

Memo

To: Berlin City Council
From: Jim Wheeler, City Manager
Date: September 4, 2018
Re: Sewer Extension Request

Attached please find:

1. Email exchange with Bob Goddard containing a request that the City participate in a sewer extension on Balsam St. to serve his new home off of Goddard Way. Mr. and Mrs. Goddard would like the City to participate at a higher level than the current ordinance calls for. However, the ordinance also provides that the City can choose to participate at a higher level. Relevant sections of the ordinance are copied in the email.
2. A copy of a memo from Mr. Mike Perreault to Mr. Goddard describing the limits of what the City customarily would provide through Public Works Director.
3. Copy of page 14 of our Subdivision Regulations which provide for method of reimbursing the first house in a subdivision for sewer extension costs.
4. An excerpt from Part Env-Wq 703 Administrative Rules from NHDES regarding sewer facility designs and installation.

In consideration of this request, the following list is an outline of what will need to take place to construct the sewer extension regardless of how it is paid for:

- a. Sewer extension design by a NH PE experience in sanitary sewer design.
- b. Review and approval of design by NHDES and City of Berlin.
- c. Construction of the extension including pressure/leak and alignment testing.

The extension required will be approximately 205'. Using an estimated cost per foot of \$300 the total estimated project cost is \$61,500.

Jim Wheeler

From: Robert Goddard <badhd2@gmail.com>
Sent: Friday, August 17, 2018 2:56 PM
To: Jim Wheeler
Subject: Fwd: Sewer Extensions

Hi Jim - Deb and I appreciate your effort and consideration in this matter. As we discussed the day of the onsite visit, I think both you and I had a fair recollection of the City Ordinance regarding same. Given your research, it would appear that we botwere in the same ball field. Given that, Deb and I would like to point out the following facts and employ same as a presentation of sorts to Mayor and Council Members if you will. 1) We have brought our sewer line 400+- feet to the property boundary or to the edge of Balsam (city) Street. 2) The nearest sewer connection is approximately 200 feet distant from our property boundary as referenced in # 1. 3) The current City Ordinance regarding this type matter indicates the city would supply pipe and one manhole. 4) Our property is of adequate size, has soils conducive for a successful percolation testing and could accommodate a state approved septic system. 5) If the costs of city sewer service don't outweigh the costs of installing a 2 bedroom septic system, our desire is to employ city sewerage disposal. 6) If connected to city or municipal sewer service, we will be participating financially by paying a sewer bill to the city for the long term. 7) It is noted herewith that our abutting neighbors (Shadow Ridge, LLC/Mike & Lynn Tremblay) are considering constructing a single family home. As such, we have discussed their siting of same. The sewer line as proposed by the Goddard's will also benefit the aforementioned abutters in their future construction efforts. They would also contribute financially to city sewerage system or program. In addition, I have a brother and a sister who currently reside in MA. They have expressed interests in constructing a single family home on our property (after a small one lot or two lot subdivision). Should this plan become a reality, all 4 new homes would contribute financially to city sewerage coffers by way of the city billing practice. In addition, by approving the construction phase of the sewer line in the city street, it will emphasize the promotion of new residential construction in the City of Berlin. 8) Our proposal is as such, that we ask the Mayor and Council Members to vote in favor of allowing the City of Berlin to provide the construction efforts to extend the cities sewer line along Balsam Street, a public city street. The property owner would participate financially by burdening the costs of the required pipe and one concrete manhole allowing for connection to the cities (municipal) sewer system. In summary, this demonstrates the City of Berlin's mindset to promote new residential construction within city limits. This also allows for increased funding by way of sewer billing while promoting new construction, adding positive funding to the City Of Berlin's real property tax income base. That said, Deb and I would respectfully request this be placed on the Mayor's Agenda as an Agenda Item and Request. Any other thoughts or considerations on your part Jim would be welcomed. Again, Thank You for your time and consideration. Bob & Deb Goddard

On Thu, Aug 16, 2018 at 9:17 PM, Jim Wheeler <jwheeler@berlinnh.gov> wrote:

Bob,

My apologies for taking a little time to get to this. Below are the relevant sections of the ordinance of Chapter 16. The primary force of the ordinance is that the responsibility for the design and construction of the sewer extension lies with the person the extension will serve. I've highlighted the sections which speak to this in

yellow. Most of these references use the word “shall”. The sections I’ve highlighted in magenta indicate that the City “may” participate in the cost. The most definition given to this is the section on the provision of materials noted in par. 16-63. The first sentence (in magenta) below, seems to preserve the City’s ability to “provide that the whole or a part of the expense...be paid by the City”. I didn’t write this language so I can’t say what was exactly intended but it seems to me that under normal circumstances the provision of materials under 16-63 is what is intended and that the preservation language of 16-61 is there for extenuating circumstances, whatever they might be. In any case, it would take a vote of the Council to exercise it. No doubt, the wording could be more clear.

