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Office of the Town Clerk

TOWN OF DURHAM

Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

MINUTES OF AUGUST 19, 2009, MEETING Coginchaug Regional High School Auditorium

Present

Members: Ralph Chase, Cathy Devaux, George Eames, Richard Eriksen, Dave Foley,
Jim Kowolenko, Tom Russell

Town Planner: Geoffrey Colegrove

Alternates: Mike Geremia, Stuart Keating

Absent

Members: Frank DeFelice, Gene Riotte

Alternate: Mark Laudano

The meeting was called to order by George Eames, Chairman, at 7:30 p.m. Mike Geremia was seated on the Commission in Frank DeFelice's place. Stuart Keating was seated on the Commission in Gene Riotte's place.

1. Approval of Agenda

Motion by Dave Foley, seconded by Ralph Chase, to approve the agenda of the August 19, 2009, meeting as presented. Motion carried unanimously.

2. Public Session

No business.

3. Tilcon, Inc., Site Plan Review for Renewal of Earth Excavation and Removal Permit, South Side of Wallingford Road

Frank Lane, the director of real estate for Tilcon, presented the annual permit renewal application. He stated that the plan for the upcoming year provides for significantly less mining/quantity than prior years because of the business climate. Once operating on three shifts, the company now has just one shift. The company proposes to mine about 700K tons of material from existing quarry faces. He reviewed the stormwater control structures that are in place as well as green areas of reclamation and overburden used to reestablish slopes. There are no new areas being opened up this year.

Motion by Richard Eriksen, seconded by Ralph Chase, to approve the Tilcon, Inc., site plan review, renewal of earth excavation and removal annual permit, south side of Wallingford Road. Motion carried unanimously.

4. Connecticut Horse Cremation, LLC, Request for Special Permit to Allow a Large Animal Incineration Facility to be located in a free-standing building to be constructed on a 12.62 acre site, 593 Wallingford Road; owner: DiNatale Rentals, LLC

The hearing was closed on this application at the previous meeting. At the request of Jim Kowolenko, the packets mailed to Commissioners were to have included the detailed possible conditions of approval from the previous crematorium application that the Commission had considered, the idea being that Commissioners could take into account the very specific language drafted some time ago when contemplating a motion for this current application. However, this material had inadvertently not been included in the Commission's packets. Therefore, the Commission deferred a decision on this application until the September 2 meeting.

5. Payment of Bills

Motion by Dave Foley, seconded by Ralph Chase, to approve payment of the following bills:

- Absolute Advantage, minutes of 8/8 site walk (4 agencies) - \$69.51
- Attorney Tom Byrne, case review - \$2,300.00
- Absolute Advantage, minutes of 8/5 meeting - \$499.16
- Absolute Advantage, minutes of 7/15 meeting - \$380.71
- Absolute Advantage, minutes of 7/1 meeting - \$341.46

Motion carried unanimously.

Geoffrey Colegrove will provide a list of the projects Attorney Steve Byrne is working on in each Commissioner's packet of material on an ongoing basis.

6. Approval of Minutes

Motion by Ralph Chase, seconded by Mike Geremia, to approve the minutes of the August 5, 2009, meeting as presented. Motion carried, 8-1, with all in favor with the exception of Stuart Keating (in abstention).

7. Zoning Enforcement Officer's Report

George Eames asked Jan Melnik to read into the record a letter from Kathy Wilson of 259 Parmelee Hill Road with regard to complaints about a neighboring farm operation (excessive noise, roosters, chicks, rabbits, eggs, parking problems, and sale of veggie-fruit juice and pills).

Geoffrey Colegrove advised that he has been investigating this complaint. He has been on the site three times. There are a number of farm operations in town that operate without a home occupation permit. The town does not want to discourage agriculture. Because of the sale of goods via internet, this operation is somewhat more complex. He will apprise the Commission after completing his investigation.

Richard Eriksen suggested that Geoffrey Colegrove confer with Attorney Steve Byrne to determine if the current uses conform with the agricultural operations allowed in town.

8. Town Planner's Report

Geoffrey Colegrove advised that a copy of the status report had been distributed to all Commission members.

Following a five-minute recess before the onset of the public hearings:

Motion by Mike Geremia, seconded by Tom Russell, to recess the regular meeting at 8:00 p.m. for the public hearings. Motion carried unanimously.

PUBLIC HEARING

1. Applicant: Mark Kauffman
Property Location: 13 Middlefield Road (Marianne Corona, property owner)
Request: Prepared Food Concession

Present

Members: Ralph Chase, Cathy Devaux, George Eames, Richard Eriksen, Dave Foley,
Jim Kowolenko, Tom Russell
Town Planner: Geoffrey Colegrove
Alternates: Mike Geremia, Stuart Keating

George Eames, Chairman, opened the public hearing and read the legal notice. Mike Geremia was seated on the Commission in Frank DeFelice's place. Stuart Keating was seated on the Commission in Gene Riotte's place.

Josh Kauffman, Mark Kauffman's son, addressed the Commission. He read a letter he had written to the *Town Times* regarding his hope to place a brand-new hot dog cart on Main Street at the corner of the Valero's/former medical building commercial property. He stated that there is substantial off-site parking available for customers. He thanked Marianne Corona and John Corona for speaking on his behalf in favor of the application at the previous meeting.

Josh Kauffman then cited some of the concerns mentioned by the Commission along with his replies:

- Drive-in restaurant not permitted (he is not a McDonald's)
- Trash concerns (he has pride in business and won't leave trash around)
- Traffic (he'll generate less than the doctor's office)
- Lack of restroom facilities (these are not available at Grippo's or Valero's either)
- He has offered to rent a "port-a-potty," but the Commission has said no
- Competing with other tax-paying restaurants (while true, his business won't significantly 'dent' the business of other restaurants)

He summarized, stating that at 20 years of age, he wants to make a living and is seeking support from the Commission. He asked that the Board reconsider his request.

Richard Eriksen clarified that when the applicant originally approached the Commission, he was apprised that the regulations, as written, didn't apply to such a use in the zone. The applicant was advised to apply to the Commission to change the regulations. He noted that he had nothing against a hot dog stand; rather, there was concern that there be specific language to regulate it so that Main Street doesn't turn into a situation similar to the vending trucks parking all along Long Wharf in New Haven.

Cathy Devaux stated that she was in favor of the application from the time it was initially brought forward. She referenced language read at the previous meeting that gives the Commission the power to approve/reject applications on the basis of their own merits; simply approving this application would not open the door to other approvals. In addition, this business will be seasonal in nature.

Kimberly Ryder, Higganum Road, addressed the Commission, speaking in favor of the idea and hopeful that a resolution could be worked out.

Rick Parmelee addressed the Commission. He indicated that he was unfamiliar with the regulations on this matter and did not know Josh Kauffman. However, he said that he had viewed the new hot dog cart that Josh brought to the high school prior to the public hearing and had read in the paper of the application. He stated that he was a proponent of businesses, large and small, and was familiar with similar vending trucks in other areas of

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the state that do very well, are well-maintained, and generate a customer base. He wished the applicant good luck with his business endeavor.

Josephine Wilk, 89R Hellgate Road, addressed the Commission. She stated that when someone stops at a hot dog cart, they are not expecting to use a bathroom. She encouraged the Commission *not* to require a port-a-potty and would not be in favor of seeing them along Main Street.

Barbara Kauffman, Josh's mother, addressed the Commission, describing her son as a "fine man." She asked that the Commission consider giving him his start in life with an approval.

Brenda Eddy, 385 Main Street, spoke in favor of a hot dog stand. She did ask that the Commission define the term "seasonal" and specify hours/days of operation.

John Corona spoke, offering a point of clarification. He stated that the special permit being applied for already is addressed by language in Section 05.01 of the regulations (which allows a concession). The proposed use can be interpreted under this section. Anything allowed in the residential zone is permitted in the commercial zone. The Commission would have the usual latitude available to it through the special permit process (in terms of imposing conditions). His opinion was that the Commission could approve this application under the present regulations—and then refuse another similar application if a different site in town were proposed and found to be unsuitable.

Dave Foley cited concern with an aspect of the language that would link such concessions to operators being "local organizations." He disputed John Corona's notion that Josh Kauffman would qualify as a "local organization."

To queries regarding Josh's plans for the business, he indicated breakfast and lunch, perhaps from 8 a.m. until 2 p.m. He would like to begin operations as soon as possible and continue until the cold weather sets in (he stated the months of operation would be April to October).

Lisa Davenport, 197 Tuttle Road, addressed the Commission, speaking in favor of the application. She asked the distinction between operating a hot dog stand at the little league fields (by Josh's parents) and on Main Street.

Dave Foley indicated that this very point was at the core of his concern: It would be the same argument anyone else could make before the Commission when seeking approval for another concession stand.

Richard Eriksen clarified that he did not have a problem with the fact that there was no restroom; rather, he had encouraged the applicant to ask for a change in the regulations to permit the type of activity he is seeking.

Several Commission members queried the meaning of the term “temporary” in the regulations, believing that the proposed application for seven months would exceed temporary in their viewpoint. Nonprofit civic organizations selling holiday flowers at Easter, for instance, for two or three days would better fit the definition of “temporary.”

Stuart Keating stated that he did not have a problem with the application. He repeated what he’d suggested at an earlier meeting: to approve the activity for the 2009 season and then to revisit it before any subsequent year’s approval.

Jim Kowolenko stated his belief that the application fell appropriately into the concession category and that the Commission could judge the application on the basis of its merits and the proposed location. He believed the Commission has the authority to judge these applications.

Mike Geremia indicated that because of the proposed location for this application/activity, he would be in favor of it. He clarified that the activity would be back from Route 17.

Geoffrey Colegrove concurred that the site would be about 40 feet back from the state’s taking line.

Motion by Dave Foley, seconded by Ralph Chase, to close the public hearing of Josh (Mark) Kauffman, 13 Middlefield Road, Marianne Corona (property owner), Assessor’s Map #16, Lot #1.1, request for special permit for prepared food concession, Sections 06.01(2) and 05.01.01.01(4) of the Durham Zoning Regulations. Motion carried unanimously.

PUBLIC HEARING

2. Applicant: Tim Hollister, Esq.
Property Location: Pickett Lane
Request: Modification to Approved Site Plan for Athletic Field,
Regional School District #13

Present

Members: Ralph Chase, Cathy Devaux, George Eames, Richard Eriksen, Dave Foley,
Jim Kowolenko, Tom Russell
Town Planner: Geoffrey Colegrove
Alternates: Mike Geremia, Stuart Keating

George Eames, Chairman, opened the public hearing and read the legal notice. Mike Geremia was seated on the Commission in Frank DeFelice's place. Stuart Keating was seated on the Commission in Gene Riotte's place.

Attorney Tim Hollister, from the firm of Shipman & Goodwin, addressed the Commission. He introduced Dick Webb of Clough-Harbour; Bruce Hillson, the traffic engineer; Susan Viccaro, superintendent; and Bill Currin, chair of the Board of Education's building committee. He disseminated a full package to the Commission and outlined the contents. He stated that the site plan was finalized several months ago. Plans include a proposal for four 80-foot poles to accommodate outdoor lighting. Because the regulations set 35 feet as the maximum for outdoor lighting as an accessory use, the District applied to the Zoning Board of Appeals for a variance. The rationale in pursuing the variance and for establishing lights at 80 feet includes:

- 1) the ability to better focus light on the field while limiting light spill/glare onto neighboring properties;
- 2) the ability to ensure a football or soccer ball is always within a lighted area during play (safety being a concern) without having athletes looking directly into lightbulbs

Attorney Tim Hollister stated that the Zoning Board of Appeals held hearings on the variance application on July 23 and August 18, but ultimately denied the application at the meeting of August 18. He noted that this explanation was not to point criticism or be in judgment of the actions of the Zoning Board of Appeals but, rather, to present it merely as a fact that the District would be addressing. Attorney Hollister stated that at the Zoning Board of Appeals hearing, Attorney John Corona, an opponent, had argued that the higher light poles should not be addressed by a variance request but, instead, by an amendment to the zoning regulations. Subsequently, a letter dated August 19 was prepared on behalf of the District seeking a specific and limited amendment to the regulations to accommodate the 80-foot light poles. Attorney Hollister added that this request would be for the Commission's subsequent meeting (official receipt date will be September 2, the date of the next regularly scheduled meeting of the Planning and Zoning Commission). As a result of this activity, Attorney Hollister indicated that the District was prepared to move forward with all aspects of its proposal at this evening's meeting, with the exception of the matter of lighting, which will be deferred until September 2.

In another procedural matter, Attorney Hollister noted that two days earlier, a lengthy comment letter had been received from the Commission's engineering consultant, Nathan Jacobsen Associates. While Attorney Hollister did not believe the letter raised any points that the District cannot accommodate, more time than 48 hours is needed to address the long list of technical details. The District will be prepared to respond to all points at the continuation of this evening's hearing.

Attorney Hollister stated that if/when there is approval by the Planning and Zoning Commission of the renovation project, there will then be a process of securing approval

from the State Traffic Commission with regard to the traffic generation permit for the high school.

Superintendent Susan Viccaro addressed the Commission, providing a historical perspective of the project. Voters in both Durham and Middlefield approved a new track and field, tennis courts, and roof/well work at several schools on May 7, 2008. Because of a clerical error, the project was delayed. However, during November of 2008, a validating legislative action affirmed the vote and the building committee was at last able to move forward in earnest. The District is well on the way to completing roof and well replacement at this time.

Superintendent Viccaro stated that part of the Board of Education's responsibility for providing a well-rounded education at a comprehensive high school includes athletics. This contributes to a healthy lifestyle. It has been three years since athletes at the school could run on the track; tennis courts are now also unusable. The District is hopeful that work can commence on the project so that the entire spring season is not lost. The longer the project takes, the longer students will be without proper facilities.

Bill Currlin addressed the Commission as the chairman of the building committee. He has served on the Board of Education for 15 years and is very passionate about this particular project. For several years, the Board has been trying to resolve the problems with the decaying track and tennis court conditions. The vote of the townspeople allowed the project to finally begin to move forward, basic funding was approved, designs were created and budgets established. Pending the action of the Planning and Zoning Commission, the project will soon be going out to bid.

The Board of Education wants to give back to the community what it once had—a state-of-the-art track facility for use by not only school athletes, but the residents of the community. Bill Currlin added that the Board of Education has a responsibility to maintain all facilities and cannot change what was approved by the voters. He stated that “the want” was decided by voters some time ago and what remains now is to execute the project to the best of the Board's ability. He commented that there was less interest on the part of the public when the District spent some \$30M on school renovation projects than there is presently. He concluded with thanks for the volunteer members of the Planning and Zoning Commission.

Dick Webb, a landscape architect with Clough-Harbour of Rocky Hill, addressed the Commission. He provided an inventory of the existing site conditions, noting that a number of Commissioners had attended the recent site walk.

The present six-lane track is in very poor condition and not a candidate for simply resurfacing; rather, complete reconstruction is required. The same is true of the four tennis courts. The new project proposal provides for an expansion to eight lanes, fully compliant with all national federation requirements and standards. By opening up the inner circle, standards for soccer fields can also be achieved while additionally creating a

regulation-sized football field. The east and west “D” areas of the track will provide space for high jump and pole vault activities to the east and long and triple jump runways to the west. Throwing events (javelin, shot put, and discus) will continue to take place in an area similar to the present location, to the west of the proposed track facility.

Dick Webb described the proposed multipurpose synthetic field (220’x345’) as being suitable for such sports as football, field hockey (if implemented), and men’s and women’s soccer. The four tennis courts will be reconfigured to accommodate five new courts (by using some of a present practice area). The construction will be of bituminous concrete with an acrylic coating system.

Two natural grass practice fields are proposed for the Stannard property. One will be 180’x330’, the other will be 210’x330’. The existing basketball courts to the north of the present track will be retained. The existing sand volleyball court will be relocated slightly to the north in a small paved multipurpose area.

With regard to the football stadium proposal, a 1,000-seat bleacher is planned to be “tucked into” the hillside on the south side of the track with optimum viewing provided between the 35-yard lines. It will be fully code compliant, handicapped accessible, and provide handicapped seating in the lower portion. It will also feature a top-loaded bleacher system to allow access/egress from both the bottom and top.

Parking will be reconstructed in the areas to the north and east of the track and field to provide for a total of 259 spaces (increasing the current 230 spaces by 29). In the north parking area, there will be 71 spaces (including four handicapped spots). To the east will be 186 spaces (including four handicapped spots); 57 of these spaces will be gravel spaces. There will be an additional two spaces at the extreme upper-end of the maintenance and service drive.

Other available spaces include 78 to the north and west of the central administration offices, 41 spaces at Korn School, and 98 spaces at Strong School, adding an incremental 217 spaces for a total of 476. This excludes informal parking that occurs all along Pickett Lane.

The parking areas to the east of the field are buffered presently with a natural tree line. Supplemental buffering is proposed with shrubs tucked under the existing tree canopy.

Additional support facilities planned for the project include a slab for a 4,000 sq.ft. future support building (storage, team rooms, rooms for officials, satellite trainers’ facility, public restrooms). There will be utilities to support the building in the future.

Dick Webb reviewed enhancements to the existing storm drainage (a 30-inch storm line that inlets at the southeast corner of the property, traverses the property, and exits at the existing vehicular cross at Allyn Brook). Drainage for the new field will tie into the 30-

inch line. He reviewed the stormwater management plans to attenuate flows from the track and the synthetic field surface.

Two 20-foot poles are proposed for a public address system in the grandstand area; these poles would be located to the east and west ends of the grandstand facility. One speaker will be mounted per pole; the speakers are specifically designed for this application and, at the source, generate 95-100 decibels. At the property line, decibel levels reduce to about 56 (under the DEP prescribed limit of 65).

As part of the approval of the Inland Wetlands Commission earlier this month, Dick Webb explained that the project will be dedicating an 88,000 sq.ft. conservation easement to the west of the Stannard property, inclusive of the wetlands areas and all upland habitat.

Lighting for the parking area was reviewed with 20-foot poles proposed, similar to what is presently in front of the high school and central administration office. Two luminiere types were selected: for the central parking lot locations, traditional shoebox cut-off fixtures are proposed. For fixtures along the property boundaries, a different cutoff fixture has been proposed so as to minimize glare and light trespass. Dick Webb described the average footcandles as being 1-1.5 (ranging from about a half a footcandle to 2 footcandles in certain areas).

In terms of wattage, 100-watt metal halide bulbs will be used on the fixtures at the perimeter; interior poles will have 250-watt bulbs. The lighting system has been designed by a registered, licensed electrical engineer to be in compliance with the regulations.

Attorney Tim Hollister stated that the potential exists that construction of some of the proposed components in the plans may be delayed depending upon budgetary restrictions. For instance, the Stannard property fields might be phased later following renovation of the existing facilities.

Susan Viccaro spoke on the matter of traffic and the safety record at the school. In the six years that she has been superintendent, there has been only one minor traffic accident on the school property; last year, a snow plow 'connected with' two parked cars. This is the only recorded accident. She added that police are present at all major events for public safety (including graduation, big sporting events, basketball games, etc.). It was later noted that police officers control traffic during these occasions.

Bruce Hillson of Traffic Engineering Solutions in Glastonbury addressed the Commission. He began work on the project 18 months ago. He was asked to submit an application to the State Traffic Commission for the sole purpose of modifying an earlier certificate to increase size of the building to reflect the proposed slab and the increased number of parking spaces. This raised several questions with regard to use, wherein it was determined that there is not a change in use. Trip generation is linked to either the size of a school or the number of students enrolled. The State Traffic Commission always

uses the number of enrolled students (representing a higher correlation with trip generation statistics). Athletic fields do not, in and of themselves, generate trips and there is no trip generation statistic for this purpose. High schools are assumed to have a certain number of athletic events and activities with no separate trip generation data collected. The State Traffic Commission does not anticipate any change in enrollment for the facility as a result of the proposed site plan changes.

At this point, the State Traffic Commission is awaiting additional information and local approval (from the Planning and Zoning Commission) before they complete their review process and forward any recommendations to the Planning and Zoning Commission.

George Eames asked Jan Melnik to read into the record two pieces of correspondence received.

Frank DeFelice, 32 Cherry Lane, a Planning and Zoning Commissioner, wrote that because of business travel, he was out of state and unable to attend the meeting. For the record, he noted concerns in the following areas:

1) Residential Zone: This subject property is located within a Residential Zone; with a number of homes located in close proximity. None of these homes are shown on the drawings presented during the Joint Site Inspection. Nearby homes should be shown on the site plan, along with estimated distances from intended area of disturbance, and names of abutting property owners should also be included on the Site Plan.

2) Traffic: Traffic congestion on Route 17 and our surrounding local roads may be a concern as up to 1,000 attendees may exit an event simultaneously. For this reason, and to provide an unbiased environment for applicants of large-scale projects, the Commission may wish to request that the applicant to submit a Traffic Impact Study performed by an independent third party.

3) Lighting: During the Joint Site Inspection, the applicant stated that Photometric drawings for the lighting system have been completed; however, these were not provided to committee members during the Joint Site Inspection. Sports Area Lighting is typically of very high-intensity; and adequate time should be allowed for committee members and the public to review and comment on the proposed lighting design.

Drawings should include detail on the proposed fixture type, arrangement and optics. It should be noted that while the applicant may receive a variance from ZBA regarding the height of the mounting poles, this does not impact the Commission's ability to require modification of the light intensity or distribution, or to limit the permitted hours of use, or to limit the number of fixtures per mounting pole or number of mounting poles used.

4) Parking: Drawing C-101.1 has been submitted by the applicant, which shows parking for approximately 236 motor vehicles in the vicinity of the proposed facility.

Assuming an occupancy rate of two persons per vehicle, this arrangement would provide parking for 472 attendees only. Assuming an occupancy rate of three persons per vehicle, this arrangement would provide parking for 708 attendees. Because the venue contains seating for 1,000 persons, the committee may desire additional parking beyond the proposed 236 spaces.

5) Future Development: The applicant has chosen to include Drawing C-202.3 which show facilities proposed to be constructed in the future (Phase VI and Phase VII; located on the south side of the bleachers). Because these future facilities have been included on the submission drawings, and because they would be located in the vicinity of the facility currently being proposed, the Commission may find it prudent to consider the impact of these future facilities on the current application.

These future facilities may impose additional demands on the current application; including the need for additional parking, the potential impacts of stormwater runoff and drainage, access for public safety apparatus, etc.

6) Elevation Drawings: Elevation drawings should be provided by the applicant to assist Commission members in assessing the appropriateness of the design and the relative visual impact of the project. During the Joint Committee Site Visit, the applicant stated that these will be provided to the Commission.

7) Potable Water vs. Storm Water: A Potable Water Well appears to be located within the Stormwater Management Area. This can be seen in the upper left hand area of Drawing C-101.1. Additionally, a significant amount of Surface Water Drainage appears to be located in the vicinity of this well (see Drawing C-301.1; upper left hand area). Typically, Potable Water Wells are separated from Stormwater and Surface Drainage areas to avoid contamination of the well; which may be used by students and attendees.

8) Scoreboard: Visible in the upper left hand area of Drawing C-101.1 and yet located outside of the proposed facility, this scoreboard would be considered a sign; and as such, must comply with all requirements for signs. The placement of the scoreboard outside of the facility seems in conflict with the generally accepted purpose for a scoreboard. The applicant may wish to consider relocation of this scoreboard to a location within the sports area, to provide better visibility for attendees in the bleachers.

9) Acoustics: No analytical data regarding acoustics for the proposed loudspeaker system was provided during the site visit. A number of residential homes are located in close proximity to the proposed complex; some of which are visible and located on the same or a similar plane to the mounting height of the loudspeakers. Commission members may request modifications of the loudspeaker system; such as limiting the maximum sound intensity or the permitted hours of operation. The committee may also find it prudent to require that a buffer of suitably sized trees be planted along the east and west sides of the complex to mitigate the transmission of the sound to neighbors.

10) Public Safety: Because this facility would contain seating for 1,000 persons, consideration must be given to Public Safety. The proposed design should be reviewed by Durham's Public Safety providers (Fire, Ambulance, and Police); and their written comments should be incorporated into the design. Means of evacuation, emergency egress lighting, and access for fire fighting and ambulance equipment during events should receive special attention.

In a second letter dated August 19, Casey Cordes, chair of the Conservation Commission, stated that the Conservation Commission has requested that permeable asphalt be used wherever feasible to maintain the area available for stormwater infiltration and groundwater recharge potential. He stated that the proposed stormwater management system reduces peak flows from post-development levels, with the net flow increase occurring at the expense of the site's groundwater recharge potential.

The letter from Casey Cordes also pointed out that controlling peak flows is an important consideration in preventing the urbanization of watersheds, but total volume, duration of flow, and the water quality of that run-off are other important factors.

Geoffrey Colegrove queried the decibel standards referenced earlier, stating that Durham's ordinances (approved by the Department of Environmental Protection) stipulate 55 as the day limit and 45 as the night limit.

Cathy Devaux asked how the proposed artificial turf is different from that being torn out by schools in the state.

Dick Webb responded that the industry itself has evolved through the years. The first generation of turf was originally pioneered from a knitted nylon material that generated 'rug burns.' What is proposed for the project is the latest generation of synthetic turf fields featuring in-fill systems using rubber for traction and to attenuate impact. He noted that he would be pleased to bring samples of the system they are proposing (currently used in many communities, including West Hartford, Stamford, Glastonbury, and Suffield).

Dave Foley asked for clarification of the speaker locations. Dick Webb explained that they are located midway up the bleachers so as to focus sound on the bleachers themselves while not obstructing field visibility (the square speakers are between 16" and 18" in size). Dick Webb indicated he would review the options with acoustical engineers.

Dave Foley also queried the height of light poles in the parking lot. The present poles to the east of the field are about 14 feet in height as compared with the 20-foot size proposed. Dick Webb indicated that 20-foot poles were proposed to create an even distribution and balance of light. The shorter the pole, the more poles that would be required.

Dave Foley recommended retaining the existing 14-foot poles nearest the neighbors so as to not increase light trespass. Dick Webb indicated that the pole height would be reviewed and considered from the standpoint of impact on number of poles if the height were to be reduced.

To a question regarding the septic system, the current DEP-approved system has a capacity of 5,000 gallons per day. Present monitoring reveals a use of between 2,400 and 2,600 gallons per day. The existing uses are well under design capacity, there is sufficient reserve, and the proposed uses would not exceed capacity.

To queries regarding possible rental of the facilities to other schools or non-school groups, Attorney Hollister indicated that there is no proposal for a regular program of renting the facility out to other school or nonschool groups. If there is a request from an outside group, it will be considered on a case-by-case basis by the superintendent, just as such requests are handled today.

Questions were raised regarding a demonstration of the public address system, ideally in the field.

A question was asked about the number of varsity football games per season; six would be the maximum number in a given season.

Dick Webb reviewed the access to the Stannard fields. At the east end of the parking area, a 12-foot wide permanent access strip will lead in to provide upper access to the bleachers and to enable construction access for the fields.

The hearing was opened to the public.

Jan Frank, 74 Green Lane, addressed the Commission. She is the parent of a graduating senior who was team captain for the tennis team this past season. She described the disappointment in not being able to have home tennis matches and the loss of a home court advantage. She stated that her family supports the school district, pays taxes, voted for this particular athletic project, and, in addition, made a sizable gift to the tennis team (banner for the next season). She said the process has gone on for at least 18 months. She asked the Commission to respectfully consider the upcoming season so that the kids could have tennis courts "like all the surrounding towns" and be able to show "Blue Devil pride."

Kimberly Ryder, 259 Higganum Road, stated that she had been a resident of Durham most of her life but had lived recently in Farmington where turf fields were rejected. She stated that turf fields are harmful to kids and do not offer the same advantages that grass does. She suggested that grass is better for the environment, children, and drainage. With regard to noise and light trespass, she encouraged careful consideration, noting the proximity of the project to Mauro Meadows and residents along Higganum Road.

Kimberly Ryder also expressed concern with the facility perhaps being locked, which would prohibit public access and use. She was concerned with the possibility of different phases and questioned the slab and discussion around possible bathroom facilities. She would rather know from the beginning exactly what was going to be required. She cited support for children being well-rounded and the importance of athletics, but suggested that everyone keep “their eye on the ball.”

Lori Tausta, 59 Agerola, addressed the Commission. She thanked the Commission for their efforts. She stated that her daughter was a freshman last year and turned her ankle on the track. She stated that one year has already passed in her daughter’s career with another one soon to be lost. She said that it’s important to athletes, students, and spectators to have a place to go and proper facilities. There is a limited amount of time available. She said that kids don’t care how high the lights are or where the scoreboards go—they simply need a facility. The town voted for this project, money is available, and the facilities should be constructed. She added that whether or not the bleachers are constructed, people will gather on the hill and watch the games. She also pointed out that if someone buys a home abutting a track or a high school, you’re going to have some awareness of what is taking place next to you (“that’s what you bargain for”); she mentioned her own parents bought a house abutting a high school track and love it.

Christine Michaud, 27 James Road East, spoke on behalf of FOCUS (Friends of Cuginchaug Unified Soccer), a booster group. She noted that two other officers, Rich Handley and Renee Primus Edwards, could not attend the hearing. This group is in support of the proposed facility. There are approximately 80 students that play in Cuginchaug’s soccer program each year; their organization raises money for the items that the school does not provide (warm-up suits, socks, supplemental activities). They are seeking to have town government and the local school system provide the fundamentals, including playing fields, that are safe and functional as well as to protect their investment for the community.

Sue Michael, 41 Dunn Hill Road, addressed the Commission. She is a parent of a senior, a teacher at Cuginchaug, and the co-chair of the Cuginchaug Track Supporters organization. She spoke on behalf of the many children and adults who regularly use the facilities. She thanked the Commission for their efforts, noting her awareness that the Commission usually vacations in August but had deferred their break to accommodate the hearing for this application.

She expressed concern for the issues of traffic and light that had been noted. She stated that her son, a senior, has run his entire high school career without a home meet and, if the project doesn’t get going, won’t have his senior year either. She said that it is extremely frustrating. She pointed out that traffic for the new fields would not be very different from what currently occurs when there is an activity (concert, graduation, etc.) at the auditorium. She added that such events (track meets, football games, etc.) bring people in the community into attendance and that people spend money in local restaurants and at gas stations.

As chair of the Environmental Club at the high school, Sue Michael stated that she was in favor of limiting impervious surfaces as much as possible. With respect to noise, she said that track meets are over by 7, 7:30 or 8:00 p.m. at the latest. Athletes do need to be able to hear events called on the field, so a public address system is essential. Football games—five or six a season—are just on Friday nights and over early as well.

Karen Cheyney, 60 Guire Road, addressed the Commission. She stated that she was not as concerned with neighbors on Higganum Road; rather, she asked for consideration of those that live right next to the parking lot, as she does. She stated that up to this point in the hearing, the Commission had only heard from parties who would benefit by the project. She noted that one of her sons did run track and that she is in favor of a new track and new tennis courts. But she added that she is “not in favor of having her own personal life ruined.” She said it was a balancing act where some will benefit and some will be harmed. She does not favor a reduction in the enjoyment of her own property and the value of that property.

Karen Cheyney pointed out the problem with students parking now on Guire Road (after losing privileges to park at the high school) and cars racing along Pickett Lane and Maiden Lane. She stated that she had lived near other football fields (including a mile away from one in Texas) and described the situation where an audience comes to town for a rivalry; there is sometimes retaliation when a team loses and she described what can happen to surrounding homes and cars. She expressed concern with both safety and traffic issues. She also asked about how maintenance would be handled (i.e., replacement of lights on the 80-foot poles). She asked who would pay the costs for a public safety officer to deal with increased traffic accidents in town. She said that while she was in favor of the track and tennis court renovation project, she didn’t “sign up for” a 1,000-seat bleacher and football stadium.

In terms of noise, she described the noise level at typical track meets. Not only are events called out throughout the meet, but loud music plays during other times. She stated that if the neighborhood was going to be subjected to noise and light, there should be some restrictions in place.

Matt Taber, 27 James Road East, addressed the Commission. He is president of the Coginchaug Soccer Club, which serves nearly 650 kids. When parent volunteers, referees, and other supporters are added in, the number is close to 1,000. The club operates in cooperation with the school district. He expressed hope for getting the project done and pledged the support of parents in getting involved.

Pete Donecker, 59 Pine Ledge Trail, addressed the Commission. He asked those in attendance (approximately 130 people) how many had played high school athletics; a number raised their hands. Then he asked how many of these athletes had never played a home game, regardless of what sport they participated in. There was nearly no response.

He concurred with the remarks offered earlier by Susan Viccaro—that athletics are just as much a part of education as academics are. Athletes learn to make decisions.

Pete Donecker praised the work of the consultants in developing the project plans. He hoped that there would be compromise and a willingness to take everyone's position into consideration in reaching a decision. With regard to noise, he stated that the sound issue is real (he can hear the fair from the top of the hill where he lives every fall); however, he was confident a resolution would be found by intelligent engineers.

In terms of the trainer issue mentioned, he pointed out that every sport needs a trainer and that these people need a facility. As a parent of a freshman who plays football and does track, he is hopeful the project will move forward. He is looking forward to having a football team with home games and the ability to have home track meets.

Rick Parmelee addressed the Commission. He indicated that he had gone through the Durham public school system, as did his children. He stated that he did not support the project and had not voted in favor of the referendum. He thanked the Commission for affording members of the public an opportunity to speak through the public hearing process.

With regard to the field, he stated that he was in favor of grass ("it has been around a long time and there is nothing environmentally wrong with it"). He recapped the timeline that followed the referendum, noting that he was offended about the action of "running to Hartford." He also commented on the parking situation and said he was not in favor of Coginchaug imposing a parking fee at the school, nor was he in favor of any activity fees.

Rick Parmelee mentioned a situation from long ago where the school system had made a decision to close a road at the school using a chain across the road; he stated that someone was killed. With regard to parking, he suggested that people tend not to park very well when there are no painted lines (speaking of the gravel area).

Access to Main Street was another concern noted. He stated that this should be addressed in a traffic impact study.

Rick Parmelee implored the Commission not to yield to any of the pressure about upcoming athletic seasons. He said the issues were too important to rush through. He asked that it be made a policy that the track be open to the public, fully accessible to tax payers. He also noted that if there are going to be lights, they should be on for the public's use (and not just for games) so that walkers could use the track at night.

Sheehan Michael, a Coginchaug senior, addressed the Commission. He stated that the upcoming year would represent his fourth on cross-country and the indoor and outdoor track teams. He said that he had appeared at a number of other meetings (Board of Education and other commissions). He expressed hope that the project was getting closer in terms of an approval. With respect to lights, he said that the lights at the little league

fields are 75 and 65 feet tall; he didn't see what the problem was with the high school having lights at a similar height.

Archie Doyle, a Coginchaug senior, addressed the Commission. He said this was his tenth year running and that he has yet to have a track. He is the captain of this year's indoor track team. He noted that people had been promised a track for the past 18 months and urged approval of the project.

Hugo Boland, South Woods Lane, addressed the Commission. He stated that he was a retired athletic director and high school football coach from Rochester, NH. He stated that what the District is attempting to do here is one of the greatest things that could be done. It teaches the students pride—in their facilities and in themselves. He said it was impossible for the student body presently where their own football team doesn't practice in Durham and doesn't play in Durham. He noted that his own grandson plays football here—and he'd like him to have what his own sons had. Back in New Hampshire, he noted that the high school was in the middle of a city with baseball and football fields, fully lit, surrounded by homes.

With regard to surface, he stated that anyone building a field today builds a synthetic surface. It drains well, the kids love it, and it enables play even in wet weather. He stated that the lights must be done at the same time as the rest of the project—this should not be phased in his opinion.

He finally pointed out that a program builds a tremendous fan base among parents and spectators. This is a positive thing in a community on a Friday night. At most, there are five home games. The same is true with soccer.

Ty Zemelski, 51 Fowler Avenue, addressed the Commission. She indicated that she had served on the Board of Education previously and that all three of her children had gone through the system. She, her husband, and two of her children are long-time runners. She stated that she was in favor of the new track and field and tennis courts. As an abutter, she is concerned about lights, noise, and traffic. For her, there is no question that the improvements for the track and tennis court must be made. However, she questioned the appropriateness of expanding to include a football field with the high lights and bleachers. Given the residential neighborhood in which the school is located, she felt there is just not enough room and that the impact will be too great on the abutting property owners.

She also pointed out that her business, organic farming and greenhouses, might have concerns—there is some research that there can be an impact from lights on growing.

Joseph Pasquale addressed the Commission. He said that he has nieces and nephews that have attended Coginchaug. He suggested that compromise is in order—that the tennis courts and track are a priority and that these should be installed. The issues of safety and traffic are paramount in his mind. He noted his attendance at the July 27 meeting of the

Board of Selectmen. He indicated that Bill Currin had addressed the Board of Selectmen at that meeting with regard to an unsafe condition that exists at the site today—problems with both traffic and pedestrian safety (no pathway or sidewalk throughout the Pickett Lane complex).

Rebecca Wier, a sophomore, addressed the Commission. She described problems that developed with shin splints from running on the track in her first season; she was unable to complete the season because of the injuries sustained. She stated her opinion that the students deserve a safe track.

John Corona addressed the Commission. He said that his children are involved in athletics, including his son, who runs track at Xavier. He agreed with the characterization of the track and tennis courts as nonfunctional. He said that the ultimate tragedy is that either the track or the tennis courts could have been replaced at any time without any approval of the Planning and Zoning Commission whatsoever. He said that the condition of the tennis courts could have been made usable (suggesting Roundup be applied to weeds) in their current configuration. This could have been done a long time ago and avoided the situation of kids not being able to use these facilities.

He indicated that he had a number of observations and questions. He said that he thought he'd heard that the facility housing bathrooms for the public might not be constructed at the same time as the stadium and questioned the outcome (1,000 people on site with no bathrooms).

With regard to parking, he had concerns with the inclusion of Korn and Strong schools and haphazard parking on Pickett Lane as viable options. He cited a Planning and Zoning Commission meeting from February 7, 2001, in which he stated Commissioner Jan Melnik made a number of comments about parking as it relates to the residential zone. He read from those minutes the following extract:

“Jan Melnik cited concern with regular meetings occurring in the evening hours and asked Commission members to consider a similar activity taking place in a residential neighborhood off Main Street (i.e., next to their home), where there are meetings held several nights each week with cars arriving around dinner hour and departing as late as 11:00 p.m. with inherent door-slamming, motors starting, lights reflecting on adjacent properties from headlights, etc. It was her contention that in any residential neighborhood but perhaps Main Street, residents would be outraged about such an occurrence.”

Attorney John Corona stated that this point was well made then and equally applicable now—about parking in a very sensitive residential zone. He noted that what applied to the Durham Fair offices in 2001 should at least be applicable to this current application.

Attorney Corona expressed concern with the safety of the area at night without sidewalks, lighting, or security. With regard to the capacity of the site and the grandstands accommodating up to 1,000 spectators, he queried the type of crowd control that would

be in place, particularly if the team is successful and attracted large crowds (playoff games, etc.). He noted that people tend to park in the closest, most convenient area possible—along the shoulder of a road if need be. If people do park at Korn or Strong schools, there are no sidewalks, which creates a safety hazard at night walking some distance to the field. He noted that there isn't currently adequate parking at Korn School for the existing staff.

With regard to the practice fields planned for the Stannard property, he said that he doubted that many people who voted to purchase that property some years ago envisioned it for two practice fields. Using this property in this manner would use all the available land owned by the District with no potential for expansion for parking or building purposes.

In speaking about noise, Attorney Corona stated that he lives on the other side of Maple Avenue—but can hear every Falcon football game now. There is great sound amplification from this area. With track events, a public address system needs to be loud enough so that athletes all over the complex can hear their events called. This could be a concern.

Attorney Corona asked for the opportunity to see the letter written by Bruce Hillson to the State Traffic Commission. He said that there is “no way that anyone should be convinced that the number of trips won't increase with the proposed improvements or that the traffic pattern won't change.” He then referenced the grocery store application that had been before the Commission previously and comments from one of the public hearings by Diana McCain who characterized peak hours as being those immediately after school, from about 3:00 p.m. until 5:30 p.m. From that application, it was found that the intersections of Route 17 with Middlefield Road and Route 68 are at “near failure,” yet this current application proposed no improvements for those areas.

Attorney Corona stated that Bruce Hillson had mentioned an assumption being that traffic at the site is controlled by the police. However, he stated that the police presence is at the school and in the gym—not directing cars. He suggested that staff may be required, similar to how parking and directing are handled at a Rock Cats game.

Attorney Corona also questioned the philosophy of charging a fee to attend events at the facility.

He asked to have photometric studies presented showing footcandles during a game on the field as compared with ordinary daylight. He stated that he has asked the Board of Selectmen, as the local traffic authority, to review the traffic patterns. He concurred with the recommendations offered by Frank DeFelice, that the application should be referred to such local agencies as the public safety committee, the fire department, the local traffic authority, and the emergency/ambulance personnel.

With respect to sound, Attorney Corona asked if the decibel level quoted takes into account the ambient noise of a crowd in addition to the sound being broadcast over the public address system (“thousands of people on site yelling and cheering”). Lighting and the height of poles was also mentioned. Attorney Corona noted that the Commission has always advocated for light levels to be as low as possible with sources of light as invisible as possible.

He suggested that there should be an indication from the Department of Environmental Protection regarding the septic system capability and ability to handle a surge this large (characteristic of such a site where everyone tries to flush at the same time).

Attorney Corona referenced the comments offered by Sue Michael—with regard to it being a good thing to draw traffic to local businesses. He stated his observation that it depends on what people want (previous public hearings for other matters didn’t necessarily find this to be a good thing). He suggested that the Commission might want to know who else is going to use the site and at what frequency and hours.

Attorney Corona expressed support for upgrading the track and repairing the tennis courts. He described the District’s plans as putting together a package with “some vinegar with sugar—needing a track and tennis courts, but wanting football and lights and all that goes with it.”

The access proposed to the back of the site is “pretty incredible,” from his perspective—requiring a perpendicular cut into a vertical bank 30 feet high. He said that the approach to the Stannard property bisects the property in a “very strange way.” He did not understand the issues for the proposed cutting, stabilization, and erosion.

Karen Kean, Main Street, addressed the Commission. She stated that the high school was built in 1970 and used to be known as having some of the best facilities in the shoreline leagues. The tennis courts and track have fallen on disrepair—following many years of repairs and patching. Both projects need to be done properly. She is also hopeful that compromise can be reached with regard to the football field and lights. Lighting is necessary for the track and for the football field. She stated that the tennis lights are on a timer and off by 10:00 p.m. The same could be true at the field/track. With respect to sound, she stated that when there are 500-800 people in the stands, they help to absorb sound. In terms of traffic control, custodians assist with parking and perhaps students can also help out.

She noted that the high school really represents “the heart of the community” and she expressed hope that the Commission would work as fast as possible to get these things done.

Phil Harper, Mica Hill, addressed the Commission, thanking them for their tolerance.

He commented that the school is located in a residential area and that while he feels sorry for those abutting it, there are activities that are a function of happening at a school—and if one buys property abutting a school, “these things are going to happen.”

Karen Cheyney again addressed the Commission. She stated that while there might be only five football games or two track meets, by the time all the different activities and events are added up, the number can be significant. Adding practice to this means a lot of activity nearly every night. She asked if there were lights if they would also be on every night for practice. She asked if it would be possible to do a computer simulation of both lighting and noise and queried if the reality is worse than what has been represented, can money be bonded or put into the budget to cover for a problem.

She also said that no one is saying that there shouldn't be a track or tennis courts. But she asked if there was a valid need for a 1,000-seat football stadium in a town of 7,200 residents. She asked if it would be possible to have notices of the meetings sent to her directly. Geoffrey Colegrove indicated that all legal notices are posted in the paper of record (*Middletown Press*).

To Rick Parmelee's question regarding a continuation of the hearing, George Eames stated that the hearing would be continued.

Stuart Keating said that it saddened him to hear that a young lady had been hurt running on the existing track. He said that in his day, they ran on cinders. He said that use of the facilities when they are unsafe concerned him more than anything and he asked where were the coaches, the athletic director, the administration and the school board and why weren't repairs made to the track and why wasn't the track maintained? Why were athletes allowed to use the track and get injured? Why are people still using the track? He stated that the Board of Education and the administration needs to look into these matters.

To Geoffrey Colegrove's query, Attorney Tim Hollister indicated he would be ready to go forward with response to the lengthy memo from Nathan Jacobsen on September 2. The high school auditorium should be booked for the continued hearing.

Motion by Richard Eriksen, seconded by Ralph Chase, to continue the public hearing of Regional School District #13, request for modification to site plan, construction renovation of high school athletic facilities, to September 2. Motion carried unanimously.

Motion by Ralph Chase, seconded by Dave Foley, to reconvene the regular meeting at 11:07 p.m. Motion carried unanimously.

9. Mark Kauffman, Request for a Prepared Food Concession, 13 Middlefield Road

There was extensive discussion regarding this application and the interpretation of the term concession.

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Jim Kowolenko stated his belief that the concession being applied for is covered by the regulations. Ralph Chase disagreed with this characterization.

There was also discussion regarding the terms temporary and local organization.

Jim Kowolenko stated that the Commission can determine appropriateness of any application without a carte blanche approval.

Dave Foley noted that Mark Kauffman (Josh) is “not a local organization” and if his business is recognized as such, it opens the door to everyone coming in.

George Eames expressed concern with setting a precedent.

Motion by Ralph Chase, seconded by Dave Foley, to approve the application of Mark Kauffman for a request for a special permit for a prepared food concession, Section 06.01.(2) and 05.01.01.01 (4) of the Durham Zoning Regulations, 13 Middlefield Road. Motion carried, 5-4, with Jim Kowolenko, Tom Russell, Mike Geremia, Cathy Devaux, and Stuart Keating in favor and George Eames, Ralph Chase, Richard Eriksen, and Dave Foley in opposition.

Motion by Tom Russell, seconded by Mike Geremia, to limit hours of operation of Mark Kauffman, prepared food concession, to the following:

- 7 a.m. to 3 p.m.
- annual review every April
- operate April to October
- parking of cart/customers off-street
- location restricted to 13 Middlefield Road

Motion carried, 5-4, with Jim Kowolenko, Tom Russell, Mike Geremia, Cathy Devaux, and Stuart Keating in favor and George Eames, Ralph Chase, Richard Eriksen, and Dave Foley in opposition.

Motion by Ralph Chase, seconded by Cathy Devaux, to adjourn the meeting at 11:45 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik
8/26/2009