

APPROVED / REVISED
MINUTES
EXECUTIVE SESSION
PLANNING AND ZONING COMMISSION

June 26, 2007

Present: Michael Autuori
Joseph Fossi
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

Absent: Nelson Gelfman

Also Present: Betty Brosius, Director of Planning
Thomas Beecher, Esq., Land Use Counsel
Rudy Marconi, First Selectman

At 7:02 p.m. Chairman Mucchetti called the meeting to order.

ITEM: Executive Session

Chairman Mucchetti asked for a motion and second to go into Executive Session, to discuss pending litigation, Eureka V, LLC v. the Town of Ridgefield, Planning and Zoning Commission et al.

Dr. Autuori motioned, seconded by Mrs. Willis, to enter into Executive Session with Land Use Counsel Thomas Beecher, Esq., and the Planner to remain. The vote was 8-0 in favor.

Mr. Marconi was present as an ex-officio member of the Commission in his position as First Selectman.

At 8:04 p.m., **Dr. Autuori** made a motion to adjourn the Executive Session, seconded by Mr. Slavin. The vote was 8-0 to adjourn.

There were no votes and no action taken by the Commission during the Executive Session.

Attorney Beecher and First Selectman Marconi left the meeting at the conclusion of the Executive Session.

Hearing no further discussion, the Chairman adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Betty Brosius
Director of Planning

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

June 26, 2007

Present: Michael Autuori
Joseph Fossi
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

Absent: Nelson Gelfman

Also Present: Betty Brosius, Inland Wetlands Agent
Linda Caponetti, Recording Secretary

Planning and Zoning Commission public hearings and an Executive Session were held prior to the meeting.

At 9:25 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2007-077-DAM:** Summary Ruling application to repair existing Valley Pond Dam located along the Norwalk River on property at **45 Stonehenge Road** in the RAA zone. Appl./Owner: Douglas Seville. Auth. Agent: JFM Engineering, Inc. 65-day action period ends 8/30/2007. For receipt/discussion.

Chairman Mucchetti asked Agent Brosius to explain the application to the Board. The applicant is requesting local wetlands board approval for repairs to a dam on the property. Plans were designed by John McCoy VII, P.E., and have been approved by the CTDEP. The local approval is a formality requested by the CTDEP.

Agent Brosius reported that the State DEP has been working with engineer John McCoy on developing plans for the repair of the dam. There are problems with dredging the pond because of cost to the homeowner, and the need for a water source for fire-fighting purposes. The dam repair could run \$60,000, and dredging, an additional \$30,000. The owner/applicant is also extremely interested in getting the pond filled without delay, as its present condition hurts his business. Consequently, Agent Brosius reported, he is not inclined to dredge the pond now. While most everyone agreed it should be done, the owner simply does not have the resources or the time to do it.

The Agent said that the office had asked the DEP why this wasn't a DEP jurisdiction repair; why did it need to go to the local authorities? Their response was that they always want to have the local authority's review and comment. The Agent asked the Board to review this application and get back with an answer as soon as possible.

Mr. Fossi motioned, seconded by Mr. Slavin, to ask the Agent to draft an approval of the application. Mrs. Willis asked that the resolution include a condition about protection of the nearby trail on the property and adjoining lands. The motion to draft the approval passed, 8-0.

The Board agreed by consensus that repairs could continue on the site according to the CTDEP-approved plans, even though final approval of the Summary Ruling Application would not be effective until after final vote on the resolution at the 7/10/07 meeting.

BOARD WALKS

The Commission acknowledged the following site walks scheduled for **July 1, 2007**:

- **#2007-073-SR**: Summary Ruling **86 Regan Road**, Katin-Grazzini
- **#2007-074-SR**: Summary Ruling **4 Weir Farm Lane**, Walker
- **#2007-075-SR**: Summary Ruling **245 Old Branchville Road**, Galistinos

REQUESTS FOR BOND RELEASE / REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Copy of letter from Wetlands Inspector Aimee Pardee to the homeowners at 20 Douglas Lane
- Copy of letter from Wetlands Inspector Aimee Pardee to the homeowners at 10 Kendra Court.

MINUTES

Mrs. Willis motioned, seconded by Mr. Slavin, to approve the minutes of June 12, 2007, offering several minor corrections. The motion to approve the minutes (with the corrections) passed by a vote of 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

APPROVED / REVISED
MINUTES
PLANNING AND ZONING COMMISSION MEETING

June 26, 2007

Present: Michael Autuori
Joseph Fossi
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

Absent: Nelson Gelfman

Also Present: Betty Brosius, Director of Planning
Linda Caponetti, Recording Secretary

Public hearings and an Executive Session were held prior to the meeting.

At 8:49 p.m., Chairman Mucchetti called the meeting to order. She asked for a motion to handle item #3 (26 Bailey Avenue) first on the agenda, to accommodate members of the audience. The Commission then adjourned temporarily at 9:24 p.m., and the Inland Wetlands Board convened. The Commission meeting re-opened at 9:36 p.m. to handle the other items on the agenda.

PENDING ITEMS

1. **#2007-004-SP:** Application for Special Permit under Sec. 312.0 as required by Sec. 411.0B of the Ridgefield Zoning Regulations, (1) to demolish an existing office/residential structure and replace with new 7,756 s.f. commercial structure at **35/37 Danbury Road**, and (2) construct new 10,026 s.f. commercial structure on adjoining property at **16 Roberts Lane**, on properties located in the B-1 zone. Owner: Eppoliti Realty Corporation. Auth. Agent: Douglas MacMillan, Architect. *Received 2/6/2007, walked 2/11/2007, public hearing commenced 3/6/2007, continued and closed 3/20/2007. Draft Resolution of Approval requested 3/20/2007. Tabled 4/4/2007, 4/10/2007, 4/17/2007, 5/1/2007 and 5/8/2007. 65-day action period ends 5/24/2007. Letter granting extension received 5/14/2007. Extension acknowledged 5/15/2007, extended action period ends 7/28/2007. Tabled 5/22/2007. Tabled 6/5/2007. Tabled 6/12/2007. Tabled 6/19/2007. For action.*

Chairman Mucchetti noted that the easement agreement between property owners had not been signed, and the item was tabled.

2. **#2007-061-SP:** Special Permit Application under Section 9.2 required by Sec. 5.4 of the Ridgefield Zoning Regulations to construct a 3,150 s.f. branch bank (**HSBC Bank USA**) and related improvements on property located at **108 Danbury Road** in a B-3 zone. Owner: Fred's Servicer, Inc. Appl.: HSBC Bank, USA. Auth. Agent: Attorney Ward J. Mazzucco and Attorney Camille DeGalan. *Received 6/5/2007, walked 6/10/2007. Public hearing commenced 6/26/2007 and was continued to 7/3/07.*

Chairman Mucchetti noted that the hearing had been continued to 7/3/07, and the item was tabled.

3. **#2007-066-REV-(SP)-VDC:** Revision to Special Permit under Section 9.2.A.7.e.ii of the Ridgefield Zoning Regulations for replacement of bulk storage tanks and related site improvements and in conjunction with the Special Permit, receipt of Village District Consultant application under Section 8.3 for property located at **26 Bailey Avenue** in the CBD zone. Owner: DMWS, LLC. Appl.: Michael Casey, President. Auth. Agent: Michael Brown. *65-day action period ends 8/9/2007. 35 days to receive report from Village District Consultants ends 7/10/2007. Received 6/5/2007, walked 6/24/2007. For discussion.*

Planner Brosius said that the applicants had previously met with her and Zoning Enforcement Officer Richard Baldelli in planning the proposals to convert three storage tanks to one. They have also consulted with Fire Marshall David Lathrop, who, along with federal authorities, will be involved in reviewing this application, hence the great amount of detail in the plans.

A drawing was displayed which showed an overview of the basic changes to take place on the property.

Michael Casey, President of Casey Fuel, introduced the officers of the company and the project engineer, Bob Ceppi, of MPE, Inc., acting President Shane Casey who runs the company on a day-to-day basis, and Michael Brown, Vice President of Operations.

Mr. Casey explained that there is a federal mandate called a "Spill Prevention and Countermeasure Control, SPCC," which requires that fuel companies now have a containment area equal to 110% of the maximum storage of fuel product on their property. In order to comply with this mandate, Casey has decided to remove their existing facility, and install one tank (in place of the three) with a container wall built around it. He said that the work is due to begin next spring, and will require the shutting down of the entire facility. In order to maintain service to their customers, they have reached an agreement with Montanari Fuel and Mitchell Fuel in Danbury to "through put" Casey's product through their facilities, so that Casey can continue to operate its business. The project is expected to take approximately four months, and they are hoping to be completed with work by September. Mr. Casey also mentioned

that the AAC had offered some suggestions on aesthetics. They have agreed to make it as aesthetically pleasing as possible, given that it is an oil tank.

Mr. Katz thought the technical correspondence connected with this application might be of help to the Commission in trying to understand what the project involved. Engineer, Bob Ceppi, said that he would do his best to explain it to the Commission, and he posted the plan drawings for their viewing.

Mr. Ceppi, of MPE, Inc. Design and Construction Services, first noted his firm's experience and expertise throughout the state of Connecticut and in the surrounding area with the construction of these above ground facilities. He described how the tanks currently sit at about 6' or 7' above the driveway. MPE will be digging the grade down about 6' or 7' below where it currently is, so that they can put the new tank in at a lower level, both for aesthetics, and also to get a better foundation. They will build a concrete dike with a concrete floor, 12" thick to 18" on the edges, and double matted rebar, all reinforced concrete. The walls are tied into the floor rebar, again, double matted rebar, (1' on center all the way up to 8' high), all reinforced concrete. The tank sits above the floor on a 6" pad, inside the dike, and the pump sits on a small pad.

He described the operation of filling the fuel trucks. He explained how a high level alarm system, consisting of an alarm, a flashing strobe light and a horn prevents a driver from overfilling the truck. Besides the alarm, the system will automatically shut the pump off when the fuel has reached a predetermined height. Mr. Ceppi added that they have concentrated on these controls because most spills occur from overfilling tanks. If, however, there ever was a spill, it would be contained in the new dike.

Mr. Ceppi illustrated, (using the drawings), how the drivers would go through the filling process. He said that the containment area is 110% of the fuel storage capacity, as required by the SPCC regulations, FPA [Fire Protection Association], State codes, and other regulations. He explained that they installed ribs around the pad, similar to a gas station, so that small spills will be contained on the pad. The impervious containment area for larger spills will be similar to what is there today.

Mr. Katz asked if the pad would be extended to encompass the pump and the disconnect. Mr. Ceppi said that it would be on pavement. Mr. Katz asked if it wouldn't be a good idea to have that area, where the Commission noticed some leakage on their site walk, be concrete as well. Mr. Ceppi said that they could extend the concrete up further or move the pump down and take care of that.

There was some discussion.

Mr. Ceppi said that the height of the tank could be two feet higher than the existing tanks, but that it might be lower, depending on whether or not they hit ledge when

they excavate. There will be a canopy over the loading area, and a safety rail and lighting, all to make it safer for the operation.

Ms. Willis asked how a spill would be cleaned up.

Mr. Ceppi said that everyone is trained on spill procedures, and that for small spills a spill kit would be used. It contains Speedy Dry and absorbent pads, which would be appropriately disposed of after use. Ms. Willis was concerned about any contamination of the storm drains. Mr. Ceppi explained that the storm drain has a valve that is always closed, except when the rain comes and water builds up. Before they open it, they have to inspect the water for any oil sheen, in which case, they would clean it before releasing it. These procedures will be the same as they are today. If anything, he said, there will be less storm water runoff with the new facility, because the water will just sit in the dike and will evaporate, as opposed to running off into the storm water area, as it does today.

Ms. Willis asked how they would clean up a spill in the storm water contained in the dike. Would they handle the spill in the same fashion?, she asked.

Mr. Ceppi said that, if it's a large spill, they bring in vac trucks that suck the oil out of the concrete area. Their plan includes the installation of concrete dry sumps for the purpose of containing storm water or a spill, so that the water or oil can be sucked out of the dike by the vac trucks, when necessary. The tank is up about 6" or 8," and the pump is up about 6" or 8," so an accumulation of storm water could be there all the time. In the summer, it will evaporate. If there is too much water, they will have to manually put a submersible pump in and pump it out.

Ms. Willis was concerned that the water which would then be released into the storm drains would be a lot warmer, which would affect the aquatic life in the storm drains. She asked if a roof over the containment area would help.

Mike Casey said that this "is not a running stream. This is a storm drain, and the storm drain only has water in it when it rains." He explained how this water flows from various commercial properties and ultimately winds up in an open ditch on the Ridgefield Supply property. "There is no natural source of water," he said. "It's not an environment that would normally support aquatic life."

Doesn't this water go to Steep Brook? Ms. Willis asked. Eventually, it might end up there, Mr. Casey answered, but it is not sourced there.

Ms. Willis asked how the water would be pumped out after a storm.

Mr. Ceppi said that, if it was a 2" rain storm, it would be pumped out. With a smaller storm, the water could sit in the dike and evaporate. In winter, it would sometimes need to be shoveled out as snow. He addresses the issue of a roof, saying that it can't be done with a tank this size. "It's just too big," he said.

Ms Willis asked if all the workers were trained in haz-mat techniques.

Mike Casey said that all of Casey's drivers are haz-mat certified, and all the commercial drivers who bring fuel into the facility are also. He said that Michael Brown, Vice President of Operations, runs training sessions with Casey personnel on a regular basis.

Michael Brown said that the State mandates training every two years on hazardous materials.

Many commented that Casey Fuel maintains a very clean facility, and the Commissioners who went on the site walk were all very impressed.

Mr. McChesney referenced a letter from Charles Fisher, Town Engineer, which stated that the site plan is "deficient in showing how storm drainage from the entire site will be handled," and it also lacks property line information, ground contours, and the location of existing structures. Mr. Fisher also asked if it would be possible to obtain a pedestrian easement along the northern edge of the vehicular access area between the property to the east and Bailey Ave. Mr. McChesney wanted the applicant's comments.

Mike Casey said that the storm drainage issue had just been addressed. He added that the contours will be indicated on the final plans and the existing structure locations are shown on the plan. As far as the pedestrian walkway, it was determined to be unfeasible.

Mr. McChesney said that the Fire Marshall's letter implied that there was a lot of work yet to be done before the plan could be approved.

Planner Brosius said the implication has more to do with the detail needed to meet the federal regulations

Dr. Autuori asked about the site lighting. Would it conform to P&Z regulations? His concern was that the lights be shielded and not spread to neighboring property.

Mr. Casey said that there is a street light on the corner of Bailey Ave. He asked if that light would be on at night.

Mr. Ceppi said one light will be on for safety (shining down on the loading pad), so that the drivers coming in at night can see. The second light is on a timer.

Dr. Autuori asked if the alarm would be going off.

Mr. Ceppi said that the alarm should never be going off. The delivery drivers know the capacity of the tank and should never exceed it. They will know if their load will

fit in the tank. The remaining capacity will be posted. If, for some reason, the alarm does go off, there is a silence button.

Dr. Autuori asked when the drivers generally offload. Mr. Casey said that it is a 24-hour operation.

The Planner asked if the Commissioners were satisfied that the Fire Marshall's comments were addressed. They were. She requested comment on the easement area.

Mr. McChesney motioned, seconded by Mr. Walsh, to ask the Planner to draft a resolution of approval for the Revision to the Special Permit. The motion passed, 8-0. The draft will be prepared for action at the 7/3/07 meeting.

4. **#2007-067-SP:** Special Permit Application under Section 9.2 as required by Sections 3.5.F: Maximum Lot Coverage & 3.6.C.1: Lot Coverage Exceptions of the Ridgefield Zoning Regulations for alterations and additions to the existing residence located at **340 Wilton Road West** in the RA zone. Owner: John H. and Dorothy L. Alexander. Appl./Auth. Agent: DCA Architects/Planners. *Received 6/5/2007. Walked 6/24/2007. Public hearing commenced 6/26/2007. 65-day action period ends 8/30/2007. For action.*

Note: Mr. Fossi recused himself from discussion and vote on this item.

Mr. Katz made a motion, seconded by Mr. McChesney, to approve the application as presented. No draft resolution would be required, and the approval would contain the standard conditions. The motion passed, 6-0-2, with Mr. Fossi recused and Mrs. Willis abstained.

NEW ITEMS

5. **#2007-076-SP/VDC:** (1) Application for Special Permit under Section 9.2 as required by Section 7.2.E.11, to permit the installation of two tenant signs per tenant space at **451-465 Main Street** in the CBD zone, and (2) Village District Application under Section 8.3 required by Section 5.1 of the Ridgefield Zoning Regulations for tenant signage design at **451-465 Main Street** in the CBD zone. Appl./Owner: E.A.L. Associates, c/o Amy Aronson & Lisa Quattrocchi. *For receipt/schedule walk if needed/schedule public hearing.*

Chairman Mucchetti asked for acknowledgement of receipt of the application and suggested a public hearing for 7/17/07. The consensus of the Commission was that the site could be visited briefly on the July 1, 2007 site walk schedule.

Mr. Katz made a motion to receive the application, to include the item on the July 1, 2007 walk schedule, and to set a public hearing date for July 17, 2007. The motion was seconded by Dr. Autuori, and passed, 8-0.

COMMISSION WALKS

The commission noted the first item scheduled for site walk on **July 1, 2007**, and the second item added to the schedule, as noted in item #5, above:

- **#2005-106-PR-SP: 638 Danbury Road**, Toll Land XVIII Limited Partnership
- **#2007-076-SP/VDC**, Special Permit **451-465 Main Street**, E.A.L. Associates

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Letter from Aquarion Water Company re the Eureka V, LLC affordable housing application.
- Correspondence from Commissioner Autuori to the Board of Selectmen, re the installation of new structures at the entrances to the rail trail. It was agreed by consensus that this item would appear on the 7/3/07 agenda for discussion.
- Drafts by the Planner and Mr. Katz of letter to Board of Selectmen, re the need to enforce open space restrictions. It was agreed by consensus that this item would appear on the 7/3/07 agenda for discussion.

MINUTES

Mrs. Willis motioned, seconded by Mr. Slavin, to approve the minutes of June 12, 2007, offering several minor corrections. The motion to approve the minutes (with the corrections) passed by a vote of 8-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:50 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary