</i>	
6	157-2	Add a definition of “business” <i>Or and alternative</i> Can definition of <i>person</i> be expanded to explicitly state <i>business</i> . <i>Person</i> shall be construed to mean to include an individual, a corporation, a partnership, a business, a trust, an unincorporated organization or any other group or organization.	1) Just to eliminate any ambiguity on what constitutes a business in the ordinance.
7	157 - 7	The second reference to days should also be “business days” as in the first reference.	1) Consistency of language
8	157 - 6	Although requested in an earlier review please delete: Such action shall be effective 30 days following publication of notice of the intent to apply the restrictions pursuant to 157-3. During such notice period, individuals (property is a typo) shall have the right to comment on the proposed restrictions.	1) Earlier provisions and later provisions provide adequate language for both notification prior, and periodic review after implementation. 2) If there is an emergency it may be detrimental to wait 30 days.
9	157 - 6	Last sentence.... <i>During such period, property shall have the right to comment on the proposed restrictions. Property</i> ; is this a typo. Should it be <i>people, individuals, etc?</i>	1) Type

7. Adjourn

A motion was made by Mike Paine, seconded by Chris Kelly, and passed by all to adjourn the meeting at 6:05

BOARD OF SELECTMEN
Water Shortage Ordinance Subcommittee
Wednesday, May 2, 2018
5:00 PM -Tariffville Fire Station - 7 Church Street
SPECIAL MEETING

PRESENT: Chris Kelly, Mike Paine

ALSO PRESENT: Assistant Town Planner Michael Glidden, Tom Roy Director of Public Works, Margery Winters, Donald Rieger, Tariffville Village Water Company Members: Brian O'Donnell, Mike Tanca, and Kevin Donahue

Call to Order

Mr. Kelly called the meeting to order at 5:00pm.

1) Public Audience

Mr. Kelly asked if there any members of the Public that wished to speak. No one came forward.

2) Tariffville Village Water Company's feedback regarding draft Water Shortage Ordinance

Mr. Kelly thanked members of the Tariffville Village Water Company, Conservation Commission, and Town staff present at the meeting. Mr. Kelly discussed the status of the current proposal and how the changes were made. Copies of the state model, statute, and November 2017 version of the water shortage ordinance were distributed to those present.

Brian O'Connell of Tariffville Water Company addressed the group concerning the double penalty effect that would result by adopting the current ordinance. Mr. O'Connell explained the current regulations Tariffville has in place which deal with conservation. He stated that individuals whom ignore conservation measures are subject to shut off of water service and require to pay \$150.00 for re-connection.

Mr. Rieger commented on the how ground water and water levels of the Farmington River are directly connected.

Mr. O'Connell discussed the conservation rules which Tariffville already has in place. He provided a suggested change to the ordinance which would address the potential of double penalty to customers in Tariffville.

Mr. Paine commented that he wanted to avoid a situation where people were subject to double penalties.

Mr. O'Connell explained how better communication between Tariffville and the Town of Simsbury could help the situation and avoid such situations.

Mr. Rieger suggested adding to 157-2a that the Town of Simsbury is required to coordinate with Tariffville.

Mr. Kelly noted that the intent of the ordinance was not to create a double penalty to citizens and therefore would need to be addressed to avoid that.

Mr. O'Connell discussed the statutory powers granted to Tariffville Water Company. He did not want to see an ordinance that would dilute their powers.

Mr. Rieger commented how the state acts on a larger scale and water planning really needs to be locally focused.

Mr. Paine explained how the Board of Selectmen needs to be the policy maker and there needs to be balance between policy and the needs of utility companies.

Mr. Rieger felt the penalties of the proposed language by members of Tariffville Water Company were too broad and soft.

Mr. Kelly liked the wording presented by Tariffville Water Company as it relates to the consulting with the parties.

Mr. Roy proposed a change to the language which would read, "The Town of Simsbury shall consult with local water providers to ensure residents are not penalized by multiple entities for the same offenses."

Mr. Roy also noted there are other providers such as operators of community wells which should be included in the future conversations.

3) Next Steps

Mr. Kelly thanked everyone in attendance. He explained that the draft will be revised to incorporate some of the changes discussed tonight. After the revisions are made, a second meeting will be held of the working group to discuss the ordinance.

Mr. Paine expressed his concern of the importance of public outreach regarding the matter. The Town will need to work on getting the message out to the target population.

Ms. Winters suggested the town look into contacting interested parties such as the operators of the local golf courses or larger agricultural operations.

Adjourn

The meeting adjourned at 5:45 pm.

Respectfully submitted,

Michael Glidden CFM CZEO
Assistant Town Planner

BOARD OF SELECTMEN
Water Shortage Ordinance Subcommittee
Tuesday, May 15, 2018
9:00AM-Simsbury Town Hall- Main Meeting Room
SPECIAL MEETING

PRESENT: Mike Paine

ALSO PRESENT: Maria Capriola Town Manager, Michael Glidden, Assistant Town Planner, Jeff Shea, Town Engineer, Tom Roy Director of Public Works, Donald Rieger

Absent: Chris Kelly, Margery Winters

Call to Order

Mr. Paine called the meeting to order at 9:00 AM.

1) Public Audience

Mr. Paine asked if there any members of the Public that wished to speak. No one came forward.

2) Review and Discussion of draft Water Shortage Ordinance

Mr. Paine summarized the meeting with Tarifville Fire District meeting and asked staff to discuss comments.

Ms. Capriola explained how staff started reviewing the proposed ordinance. She stated that a document has been prepared which illustrates some of the comments and/or concerns that the staff has developed. Ms. Capriola felt that because of a lot of the comments from the four staff members overlapped, she wanted to review these with the members and see if there was a way to address.

Ms. Capriola suggested that the group would review section by section of the proposed ordinance so that staff comments could be reviewed in detail. Mr. Paine agreed. Ms. Capriola explained that the staff will be reaching out to Aquarion and Connecticut Water to review the proposed ordinance with both utility companies so that the document is fully vetted by all groups. Mr. Rieger explained that some of the conservation measures outlined in the proposed ordinance were similar to those in the Town of Greenwich's ordinance. He felt that Aquarion would be familiar with these and that the company was thinking updating their conservation regulations.

Ms. Capriola began the review of staff comments with the group. Mr. Roy reviewed his comments in Section 157-1. He explained how changes were meant to clarify the language. He felt the proposed was too broad and potentially left to interpretation.

Mr. Roy explained how he edited the definition of threatened water supply to include consultation of industry experts. He felt the consultation would help the Town determine when there is an environmental issue which warranted conservation measures.

Ms. Capriola reviewed the next comment from Jeff Shea concerning the definition of potable water. Mr. Shea felt that clarification as to the definition of potable water needed to be provided. He explained how there are wells in Simsbury which are not meant for drinking water. Mr. Rieger explained how if the source can be used for drinking purposes then it would be subject to the ordinance. Mr. Roy explained the example of many wells in the

Northern sections of Simsbury which were compromised due to historical pesticides and some residents kept their wells for lawn irrigation purposes. Mr. Paine agreed and stated although he is from this section of Simsbury it is concerning that the Town would be enforcing these regulations on water company customers while neighbors would be exempt. Mr. Roy also agreed and explained how this could cause conflict.

Ms. Capriola stated the next comment was with water companies and community wells. She stated there are community wells in Simsbury. Mr. Roy and Mr. Glidden referenced community wells such as Ethel Walker School and Quad Hill which were not identified in the ordinance. Ms. Capriola discussed how in Mansfield there were several community wells which served areas of the community that worked with the town. Mr. Rieger felt these community wells would be managed by home owners and others which did not have the professional expertise that water companies have. He also explained that community wells were regulated by the State Department of Public Health. Ms. Capriola suggested that staff contact the State Department of Public Health and get a definition of a community well and provide information on how these are regulated by the state. Mr. Glidden volunteered to investigate this subject and would report back.

Ms. Capriola stated that staff would invite representatives of Aquarion to discuss the regulations. Mr. Roy stated he would coordinate these efforts.

Mr. Glidden asked how the proposed ordinance would affect golf courses such as Simsbury Farms which their irrigation ponds are fed by wells. He explained diversion permits from CTDEEP may have conservation restrictions and this ordinance would severely restrict irrigation practices. Mr. Rieger stated he felt the ordinance would not regulate golf courses.

Ms. Capriola reviewed the next comment from T. Roy concerning drought management plan referenced in 157-4. Mr. Roy felt that a drought management plan should be adopted or draft before the ordinance. He stated that having the plan in place before a time of crisis would better help the community. Ms. Capriola agreed. Mr. Rieger explained that he drafted a drought management plan and shared a copy with Ms. Capriola. He felt that the developing of such a plan should be tied to a specific event. Mr. Roy, Mr. Glidden, and Ms. Capriola expressed their concern with this section.

Ms. Capriola stated the next section 157-5 had several comments. Mr. Shea explained his comments regarding recreational uses and how these could apply to Simsbury Farms pool complex among others. Mr. Roy also explained his concerns on how the Town would asking for conservation from citizens and there would issues on how these similar measures could impact town facilities.

Mr. Paine noted that it was almost 10:00 am. Ms. Capriola apologized to the group but she explained that the group would have adjourn. She wanted to schedule a follow meeting with the group to finish reviewing staff comments. She inquired whether the group would be available for a follow meeting on Monday May 21st. Everyone present stated Monday would work. Ms. Capriola suggested that the group would meet at 10:00am however she would verify with Chris Kelly on his availability. She would follow up with the group on time for the special meeting.

3) Next Steps

Mr. Paine thanked everyone for their efforts and inputs in drafting the water shortage ordinance. Ms. Capriola asked that adoption of the meeting minutes from previous meetings be table until Chris Kelly is present. Ms. Capriola stated when the ordinance was ready for

submission to the Board of Selectmen for adoption that a public hearing would be required because of the amount of changes and time since the Board started the process.

Adjourn

The meeting adjourned at 9:59 am.

Respectfully submitted,

Michael Glidden CFM CZEO
Assistant Town Planner

BOARD OF SELECTMEN
Water Shortage Ordinance Subcommittee
Monday, May 21, 2018
9:30AM-Simsbury Town Hall- Main Meeting Room
SPECIAL MEETING

PRESENT: Mike Paine, Chris Kelly

ALSO PRESENT: Maria Capriola Town Manager, Michael Glidden, Assistant Town Planner, Jeff Shea, Town Engineer, Tom Roy Director of Public Works, Donald Rieger

Absent: Margery Winters

Call to Order

Mr. Kelly called the meeting to order at 9:30 AM.

1) Public Audience

Mr. Kelly asked if there any members of the Public that wished to speak. No one came forward.

2) Review and Discussion of Draft Water Shortage Ordinance

Ms. Capriola suggested that the group start off the review of the draft with Section 157-6. She read comments from Jeff Shea which questioned the application of the ordinance to wells. Mr. Rieger all drinkable wells regardless of ownership is private or public would be subject to the ordinance. Mr. Paine suggested that well and/or reservoirs be added to the section in order to prevent confusion.

Mr. Roy commented how Aquarion uses water from well locations to be distributed to areas that are within the service area not just Simsbury. He raised a concern that in a time of drought this could be a situation where water is leaving town to an area which may not have a structured or active conservation efforts in place. Mr. Roy noted that this issue is one which is larger than the ordinance and is not something the group can solve.

Ms. Capriola noted the next section there were comments was 157-7 and 157-9. She noted the nature of these comments were lack of delegation of an enforcement official. Ms. Capriola suggested that language could be added that was similar to the blight and storm water ordinances which delegated enforcement powers to a staff member. Mr. Glidden noted the waiver provision which gave some enforcement discretion to staff however it was unclear by the draft who would be the primary staff member for the enforcement of the ordinance. He mentioned the difficult position staff would be in with the ability to grant waivers but no ability to enforce the ordinance.

Mr. Rieger noted that in Greenwich the Police are responsible for enforcing the drought ordinance.

Mr. Kelly noted that the waiver provision was intended to avoid having every single request for waivers to go before the Board of Selectmen. He understood staffs' concern though.

Ms. Capriola suggested that staff would provide an appointment language which would mirror other ordinance such as blight and/or storm water which would provide appointment power for designation of enforcement official.

Mr. Paine expressed concern on where appeals for the issuance of citations are to be filed. Mr. Glidden noted that the language for the appeal section was copied from the storm water management ordinance however it could be clarified. He explained other citation appeals such as zoning or blight are filed with the official that issued them. Mr. Paine suggested that the section be changed to read written request for appeals of citations are to be filed with the Town Clerk.

Ms. Capriola reviewed comments to 157-11. She requested clarification on whether the section implied the ordinance was intended to be a guideline or mandatory/compelling document for the Board of Selectmen. Mr. Rieger stated that it is a requirement. Ms. Capriola restated the need for clarification of the overall theme whether it is intended to be mandatory or suggestive. Mr. Rieger stated that it is intended to be mandatory. Mr. Paine questioned whether the 30 day provision within in this section be changed to not more than 45 days.

Mr. Rieger stated his concerns regarding changes made to purpose and authority section of the proposal. He felt that this section was recommended by town counsel and that it should remain. Mr. Roy explained his intentions for changes to the section. He wanted to cut down on the wordiness and have to document read easier for people. Mr. Rieger disagreed.

Mr. Kelly noted there are two options for this section. One is to keep the section as proposed. Two is to adopt the revised section as noted by Mr. Roy.

Mr. Shea noted he still is unclear on whether the ordinance only applies to water company customers or does it apply to private wells.

Mr. Rieger discussed how the ordinance flows thru different stages of conservation.

Mr. Paine noted more information is required to better understand the difference between critical vs. threatened.

Mr. Roy suggested adopting language that the State of Connecticut uses for drought conditions. Mr. Rieger noted that the Board may not want to tie the language to state definitions which are subject to change. Mr. Roy noted flexibility is in the adoption of a plan not the ordinance.

Mr. Paine expressed his concerns that he was not in favor of rigid ordinance which prevents responses.

Mr. Shea noted the section of a drought management plan was not clear. Mr. Rieger stated that the adoption of the plan would be a time where the Town can tool up and the document would give personnel direction. Mr. Paine requested that section 157-4 be changed to water management plan verses drought management plan.

Mr. Roy noted the need for a detailed plan to be adopted before a time of crisis. He felt there were two situations where this ordinance could come into play in this region. One is a situation of prolonged lack of rainfall. Two is a short but very dry period that drought conditions are rapid.

Mr. Kelly noted the plans would be situation or event specific.

Mr. Shea asked that Sections 157-6 and 157-7 be re-arranged so that the document read in order which would make sense. Mr. Paine agreed and thought a linear layout of the document would help. He noted that 2 different rules and lack of organization would create chaos. He felt the rules should be consolidated.

Mr. Kelly noted that the change in definition did not affect the enforcement however he liked the separation of terms which was taken in the draft document.

Mr. Roy questioned if there was a way to define water as a public resource. Mr. Rieger stated this is issue that the state of Connecticut is dealing with as developing a drought management plan.

3) Next Steps

Ms. Capriola stated staff would amend the ordinance and incorporate some of the comments and changes discussed. She asked whether the group could schedule a follow up special meeting on 06/05/2018 at 10:00am in the Main Meeting Room in the Simsbury Town Hall.

Adjourn

The meeting adjourned at 9:59 am.

Respectfully submitted,

Michael Glidden CFM CZEO
Assistant Town Planner



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Culture, Parks and Recreation

Date: July 30, 2018

To: Maria E. Capriolia MPA, Town Manager

From : Tom Tyburski CPRP, Director Culture, Parks and Recreation

Re: Water Shortage Ordinance Referral to Parks and Recreation Commission

At the June 28, 2018 regular meeting of the Simsbury Parks and Recreation Commission the proposed water shortage ordinance was discussed. The Commission members understood the purpose of the proposed ordinance and posed no objections to it at this meeting.

The members of the Parks and Recreation Commission appreciated the opportunity to review and comment on the water shortage proposal.

Culture, Parks and Recreation staff is available to any questions regarding the Parks and Recreation Commission's review of the proposed ordinance.

From: Kevin Kowalski <KKowalski@simsburyfd.org>

Next

Previous

Date: July 4, 2018 at 3:53:12 PM EDT

To: "mglidden@simsbury-ct.gov" <mglidden@simsbury-ct.gov>, Capriola Maria E. <mcapriola@simsbury-ct.gov>, Appleby Melissa <mappleby@simsbury-ct.gov>

Cc: "Sean Askham (sean.askham1@comcast.net)" <sean.askham1@comcast.net>, James Baldis <JBaldis@simsburyfd.org>, Gary Wilcox <gwilcox@simsburyfd.org>

Subject: FW: Water Shortage Ordinance Letter Referral

We have taken a look at this proposed ordinance and would have the originator consider exempting Fire District/ Company operations. This would generally involve Firefighting , fire training and other emergency operations. We would of course refrain from irrigation as we currently do when there is a request from the water company to do so.

Thank you for your consideration

Kevin J Kowalski
Chief Administrative Officer
Fire Marshal
Emergency Mangement Director
Simsbury Fire District
860-658-1971
kkowalski@simsburyfd.org



Farmington Valley Health District

95 River Road, Suite C ▪ Canton, CT 06019 ▪ Phone (860) 352-2333 ▪ Fax (860) 352-2542

Avon • Barkhamsted • Canton • Colebrook • East Granby • Farmington • Granby • Hartland • New Hartford • Simsbury

July 27, 2018

Maria E. Capriola
Town Manager
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Send Via Email: townmanager@simsbury-ct.gov

Dear Ms. Capriola,

Thank you for the opportunity to review the Draft Water Shortage Ordinance. Certainly water conservation and protection of our aquifers both every day and during periods of potential and/or actual water shortages is something that the Farmington Valley Health District (FVHD) supports and promotes.

After review we offer the following specific comments and/or suggestions:

Section 157-6 Exceptions, Application for Waiver

The current draft identifies FVHD as the entity responsible for reviewing and making determination regarding ALL waivers. FVHD strongly opposes this language. While FVHD can serve as a subject matter expert on the need to grant waivers specific to public health, FVHD does not have the expertise to independently make these same determinations regarding adverse effects on livelihood or publicly or privately held capital assets as specified in the current language. We strongly urge you to consider alternative language, perhaps a board of appeals that includes individuals with the appropriate expertise to assess the variety of justifications that may be put forth by those seeking waivers.

Section 157-4 Stage 2, Critical Water Shortage

- (a) How would residential gardens fit under this criteria?
- (b) We assume that under this criteria, the town pool would be closed as well? FVHD would advocate that commercial therapeutic pools (e.g. McLean) be exempt.
- (i) Under extreme heat conditions, there may need to be exceptions for long-term care facilities that may operate air conditioning units that use water as a coolant. Some walk-in refrigeration units may also be water cooled.

Section 157-5 Notice of Water Use Restrictions

We would request that FVHD be explicitly listed as one of the agencies notified of water use restrictions.

The ordinance does not appear to address smaller geographic areas within the town of Simsbury. It is conceivable, based on geology, hydrology, aquifers, depth to groundwater and other factors that some sections of town may experience critical water shortages while other sections may not. This may be something that you wish to consider.

Please don't hesitate to contact us should you have any questions regarding our comments. We look forward to working with you as this draft is refined.

Sincerely,

A handwritten signature in black ink, reading "Jennifer C. Kertanis". The signature is written in a cursive style with a large, looping initial "J".

Jennifer C. Kertanis, MPH
Director of Health

- cc. D. Kilbon, Chair FVHD Board of Directors
- M. Appleby, FVHD Board Member (Simsbury)
- S. Beardsley, FVHD Board Member (Simsbury)
- J. Shea, FVHD Board Member (Simsbury)
- D. Harding, FVHD Chief Sanitarian



Maria Capriola
Town Manager, Simsbury CT
933 Hop Meadow Street
Simsbury CT, 06070

CC: Simsbury Board of Selectman
Mike Glidden, Town Planner

RE: Water Shortage Ordinance Stakeholder letter dated 6/27/18

Thank you for the opportunity to participate in the conversation regarding the impending changes to the Water Shortage Ordinances currently being considered by the Town of Simsbury.

Hop Meadow Country Club was established in 1961 and has existed harmoniously within the town since. While we are a private organization, a majority of our membership are residents of Simsbury. As a local business, one of the largest employers in Simsbury, we depend upon the use of water to maintain the health and vitality of our core services. Having this opportunity to provide input into the drafting of the language, we greatly appreciate and take very seriously.

First and foremost, we are stewards of the land upon which our club sits. HMCC was the ancestral farm of Senator George McLean's family, dating back to the early 1800's. Senator McLean was often recognized for his deep commitment to the environment and to enhancing the quality of life for the residents of Simsbury and Connecticut. He devoted much of his legislative time acknowledging the importance of land preservation, specifically wildlife habitats with specific interest in birds. Carrying that forward, HMCC and our leadership, feel very much the same way. We view responsibility as stewards of this property, and all that lives upon it and travels thru it.

Did you know that:

- We recently achieved the designation as an Audubon Bird sanctuary. This was done thru countless hours of studying, preparation, the building of habitats and changes to the overall way we manage much of our open space. By encouraging and promoting the nesting of many species of birds, we have cut down on the use of some water polluting pesticides and have created a more vibrant landscape.
- We have 2 separate and active Bald Eagle nestings along our borders with the Hop Brook
- Are an annual home to Beavers and the DEP often recognizes the preservation of their habitats on our property in the Fall and Winter
- We have several Black Bears, who consider our land home year round
- We have established a colony of bees and hives to assist with the natural health of the flora and fauna of our landscape further reducing the need for damaging fertilizers

- We utilize large grass eating Carp to manage the vegetation growth in our irrigation ponds versus PH adjusting chemicals
- Our property currently is home to 2 separate families of Bobcats

As you can see, we are both proud and deeply respectful for the opportunity to operate a business that lends itself to the environmental causes of Senator McLean and to the overall health of open space within Simsbury.

Central to our own business operations and for the maintenance of our landscape is the judicious use of water. Our golf course requires water almost daily. We also recognize that we are at a point in our Earths life where water sources are greatly strained and that preservation and proper use practices must be addressed.

Without a golf course, Hop Meadow as a longstanding Simsbury amenity and employer would not survive, - this course is the centerpiece of our operations.

Most local golf courses draw the water for their irrigation systems, from wells drilled into our communities' common, clean water aquifers. Conversely, HMCC uses 2 primary sources for its Golf course irrigation:

- 3 rain water supported retention ponds
- A diversion of water from the Grimes Brook into the primary retention pond

We are also unique in that we use non-potable, non-aquifer derived water to irrigate our Tennis complex, something unique in our area.

While we are customers of Aquarian Water, our meters serve 3 critical functions to the Club's non-golf specific operations: Fire Suppression, Food and Beverage services and Sanitary.

It is also critical to our Business operations that we maintain our Pool complex through the season with a modest draw upon our water provider.

To the critical point of responsible water usage and conservation, prior to 2002, HMCC could draw upon the Grimes Brook with little oversight. In 2002, we entered into a formal and structured agreement with the Connecticut Department of Energy and Environmental Protection, that provided for a specified daily maximum draw.

These days we are spot audited at random times during the year by the DEP, for both our pond "volume" and the Grimes Brook "flow/level". Over the past 16 years, we have a perfect record demonstrating compliance with the DEP established metrics.

Despite a reality that the current mandated daily maximum draw on Grimes Brook, is below the ideal amount we would like to divert into our primary retention pond, the combined inflow with rain and surface ground water collection, allows for us to maintain our golf courses minimum irrigation needs. We have also invested in a state of the art irrigation and weather monitoring system, to ensure we are being as judicious as possible with the application of water during stressed, during hot weather times or when watering is not necessary.

Please read this response, as it relates to the language contained within the towns proposed Water Ordinance changes, which allow for enforcement during a potential drought declaration, we strongly believe that our usage is already highly regulated and monitored by the State. Any potential draught declaration would involve further oversight by the state over our daily draw and currently we would fall under their continued guidance. Our sourcing already creates a monitorable and measurable form of strict enforcement, versus a facility that takes its water from well sources.

We believe that an additional layer of enforcement by the Town would impede our ability to operate as a viable business. It would further complicate providing the core activities and services our Members require during these rare but understandably critical times, by adding more check lists.

Again, we are very appreciative of the opportunity to participate in this incredibly important conversation and are hopeful that we have conveyed our organizations commitment to our local environment and to the application of responsible water usage practices.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Shiman III". The signature is fluid and cursive, with a prominent "S" and "M".

Joe Shiman, President, Hop Meadow Country Club

Angela Mierzejewski, Chief Operating Officer HMCC

Bill Demur, Superintendent HMCC

HMCC Board of Directors



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Date: July 25, 2018

To: Maria E. Capriola MPA, Town Manager

From: Michael Glidden CFM CZEO, Interim Director of Planning

Re: Water Shortage Ordinance Referral to Planning Commission

The Planning Commission discussed the proposed water shortage ordinance at the July 10, 2018 regular meeting of the Planning Commission. The Commission found the proposed ordinance met the goals and objectives of the 2017 Plan of Conservation and Development.

Attached to this correspondence is a copy of the meeting minutes that this proposal was discussed.

The Planning Commission wanted to thank your office and the Board of Selectmen for providing the opportunity to comment on this proposal.

Staff is available to answer any questions regarding the findings of the Planning Commission.

1 **PLANNING COMMISSION – REGULAR MEETING**

2 **TUESDAY, JULY 10, 2018**

3 **SIMSBURY TOWN OFFICES – MAIN MEETING ROOM – 7:00 p.m.**

4 **933 HOPMEADOW STREET, SIMSBURY, CONNECTICUT**

5

6 **I. CALL TO ORDER** - Meeting was called to order at 7:00pm.

7 **1. Pledge of Allegiance**

8

9 **II. ROLL CALL**

10 **Present: Regular Members,** William Rice, Alan Needham, Craig MacCormac, Holly Beum, Erin
11 Leavitt-Smith **Alternate:** Richard Cortes

12 **Absent: Regular Member:** David Blume - **Alternate Members:** Elizabeth Burt, and Gary
13 Lungarini

14 **Staff Present:** Michael Glidden, Acting Director of Planning

15 **1. Appointment of Alternates**

16 Richard Cortes was appointed to serve for David Blume

17 **III. APPROVAL OF MINUTES of the June 26, 2018 regular meeting**

18 **Motion:** Ms. Beum made a motion to approve June 26, 2018 with a change to the minutes to
19 read minutes on the top from agenda. Ms. Leavitt-Smith seconded the motion. The
20 motion passed (4-0-1 with commissioners MacCormac and Needham abstaining).

21 **IV. OLD BUSINESS**

22 **1. Public Hearings**

23 **a. None**

24 **2. Applications**

25 **a. None**

26 **V. NEW BUSINESS**

27 **1. Receipt of New Applications**

28 **a. None**

29 **2. Referrals**

30 **a. Referral from Board of Selectmen – Water Shortage Ordinance**

31 Chairman Rice informed that Commission that the Board of Selectmen has forwarded a copy of the
32 proposed ordinance for water shortage. Chairman Rice explained that the Selectmen are soliciting input
33 from Boards as it relates to the proposed ordinance.

34 Commissioner Needham stated to the Commission he had reviewed the proposed ordinance and felt
35 that it conformed to various sections of the 2017 Plan of Conservation and Development.

36 Commissioner Leavitt-Smith agreed with Commissioner Needham that the proposed ordinance was in
37 compliance with the goals and objectives of the 2017 Plan of Conservation and Development.

38 Commissioner Beum voiced her concern on the process of determining stages of water shortage. Mr.
39 Glidden explained the ordinance and how the various stages of water shortage are determined by the
40 Board of Selectmen.

41 Chair Rice reminded the Commission that the role of the Commission is to review the proposal as it
42 relates to the approved Plan of Conservation and Development.

43 **Motion:** Chairman Rice made a motion to send a positive referral to the Board of Selectmen as it
44 relates to the proposed Water Shortage Ordinance. The commission finds to the
45 proposed ordinance consistent with the goals and objectives of the 2017 Plan of
46 Conservation and Development. Ms. Leavitt-Smith seconded the motion. The motion
47 passed unanimously.

48 **VI GENERAL COMMISSION BUSINESS**

49 **1. Subdivision Regulations**

50 **a. Discuss potential revisions to Subdivision Regulations**

51 Mr. Glidden informed that Commission that staff has not completed a review of the proposed
52 regulations prepared by Mr. Rabbitt.

53 Chairman Rice suggested that the Commission table discussion on this matter to a future meeting.

54 **VII. ADJOURNMENT**

55 Motion was made by Ms. Beum, seconded by Mr. Cortes, to adjourn the meeting at 7:29 pm,
56 the motion passed unanimously.

57 Submitted by

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60 Michael Glidden CZEO CFM

61 Acting Director of Planning



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Date: July 25, 2018

To: Maria E. Capriola MPA, Town Manager

From: Michael Glidden CFM CZEO, Interim Director of Planning

Re: Water Shortage Ordinance Referral to Zoning Commission

The Zoning Commission discussed the proposed water shortage ordinance at the July 16, 2018 regular meeting of the Zoning Commission. The Zoning Commission did not find conflict with the proposed ordinance as it relates to the Zoning Regulations and supports the adopting of such an ordinance.

The Commission offered two comments to the Board of Selectmen which they would like to be considered. One is the importance of public outreach as it relates to the proposed ordinance. Second is the need to outline the enforcement process for the benefit of the public.

Attached to this correspondence is a copy of the meeting minutes that this proposal was discussed.

The Zoning Commission wanted to thank your office and the Board of Selectmen for providing the opportunity to comment on this proposal.

Staff is available to answer any questions regarding the findings of the Zoning Commission.

**Simsbury Zoning Commission
TOWN OF SIMSBURY
REGULAR MEETING MINUTES
Monday, July 16, 2018 at 7:00PM
Simsbury Town Hall – Main Meeting Room
933 Hopmeadow Street, Simsbury, Connecticut**

PRESENT: Dave Ryan, Jackie Battos, Kevin Gray, Bruce Elliott, Donna Beinstein

Alternate: Gavin Schwartz

ABSENT: Michael Doyle

Alternate: Joseph Campolietta, Thomas Frank

ALSO PRESENT: Michael Glidden CFM CZEO, Interim Director of Planning

I. CALL TO ORDER:

Chairman Ryan called the meeting to order at 7:01 PM

II. ROLL CALL:

1. Appointment of Alternates.

Mr. Schwartz was appointed to sit for Mr. Doyle

III. APPROVAL OF MINUTES – June 18, 2018 REGULAR MEETING:

MOTION: Mr. Elliott made a motion to approve the meeting minutes from June 18, 2018 with changes to line 170 and line 184. Mr. Gray seconded the motion. The motion passed unanimously.

IV. PUBLIC HEARINGS:

1. Application #18-31 of Allen and Joleen Cramer, Owners, for a Special Exception pursuant to Article Seven, Section C.9, of the Town of Simsbury Zoning Regulations for an accessory dwelling unit on the property located at 345 West Mountain Road (Assessor's Map A18, Block 503, Lot 003). Zone R-40. (public hearing must be closed by 08/20/2018)

Allen Cramer presented the application for the conversion of an area in the existing residence for purposes of an in-law apartment. He explained the work did not require expansion of the structure.

Mr. Elliott inquired whether the floor plan conformed to design standards. Mr. Glidden noted that total area of the proposed accessory dwelling unit met the standards within the zoning regulations.

Mr. Elliott asked whether a bathroom had to be added to the area. Mr. Cramer indicated that the area already has a bedroom and bathroom set-up. Only the kitchen will be added in order to set-up accessory dwelling unit.

Chairman Ryan asked whether there were any comments from the public.

Motion: Mr. Gray made a motion to close the public hearing. Ms. Beinstein seconded the motion. The motion passed unanimously. The public hearing closed for Application 18-31 at 7:05pm.

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V. OLD BUSINESS:

1. Applications.

- a. **Application #18-31 of Allen and Joleen Cramer, Owners, for a Special Exception pursuant to Article Seven, Section C.9, of the Town of Simsbury Zoning Regulations for an accessory dwelling unit on the property located at 345 West Mountain Road (Assessor’s Map A18, Block 503, Lot 003). Zone R-40. (public hearing must be closed by 08/20/2018)**

Motion: Mr. Gray made a motion to approve application 18-31 subject to the following conditions:

- b. **Application #18-33 of True Made LLC, Agent; Simsbury Town Shops, LLC, Owner; for a Site Plan Amendment for new signage for the retail shop True Made on the property located at 924 Hopmeadow Street (Assessor’s Map H09, Block 227, Lot 002). Zone SC-1. (decision must be rendered by 08/22/2018)**

Mr. Glidden informed the Commission that the sign was reviewed by the Design Review Board at their last meeting and received a favorable recommendation. The applicant placed the public informational sign as required by regulations. The proposed sign conformed to the applicable zoning regulations for size and location.

Motion: Ms. Battos made a motion to approve application 18-33 subject to conditions of approval contained within the staff report. Mr. Gray seconded the motion. The motion passed unanimously.

VI. NEW BUSINESS:

1. Receipt of New Applications

- a. **Application #18-35 of Simsbury Grist Mill LLC, Owner, for a Site Plan Amendment for the enclosure of the existing deck at Millwright’s Restaurant, elimination of the existing bridge from the deck to land, and addition of 4 parking spaces on the property located at 75-77 West Street (Assessor’s Map F11, Block 103, Lot 005-21). Zone PAD. (to be received 07/16/2018; decision must be rendered by 09/19/2018)**

Chris Nelson of Nelson constructed presented the plans for site plan amendment. The amendment requires the repairs of the existing deck and conversion of the area into a three seasons space, the removal of an existing bridge that connected the deck to the parking area, and the restriping of an area to accommodate the addition of four parking spaces. Mr. Nelson noted that the application was before the Design Review Board and received a favorable recommendation.

Chairman Ryan asked whether any member had any questions for the applicant.

Motion: Mr. Elliott made a motion to approve application 18-35 subject to conditions of approval contained within the staff report. Ms. Battos seconded the motion. The motion passed unanimously.

- c. **Application #18-36 of Matthew Wittmer, Phase Zero Design, Inc., Agent; E & A/I & G Simsbury Commons Limited Partnership, Owner; for a Site Plan Amendment for a Sign Permit for Stop & Shop on the property located at 498**

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Bushy Hill Road (Assessor’s Map B20, Block 508, Lot 001-B). Zone B-3. (to be received 07/16/2018; decision must be rendered by 09/19/2018)

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Matt Wittmer presented the application for the installation of new signs at the stop and shop location off Bushy Hill Road. Mr. Wittmer noted that application received a favorable recommendation from the Design Review Board. Mr. Wittmer explained that although the plan indicated that the proposed sign would be internally lit, it is their attention to modify the plan and conform to the zoning regulations with a reverse halo lit sign.

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Motion: Ms. Beinstein made a motion to approve application 18-36. Ms. Battos seconded the motion. The motion passed unanimously.

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d. Application #18-37 of Ed Quierolo, Agent; KWT Realty, LLC, Owner; for a Zone Change from I-1 to B-3 on the property located at 225 Hopmeadow Street (Assessor’s Map F16, Block 116, Lot 001-2). Zone I-1. (to be received 07/16/2018; public hearing to be set for 09/17/2018)

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Motion: Mr. Elliott made a motion to schedule a public hearing for 09/17/2018 for application 18-37. Mr. Gray seconded the motion. The motion passed unanimously.

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Motion: Mr. Elliott made a motion to refer the application to the Planning Commission for comments. Mr. Gray seconded the motion. The motion passed unanimously.

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e. Application #18-38 of Thomas R. Evans and Christopher J. Smith, Esq., Applicants, for a Text Amendment to Article Ten, Section E.3, Off-Street Parking Regulations, regarding the location of parking areas. (to be received 07/16/2018; public hearing to be set for 09/17/2018).

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Motion: Mr. Elliott made a motion to schedule a public hearing for 09/17/2018 for application 18-38. Ms. Beinstein seconded the motion. The motion passed unanimously.

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Motion: Mr. Elliott made a motion to refer the application to the Planning Commission for comments. Ms. Beinstein seconded the motion. The motion passed unanimously.

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VII. REFERALS

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1. Board of Selectmen – Water Shortage Ordinance

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Chairman Ryan noted that the Board of Selectmen is seeking input on the proposed ordinance and asked whether any member had comments or questions.

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Mr. Elliott voiced his concern as it relates to public notice and enforcement.

124 Mr. Glidden informed the commission of how the ordinance would work. He noted that the Board of
125 Selectmen is looking for input from boards if the proposed ordinance conflicted with their regulatory
126 powers.

127 Chairman Ryan stated he did not see conflicts from a zoning perspective. He wanted to stress the
128 importance of public outreach and better outlining of the enforcement procedures.

129 **VIII. GENERAL COMMISSION BUSINESS:**
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131 **1. Correspondence**

132 **2. Preliminary Discussion**

133 **3. Pre-application discussions**

134 **a. Pre-application discussion of Ti-Trikes, Inc. – Kenneth Messier**

135 Ken Messier discussed with Commission that he is working on relocating a portion of his bicycle
136 business that is currently operating out of 34 Hopmeadow Street. He is currently assembling the bikes
137 at 34 Hopmeadow Street that are being sold out of retail space at Andy's plaza. His intention is to
138 consolidate the business in one location. His issue is that a strict reading of the Center Code may place
139 the assembly activities as light industrial which are not allowed in the zoning district.

140 Mr. Glidden noted that if the Commission considered this as a separate use than Mr. Messier will be
141 working on a text amendment. However if they do considered this as an independent use then he will
142 relocate the assembly business. Mr. Glidden informed the Commission this was a result of pro-active
143 discussions by staff to help the business find a new location in Simsbury due to approval of the medical
144 marijuana production location at 34 Hopmeadow Street.

145 The Commission discussed the matter. It was the consensus of the Commission that the proposed
146 assembly was considered consistent with the retail operations and is not considered to be an
147 independent use. Mr. Glidden stated that his office will work with Mr. Messier on administrative zoning
148 permit procedure for the changes.

149 **b. Pre-application discussion for Text Amendment – Joanne Perry, Gifts of Love**

150 Joanne Perry of Gifts of Love discussed the proposed conversion of the existing barn into private event
151 space. Mr. Glidden noted that the subject property is located within an industrial zoning district and
152 technically the regulations do not call out such a use.

153 Chairman Ryan asked whether the Attorney General was consulted on whether the proposed activities
154 are considered consistent with the deed restrictions.

155 Mr. Glidden discussed the issue that the proposal results in an area which would be converted and
156 solely used for private events unlike a restaurant which is open to the general public.

157 It was the conclusion of the Commission that a text amendment would not be required.

158 **4. Zoning Regulations – amendments**

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a. General

Mr. Glidden noted that staff has worked on completing the re-organization of the existing regulations and wanted to discuss outstanding issues with the members of the sub-committee so that their recommendations could be incorporated.

Mr. Elliott noted that the group did not complete recommendations and further meetings were required. Mr. Glidden noted he was misinformed and asked whether the commission would entertain a special meeting to discuss zoning regulations amendments so that these issues could be resolved.

The Commission scheduled a special meeting to be held on Monday August 6, 2018 at 7:00pm at Simsbury Town Hall. At the meeting the Commission will discuss zoning regulation amendments.

5. Short-term residential rentals

Mr. Glidden briefed the commission on the current situation. He stated staff is working on potential ordinance and regulations. He explained that the ZEO issued a determination that the use is not allowed under the current regulations to operators of short-term residential rental units in Simsbury. It was consensus of the Commission that they agree with the ZEO's interpretation and that the subject would be taken up at a later date for potential update.

IX. ADJOURNMENT:

MOTION: Ms. Battos made a motion to adjourn at 9:00pm. Mr. Gray seconded the motion. The motion passed unanimously.

Submitted by

Michael Glidden CFM CZEO
Interim Director of Planning

TOWN OF SIMSBURY
DRAFT Water Shortage Ordinance
Dated June 26, 2018

Sec. 157-1. Authority and Purpose.

The Town of Simsbury, under its powers pursuant to state law, has adopted this ordinance to protect public health and welfare. This ordinance implements the Town's authority to impose water use restrictions, conditioned upon a finding by the Board of Selectmen that a critical water shortage exists, or upon a state of water use restrictions or a declaration of public drinking water supply emergency issued by the Department of Public Health pursuant to C.G.S. 25-32b.

The purpose of this ordinance is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a finding by the Simsbury Board of Selectmen of a critical water shortage or a declaration by the State of Connecticut of a State Water Use Restriction or State of Public Drinking Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the State of Connecticut.

Pursuant to the General Statutes of the State of Connecticut, it is hereby declared to be in the best interest of the public health and safety of the residents and citizens of the Town of Simsbury to assist in regulating and restricting the use of water during a critical water shortage.

Sec. 157-2. Definitions.

(a) When used in this ordinance, unless the context otherwise requires:

(1) Authorized Enforcement Agency: Employees or designees of the town as designated by the Town Manager to enforce this ordinance.

(2) Person: Person shall be construed to mean and include an individual, a corporation, a partnership, a trust, an unincorporated organization, business organization of any kind or any other group or organization.

(3) Town: Town means the Town of Simsbury.

(4) Water: Water means water from water companies, well water and water sources including but not limited to: community water systems, ponds, lakes, streams, rivers, and ground water. Water from rain barrels, cisterns or similar devices are excluded from this ordinance.

(5) Water Company: Water Company means the Aquarion Water Company, Connecticut Water Company or the Tariffville Fire District or their successors and assigns or any other public utility water company providing public water supply in the Town.

(6) Voluntary Conservation Measures: Voluntary Conservation Measures includes any measures recommended by the Board of Selectmen in an effort to reduce water consumption in Simsbury. These are recommendations offered without penalty.

(7) Threatened Water Shortage: Threatened water shortage shall exist whenever the Board of Selectmen, after there has been consultation with the Water Companies and other persons the Board deems appropriate, determines that the adequacy of the Town water supply to meet the demands of

the Town for health, sanitation and preservation of businesses is threatened. A threatened water shortage will also be referred to as a Stage 1 water shortage.

(8) Critical Water Shortage: Critical water shortage shall exist whenever the Board of Selectmen, after there has been consultation with the Water Companies and other persons the Board deems appropriate, determines that the water supplies available to the Town are at, or are in danger of reaching levels insufficient to provide for the normal needs of the public health, preservation of human life, sanitation, safety, welfare and economy of the Town. A critical water shortage will also be referred to as a Stage 2 water shortage.

Sec. 157-3. Stage 1, Threatened Water Shortage.

Upon its determination that there is a Stage 1 threatened water shortage, the Board of Selectmen may instruct the Town Manager to prepare and implement a water management plan, or, if such a plan already exists, to update it as the Town Manager deems necessary. Such water management plan shall address the staffing and processes by which Town staff will address needs occasioned by the threatened water shortage, and its implementation may include, among other activities, consultations with other parties and preparation of recommendations to the Board of Selectmen, including, among other matters, those concerning voluntary water conservation matters.

Sec. 157-4. Stage 2, Critical Water Shortage.

Upon its determination that a Stage 2 critical water shortage exists, and that voluntary conservation measures were implemented and have failed or are deemed inadequate to provide relief for the critical water shortage, the Board of Selectmen after consultation with the Water Companies and other persons the Board deems appropriate, shall have the power to declare to be unlawful some or all of the following acts, subject to such reasonable and necessary exceptions as determined by the Board of Selectmen to be in the public interest. Such action shall be effective upon publication pursuant to §157-5 of this Chapter:

- (a) Using water to sprinkle, water or irrigate any plants, lawns, grass, ground covers, vines, flowers, shrubbery, trees or any other vegetation unless necessary to sustain food crops, crops for harvest or stocks of a business inventory;
- (b) Using water for private and/or public recreational, ornamental or decorative purposes, including but not limited to fountains, pools or ponds;
- (c) Using water to wash or clean motor vehicles or trailers unless done as a means of livelihood at a commercial facility. This restriction shall not apply to vehicles required by law to be washed or cleaned for sanitary, health or safety reasons;
- (d) Using water to wash or flush sidewalks, driveways, pavements, porches or other outdoor surfaces;
- (e) Using water to wash the outside of buildings or structures;
- (f) Using water to wash or clean windows unless done as means of livelihood and only then by washing or cleaning exclusively from a bucket or container of three (3) gallons capacity or less;
- (g) Using water from fire hydrants, other than for health or safety;

(h) Permitting exterior water supply lines to remain in a state of disrepair, resulting in the escape of water;

(i) Operating an air-conditioning device or system using water as a coolant unless the same shall be of the water recirculating type;

(j) Such other uses and activities as the Board of Selectmen shall declare following public comment at a noticed meeting of the Board of Selectmen.

The Board of Selectmen may phase in the restrictions to tailor them according to the severity and nature of the critical water shortage.

Sec. 157-5. Notice of Water Use Restrictions.

If the Board of Selectmen imposes restrictions under §157-4 or modifies existing restrictions to make them stricter or more inclusive, it shall notify the Connecticut Department of Public Health and the Connecticut Department of Energy and Environmental Protection in writing within fourteen (14) days of the effective date of the restrictions or changes. The Board of Selectmen shall give public notice of such restrictions or changes before they become effective.

Sec. 157-6. Exceptions, Application for Waiver.

Any water users that consider the restrictions, as imposed, to adversely affect their livelihood, publicly or privately held capital assets, health or sanitation, may make written application for a waiver. Any such application shall be directed to the attention of the Board of Selectmen, which shall refer the application, within three (3) business days, to the Farmington Valley Health District with the request that it make a recommendation, within three (3) business days if possible, as to whether a waiver should be granted. Following receipt of the recommendation, or in absence of receiving a recommendation from the Health District after three (3) business days have passed since submitting the waiver application, the Board of Selectmen may make a determination to approve or deny the waiver request. The Board of Selectmen may opt to delegate to Town staff the decision whether to approve or deny a waiver request.

Whenever the Board of Selectmen, or Town staff exercising delegated authority, shall make an exception pursuant to §157-4 it may attach reasonable conditions.

Sec. 157-7. Use of Water to Maintain Health Standards.

The Farmington Valley Health District shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards.

Sec. 157-8. Violations and Penalties.

Whenever the authorized enforcement agency determines that a person has violated an enacted prohibition as identified in 157-4 during a Stage 2 critical water shortage, the authorized enforcement agency is authorized to issue a fine to the violator in the amount of one hundred dollars (\$100.00) for each offense. Each violation of a separate section shall be considered a separate offense and shall not merge with a violation of any other section. Any violation continued more than one (1) day shall constitute a separate offense for each day such violation continues. The Town of Simsbury shall consult with Water Companies to ensure residents are not penalized by multiple entities for the same offenses.

Sec. 157-9. Appeals.

Any person receiving a fine may appeal the determination of the authorized enforcement agency. The notice of appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of the fine. For this purpose, notice shall be deemed received three (3) calendar days from the date of the notice. Hearing on the appeal before the Hearing Officer shall take place within thirty (30) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer shall be final.

Sec. 157-10. Termination of Prohibitions.

Any actions of the Board of Selectmen taken under this Chapter shall continue in effect until the Board of Selectmen determines that there is no continuing need for restrictions. The Board of Selectmen shall review any finding of a water shortage or state of ground water depletion at least every thirty (30) days from the date of the initial finding. The Board of Selectmen shall cause notice of the various terminations to be published in the manner provided for in §157-3.

Sec. 157-11. Invalidity.

If any part, subsection, sentence, clause, phrase or other portion of this Chapter is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.