Please let me know if you have questions.

Thanks,

Jim

Sec. 16-61. Extension of Sewers.

(a) The extension of public sanitary sewers to any single parcel or parcels of property, within City limits, not currently serviced by public sewers shall be the responsibility of the person or persons who shall benefit from such extension. However, this shall in no way be construed to prevent the City from providing that the whole or a part of the expense of constructing public sewer shall be paid by the City. The connection between a sanitary sewer system within a subdivision and the public sewer system shall be required in accordance with section 3.6 of the City of Berlin Subdivision regulations.

(b) In general, all sewer mains shall be public and shall meet City Utility Standards. These shall be located either in City streets or public rights of way or public easements. Sewer laterals which run from a City sewer main to an individual building or an individual parcel or lot shall remain private and shall be maintained by the owner except as provided in 16-71.

(c) For non-residential development such as shopping center or industrial complexes, the private sewer lateral shall normally be considered to be all of the facilities lines and branch lines that leave the City main to serve various buildings in the development.

(Ord. of 8-17-87, § 4:330.1; Ord 2-5-07)

Sec. 16-62. Design.

(a) No building permits shall be issued for a parcel of property which is to be served by public sewers until a plan showing the proposed extension of public sewers to such property has been submitted to, and approved by, the Public Works Director.

(b) The design of all sewer extensions shall be prepared under the direct supervision of a registered professional engineer qualified to practice sanitary engineering in the state. All plans and specifications shall be submitted to the Public Works Director for approval.

(c) The design of all sewer extensions shall be in accordance with the standards of the State Department of Environmental Services and the Public Works Director. Any design for sewer connection for a major subdivision shall be approved by the New Hampshire Department of Environmental Services.

(d) The Public Works Director shall be allowed up to thirty (30) days to review all plans submitted. Plans submitted to the engineer shall be reviewed and approved as submitted, approved with comments, or not approved. Plans approved with comments may be eligible for issuance of a building permit without resubmission at the discretion of the Public Works Director, assuming all other criteria for the issuance of a building permit have been satisfied. Plans not approved shall be resubmitted after revision, prior to issuance of a building permit.

(e) The Public Works Director shall be provided with two (2) complete sets of blue or black line prints or one (1) reproducible print. One (1) copy shall be returned with the appropriate approval notations.

(Ord. of 8-17-87, § 4:330.2; Ord 2-5-07)

Sec. 16-63. Participation.

(a) The City may participate in the cost of any sewer extensions for individual parcels only to the extent of providing, at no charge, the following items for construction within public Right of Way:

- (1) Up to one hundred (100) feet of sanitary sewer pipe.
- (2) One (1) manhole assembly for every three hundred (300) feet of pipe.

(b) All other construction costs shall be the responsibility of the person benefiting from or being served by the sewer extension.

(Ord. of 8-17-87, § 4:330.3; Ord 2-5-07)

Sec. 16-64. Special circumstances.

The City council may elect to supply more materials than indicated in section 16-63 in the following special circumstances:

- (1) If more than one hundred (100) feet of sewer pipe is required to service a parcel because the existing public sewer is over one hundred (100) feet from the parcel.
- (2) If existing manholes, pipe or connections require repair or replacement in order to facilitate proper connection of the new sewer.

(Ord. of 8-17-87, § 4:330.4; Ord 2-5-07)

Sec. 16-65. Construction.

(a) Construction of all sewer extensions and appurtenances shall conform to standard practice and the standards set forth by the Public Works Director.

(b) The person proposing a sewer extension shall be responsible for obtaining all necessary permits, easements and/or releases prior to the start of construction.

(c) The City shall be held harmless for any damages and any and all claims arising from the construction of the work.

(d) The Public Works Director, or a designee, shall inspect the construction of all sewer extensions. Any defects found during this inspection shall be corrected prior to the issuance of any occupancy permits for any buildings serviced by the sewer extension.

(Ord. of 8-17-87, § 4:330.5; Ord 2-5-07)

Sec. 16-66. Acceptance of sewer extensions.

Upon completion of any sewer extension and contingent upon the correction of any defects found during construction of the extension, the Public Works Director shall petition the City council to accept responsibility for the maintenance and operation of the extension.

(Ord. of 8-17-87, § 4:330.6; Ord 2-5-07)

City of Berlin, NH

Public Works Department



Date: November 13, 2017

To: Robert Godard
154 High Street
Berlin, NH 03570

From: Michael P. Perreault

RE: Sewer Extension Balsam Street

Mr. Goddard,

It was nice to meet with you and Deb last week to talk about your home building project. I with over your request on what the City could supply for the sewer extension to your property and reviewed the Ordinances again verify what the Public Director is authorized to supply. The intent for the City's participation is for what is in City Right of Way. The City can supply the pipe necessary and one structure to get the sewer to the end of Balsam Street, anything beyond is above the Public Works Director. I have included the Sections of the Ordinance below for your reference.

Sec. 16-61. Extension of Sewers. (a) The extension of public sanitary sewers to any single parcel or parcels of property, within City limits, not currently serviced by public sewers shall be the responsibility of the person or persons who shall benefit from such extension. However, this shall in no way be construed to prevent the City from providing that the whole or a part of the expense of constructing public sewer shall be paid by the City. The connection between a sanitary sewer system within a subdivision and the public sewer system shall be required in accordance with section 3.6 of the City of Berlin Subdivision regulations. (b) In general, all sewer mains shall be public and shall meet City Utility Standards. These shall be located either in City streets or public rights of way or public easements. Sewer laterals which run from a City sewer main to an individual building or an individual parcel or lot shall remain private and shall be maintained by the owner except as provided in 16-71. (c) For non-residential development such as shopping center or industrial complexes, the private sewer lateral shall normally be considered to be all of the facilities lines and branch lines that leave the City main to serve various buildings in the development. (Ord. of 8-17-87, § 4:330.1; Ord 2-5-07)

Sec. 16-62. Design. (a) No building permits shall be issued for a parcel of property which is to be served by public sewers until a plan showing the proposed extension of public sewers to such property has been submitted to, and approved by, the Public Works Director. (b) The design of all sewer extensions shall be prepared under the direct supervision of a registered professional engineer qualified to practice sanitary engineering in the state. All plans and specifications shall be submitted to the Public Works Director for approval. (c) The design of all sewer extensions shall be in accordance with the standards of the State Department of Environmental Services and the Public Works Director. Any design for sewer connection for a major subdivision shall be approved by the New Hampshire Department of Environmental Services. (d) The Public Works Director shall be allowed up to thirty (30) days to review all plans submitted. Plans submitted to the engineer shall be reviewed and approved as submitted, approved with comments, or not approved. Plans approved with comments may be eligible for issuance of a building permit without resubmission at the discretion of the Public

Works Director, assuming all other criteria for the issuance of a building permit have been satisfied. Plans not approved shall be resubmitted after revision, prior to issuance of a building permit. (e) The Public Works Director shall be provided with two (2) complete sets of blue or black line prints or one (1) reproducible print. One (1) copy shall be returned with the appropriate approval notations.

Sec. 16-63. Participation.

(a) The City may participate in the cost of any sewer extensions for individual parcels only to the extent of providing, at no charge, the following items for construction within public Right of Way:

(1) Up to one hundred (100) feet of sanitary sewer pipe.

(2) One (1) manhole assembly for every three hundred (300) feet of pipe.

(b) All other construction costs shall be the responsibility of the person benefiting from or being served by the sewer extension.

(Ord. of 8-17-87, § 4:330.3; Ord 2-5-07)

Sec. 16-64. Special circumstances. The City council may elect to supply more materials than indicated in section 16-63 in the following special circumstances: (1) If more than one hundred (100) feet of sewer pipe is required to service a parcel because the existing public sewer is over one hundred (100) feet from the parcel. (2) If existing manholes, pipe or connections require repair or replacement in order to facilitate proper connection of the new sewer. (Ord. of 8-17-87, § 4:330.4; Ord 2-5-07)

Sec. 16-65. Construction. (a) Construction of all sewer extensions and appurtenances shall conform to standard practice and the standards set forth by the Public Works Director. (b) The person proposing a sewer extension shall be responsible for obtaining all necessary permits, easements and/or releases prior to the start of construction. (c) The City shall be held harmless for any damages and any and all claims arising from the construction of the work. (d) The Public Works Director, or a designee, shall inspect the construction of all sewer extensions. Any defects found during this inspection shall be corrected prior to the issuance of any occupancy permits for any buildings serviced by the sewer extension. (Ord. of 8-17-87, § 4:330.5; Ord 2-5-07)

Sec. 16-66. Acceptance of sewer extensions. Upon completion of any sewer extension and contingent upon the correction of any defects found during construction of the extension, the Public Works Director shall petition the City council to accept responsibility for the maintenance and operation of the extension. (Ord. of 8-17-87, § 4:330.6; Ord 2-5-07)

Sincerely,

Michael P. Perreault

Public Works Director, City of Berlin

Phone: 603-752-8551

Fax: 603-752-8550

Email: mperreault@berlinnh.gov

available to every lot in the subdivision. Water samples shall be submitted to the Health Department for its approval. All central water systems shall be designed to the standards of the New Hampshire Water Supply and Pollution Control Commission and approved by the Commission. Documentation of such approval shall be included with the final plat.

- b) If the Planning Board requires that a connection to a public water main eventually be provided as a condition of approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.

3.6 Sewage Facilities

- 1) **Maximum Required Connection Distance.** The determination of whether a connection between the sanitary sewer system within the subdivision and the public sewer system will be required shall be made based on the distance from the closest lot line of the closest lot to the nearest public sewer. The maximum distance at which a connection to the public sewer system will be required shall be determined by multiplying the number of lots in the subdivision by one hundred feet (100'). (Example: a subdivision with five (5) lots that is less than five hundred feet (500') away from the nearest public sewer must be connected to the public sewer system.) Exceptions to this regulation may be granted by the City Engineer.
 - a) **Downstream Impacts.** Where the public sewer system downstream of the proposed subdivision is not of adequate size or condition to convey the sewage to be produced by the subdivision, then the board may require that the applicant's performance bond be increased to include the cost of upgrading the downstream public sewer system.
 - b) If connections by other parties are made with the sewer system installed by the applicant, the City will collect from the owner of the newly connected dwelling a prorated charge which will be returned to the applicant, pursuant to Article 4:306 of the Municipal Ordinances.
- 2) Where sanitary sewer systems are not available within the maximum required connection distance and will not become available for a period in excess of fifteen (15) years, the applicant may install individual disposal systems. If individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and the system shall be designed in accordance with and approved by the *New Hampshire Department of Environmental Services*. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall be approved by the City Engineer, in addition.

3.7 Public Uses

The Planning Board may require that land be reserved for parks and playgrounds or other recreation purposes. Each reservation shall be of suitable size, dimension, topography,

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

700) #8590, eff 3-25-06; ss by #10693, eff 10-15-14

Env-Wq 702.34 “Wastewater treatment plant (WWTP)” means “wastewater treatment plant” as defined by RSA 485-A:2, XVI-a, as reprinted in Appendix C. The term does not include conventional septic tank and leach field systems as regulated under RSA 485-A:29.

Source. (See Revision Note at chapter heading for Env-Wq 700) #8590, eff 3-25-06; ss by #10693, eff 10-15-14

PART Env-Wq 703 ENGINEERING DESIGN DOCUMENTS

Env-Wq 703.01 Submittal of Design Drawings, Technical Specifications, and Supporting Documentation.

(a) The owner shall submit design drawings, technical specifications, and supporting documentation for proposed new or modified publicly or privately owned sewerage and WWTPs to the department for approval in accordance with this part.

(b) The owner shall submit design drawings, technical specifications, and supporting documentation for any proposed sewer that serves more than one building or that requires a manhole at the connection, and for any proposed sewage pumping station that serves more than one building or has a capacity in excess of 50 gallons per minute (gpm).

(c) All design drawings, technical specifications, and supporting documentation submitted to the department for review and approval shall be:

(1) Prepared or reviewed by an engineer licensed in the state of New Hampshire pursuant to RSA 310-A; and

(2) Stamped and signed by the engineer who prepared or reviewed them.

(d) The owner shall submit the following number of sets of plans, design drawings, technical specifications, and supporting documentation:

(1) For state- or federally-funded projects:

a. For initial review, 2 printed sets; and

b. For final review and approval, one complete printed set, 2 additional printed copies of the cover sheet, and 2 electronic sets submitted on 2 separate compact disks or DVDs; and

(2) For other projects:

a. For initial review, one printed set; and

b. For final review, one complete printed set, 2 additional printed copies of the cover sheet, and 2 electronic sets submitted on 2 separate compact disks or DVDs.

Source. (See Revision Note at chapter heading for Env-Wq 700) #8590, eff 3-25-06; ss by #10693, eff 10-15-14

Env-Wq 703.02 Technical Specifications and Supporting Documentation.

(a) Complete technical specifications and supporting documentation for the construction of sewerage and WWTPs shall accompany the design drawings submitted pursuant to Env-Wq 703.01.

(b) The technical specifications shall describe the following information as applicable to the proposed project: