
TOWN OF FALMOUTH, MEMORANDUM

TO: NATHAN POORE
FROM: PETE CLARK
SUBJECT: PUBLIC SEWER EXTENSION, TALL TREES DEVELOPMENT
DATE: 3-31-2017
CC: PETER BIEGEL, BRAD GILBERT

I was asked to review plans developed by Land Design Solutions related to a three parcel development proposed by Mr. Brad Gilbert off Foreside Road, and to comment on the design in regards to acceptability as an extension of the public sewer. This review was in anticipation of seeking Council approval to extend the public sewer under section 18-131 of the town ordinances, which states:

Sec. 18-231. Private extensions to the public sewer.

If the town does not elect to construct a public sewer extension under public contract, the property owners, builders or developers may request permission from the town council to construct the sewer extension at their own expense. The town council may grant or deny the request as it deems to be in the best interest of the town and may impose such reasonable conditions as it deems necessary to protect the interests of the town including, without limitation, conditions, requiring the applicant to provide the town with an irrevocable letter of credit or other form of security to ensure proper completion of the project. If an extension is approved by the town council under this paragraph, the property owners, builders or developers must pay for the entire installation, including all expenses incidental thereto. A permit shall be required for each building sewer as required in section 18-124. Design and construction of sewers shall be in accordance with design and construction specifications which shall be given to the property owner, builder or developer at the time the permit is obtained. The installation of the sewer extension shall be subject to periodic inspection by the sewer superintendent and the expenses for this inspection shall be paid for by the owners, builders or developers. The sewer superintendent's decisions shall be final in matters of quality and methods of construction. The cost of sewer extensions thus made, including all building sewers, shall be absorbed by the developers or the property owners.

We have reviewed several ordinance requirements related to the development as well as sewer requirements. As designed, the town requires each parcel to have street frontage. In this situation, there is public sewer in the street providing that frontage, Route 88. Because the proposed lots would abut a street having public sewer, that in turn triggers a requirement that each lot must connect to public sewer. Provisions of the sewer ordinance prohibit a "private" collector sewer serving the lots because a privately maintained common sewer must be owned by a single entity and entirely located on a single lot. Individual service lines to each lot are not feasible due to length. This leaves a sole option of a public sewer extension to connect the proposed lots to the sewer in Route 88.

Our review finds that the draft plans prepared by the developer show a sound sewer design that would meet town requirements for future maintenance, excepting for development of acceptable utility easements.

Should the Council consider granting the extension, we believe that their order should include a condition that the developer must provide a utility easement acceptable to the Town Attorney prior to commencing construction.

I have prepared a draft order for your considerations and also attached copies of the developer's plans. My understanding is that it may be possible to get this on an upcoming agenda fairly soon.

Please let me know I could provide any other information.