



TOWN OF BROOKFIELD

BROOKFIELD, CT 06804

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NOTICE OF APPLICATION FOR REGULATION CHANGE

6/15/11

Town Clerk
City of Danbury
115 Deer Hill Ave.
Danbury, Ct 06811

Town Clerk
Town of Newtown
45 Main Street
Newtown, CT 06470

Town Clerk ✓
Town of Bethel
1 School Street
Bethel, CT 06801

Town Clerk
Town of Bridgewater
P.O. Box 216
Bridgewater, CT 06752

Town Clerk
Town of New Milford
10 Main Street
New Milford, CT 06776

Town Clerk
Town of New Fairfield
4 Bush Hill Road
New Fairfield, CT 06812

Re: Application for Brookfield Zoning Regulation Changes

A Public Hearing will be held at Town Hall **July 14, 2011 at 7:30 PM.**

A copy of the proposed regulation changes is attached. Please contact me if you require any additional information.

Very truly yours,

Brookfield Zoning Commission

Nina Mack
Land Use Secretary

Attachments: Application #201100404 - Proposed Zoning Regulation Change: Section 42-502
D&G

RECEIVED

2011 JUN 20 11: 46

TOWN OF BETHEL
TOWN CLERK



TOWN OF BROOKFIELD
ZONING COMMISSION
APPLICATION - ZONE CHANGE # 201100404

APPLICANT: Costco Wholesale Corporation 45940 Horseshoe Drive Sterling, VA 20166 Phone #: 703-406-6874 Contact Person: Mark Marchisano Phone #: Same	LAND OWNER OF RECORD: (if different) Gary R. Michael and Dennis N. Michael 70 West Street Danbury, CT 06810 Phone #: 203-798-9100 Contact Person: Same Phone #: Same
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BOUNDARY CHANGE:

A. Two (2) copies of an official zoning map are attached hereto indicating:
(i) The area for which the change is requested.
(ii) The proposed boundary lines and narrative description of the boundaries.

B. The current Zoning Designation is: _____

C. The Proposed Zoning Designation is: _____

D. Rationale for the requested change is attached.

E. A list of adjacent property owners is attached.

REGULATION CHANGE:

A. The current Section Number is: 242-502 D&G The current text reads: _____

B. The Proposed Section Number is: 242-502 D&G The Proposed Text or Deletion is: _____

C. Rationale for the requested change is attached. See attached

D. A list of adjacent property owners is attached. N/A

APPLICANT SIGNATURE AND REPRESENTATION:

I apply herewith for a change in the Zoning Regulation of the Town of Brookfield in accordance with Chapter 124, Section 8-3 of the Connecticut General Statutes.

Applicant's Signature: * Thomas P. Cody Date: JUNE 1, 2011

*Agent for Applicant THOMAS P. CODY, ATTORNEY AND AGENT FOR COSTCO

FOR COMMISSION USE:

Date Received:	Date Accepted:	Fee Collected On:
Notice to Planning Comm.:	Notice to HVCEO:	Notice to Land Owner:
Hearing Set for:	Publication Dates:	Effective Date:
Disposition:	Date:	
Notes:		

Chairman, Brookfield Zoning Commission

Comments:

Proposed Amendment to the Text of the Brookfield Zoning Regulations

Statement of Justification

This application seeks to amend the text of the Brookfield Zoning Regulations pertaining to the aquifer protection district (AP). The goal of this text amendment is to clarify the regulations and to promote environmental protection by encouraging the use of the most advanced underground storage tank technologies available. Section 242-502(D) sets forth permitted uses in the AP district, and includes a general prohibition of underground storage of fuel and other flammable or hazardous material, but with one exception. The exception allows pre-existing underground storage tanks (USTs) to be replaced within the AP district, provided that there is evidence that no leakage has occurred.

The proposed amendment (see attached) would clarify that, in addition to new tanks that replace pre-existing tanks, new fuel USTs would be allowed in the secondary recharge area of the AP district (but not the primary recharge area) if the aquifer protection performance and design standards already set forth in the regulations are satisfied, as well as the pertinent state regulations. The text amendment would encourage the owners of existing USTs to install newer and more technologically advanced tanks. The text amendment would also clarify one aspect of section 242-502(D). The Brookfield aquifer protection map creates two categories of recharge areas and the current regulation does not distinguish between the two. The amendment would clarify that new USTs for fuel may be allowed in the AP district, but only in the secondary recharge area, provided that the stringent performance and design standards of both the state and local regulations are met.

The proposed text amendment is consistent with state law and regulation in that it specifically incorporates the rigorous UST design, construction, installation and maintenance requirements contained in the state regulations (R.C.S.A. § 22a-449(d)-1(e)). Although the State has created an aquifer protection program that includes an aquifer mapping component, the Town of Brookfield has no state-designated aquifer areas within the town limits. In addition, the Town of Brookfield is not identified by the state as a town that has adopted local aquifer protection area regulations consistent with the state regulations.

The proposed text amendment would allow for environmentally responsible development to occur in Town and it would encourage the use of the most technologically advanced USTs. The potential for additional economic development will have a positive effect on Brookfield's grand list of taxable property. The Brookfield regulations already contain some performance criteria for new USTs, and this text amendment would add an additional layer of protection in requiring adherence with the pertinent state regulations regarding UST design, construction, installation and maintenance.

PROPOSED ZONING REGULATION TEXT AMENDMENT
(New text noted in double underline)

§ 242-502. Aquifer Protection District, AP.

D. Permitted Uses

(2) The following uses or activities are specifically prohibited:

- (1) “Underground storage of fuel and other flammable or hazardous material: except that pre-existing underground storage may be continued as a pre-existing, non-conforming use provided that there is evidence that no leakage has occurred, and new underground storage of fuel may be permitted in a secondary recharge area of the designated aquifer provided that the aquifer protection performance and design standards set forth in § 242-502G(6)(c) and the state regulations set forth in the Regulations of Connecticut State Agencies § 22a-449(d)-1(e) are satisfied.”

G. Aquifer Protection Performance & Design Standards

(1) General:

All permitted uses shall conform to the standards indicated below. The purpose of these standards is to prevent or minimize potential groundwater pollution from improper waster disposal, releases of hazardous materials, and other sources. An alternative standard or protection method may be approved if it is clearly demonstrated to provide equivalent protection of these standards.

(6) Storage, Generation, Use and Handling of Hazardous Materials:

All areas and operations where hazardous materials are stored, generated, used or handled shall be designed and constructed to prevent ground water contamination including provisions for the control of inadvertent or accidental spills, leaks, or other discharges. The following standards shall apply:

- (c) Pre-existing Underground storage tanks may be replaced, and new underground storage tanks for fuel in secondary recharge areas may be installed, subject to a demonstration of compliance with Regulations of Connecticut State Agencies § 22a-449(d)-1(e) and the following:

- [1] Tanks shall be double walled fiberglass reinforced plastic or a double walled steel cathodically protected.
- [2] Piping and distribution lines shall be protected against corrosion and constructed of double wall pipe or within a secondary containment pipe or conduit.
- [3] A monitoring or failure detection system shall be employed.
- [4] An overflow prevention or containment area shall be employed.
