

RECV'D: Office of the Town Clerk
October 29, 2009 at 8:49am

TOWN OF DURHAM

Planning and Zoning Commission
P.O. Box 428
Durham, Connecticut 06422-0428

MINUTES OF OCTOBER 21, 2009, MEETING

Present

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

Absent

Members: Frank DeFelice, Gene Riotte
Alternates: Stuart Keating, Mark Laudano

The meeting was called to order by George Eames, Chairman, at 7:30 p.m. Mike Geremia was seated in Gene Riotte's place.

1. Approval of Agenda

Motion by Dave Foley, seconded by Mike Geremia, to approve the agenda of the October 21, 2009, meeting as presented. Motion carried unanimously.

2. Public Session

Rick Parmelee addressed the Commission. He thanked the Commission for its efforts.

3. Approval of Minutes

Motion by Dave Foley, seconded by Ralph Chase, to approve the minutes of the September 30, 2009, meeting as presented. Motion carried, 6-2, with all in favor with the exception of Mike Geremia and Cathy Devaux (in abstention).

October 21, 2009

Page 2

Motion by Dave Foley, seconded by Ralph Chase, to approve the minutes of the October 7, 2009, meeting as modified to reflect that in the motion on Mark Kauffman's request to modify the condition to extend hours of operation for the food concession, the motion was denied and that the original dates/hours of operation would remain in place. Motion carried unanimously.

Geoffrey Colegrove indicated that the legal notice did state that this request was denied.

4. Zoning Enforcement Officer

Geoffrey Colegrove advised that he and Al Johanson, the Assistant ZEO, were working on a situation on Clemental Drive. The site is being cleaned up, there is a rollup on site, and the property owner has committed to cleaning up the site no later than November 9.

Geoffrey Colegrove also advised that an appeal had been filed today with respect to the decision on the Regional School District #13. He will provide copies of the appeal to all Commission members. Two decisions were appealed: the site plan approval and the regulation that was adopted to permit 80-foot light poles. The Commission can proceed on the subject of tonight's public hearing.

George Eames indicated that Attorney Steve Byrne had provided a case summary as of October 1. There is still no compliance by John Jackson, Main Street. He suggested that Attorney Byrne be advised to proceed, given the number of extensions provided.

Richard Eriksen mentioned that he was unclear what the language meant in the recent approval for Regional School District #13 with respect to non-school groups using the site. Geoffrey Colegrove stated that this was a condition included in the previous motion. He noted that the Commission is still included in the review process.

George Eames advised that a letter was received from Attorney Steve Byrne noting that in the case of the Arrigoni suit on the appeal of the Tilcon approval, the matter would be going forward on November 2. Commission members are welcome to attend, but are not required to. The court has 120 days to render a decision following the close of the hearing.

Motion by Richard Eriksen, seconded by Dave Foley, to recess the regular meeting for the public hearings at 8:00 p.m. Motion carried unanimously.

PUBLIC HEARING

1. Applicant: Greenland Realty, LLC

October 21, 2009

Page 3

Request: Request for Modification to an Existing Site Plan to
Include Outside Storage of Construction
Equipment/Vehicles and Outside Fuel Tanks
Location: 10 Mountain Road

Present

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

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

T.J. Russell was seated on the Commission at 7:50 p.m.

Attorney Joan Molloy, with Laughlin-Fitzgerald, addressed the Commission on behalf of the applicant. She explained that the applicant was seeking approval of exterior storage for construction vehicles and for approval of an exterior fuel tank. She had been instructed by the Planning and Zoning Commission to contact the fire marshal and fire chief for their input on the proposal. The applicant dealt primarily with the fire marshal and there have been several meetings.

Per the fire marshal, the following changes were made: the fuel tank was moved 25 feet further away from the building (for a total, now, of 50 feet). Bollards had been previously proposed; these are also on the plan. However, the fire marshal has asked for incremental fencing around the fuel tank. There is also an exterior fire extinguisher as well as an emergency shut-off valve.

After meeting with the Inland Wetlands Commission, it was agreed that a concrete apron would be added/extended to serve under the area of fueling. The plan will be to have the fire marshal go onto the site and stipulate the layout of the concrete pad at the time of construction.

From the previous hearing, there were also questions regarding required maintenance. The fire marshal has stated that the only time corrosion is a problem is when they are installed in the ground; there is no specific maintenance required. In terms of the tank's dimensions, it is 24 feet in length with a five-foot diameter; up to 4,000 gallons is contained. The fire marshal has reviewed this.

There will be an audible alarm that signals when the tank is filled to a 90% level; there is an automatic shutoff when the tank is 95% full. If the internal tank should leak into the

external tank, there is also a device that alerts the property owner of the compromise. There is no other type of alarm proposed or required by the fire marshal.

There had been discussion of using either bollards or cement/concrete blocks; the fire marshal doesn't have a preference as long as something is in place, including large rocks, to prevent vehicles from backing into the tank.

Attorney Molloy described where on the site equipment will be stored.

Jim Kowolenko asked why it was necessary to have 4,000 gallons of fuel. Attorney Molloy indicated that there are a number of pieces of equipment that require fuel. Equipment is being stored on this site as opposed to on construction sites given the decline in construction due to the economy. Having a 4,000-gallon tank on site will preclude the need for traffic in and out for fueling vehicles. There are trucks going in and out of the site—separate from the construction equipment. Jim Kowolenko summarized that what is being requested is a filling station for the trucks going to and from the site. Attorney Molloy stated the fire marshal has reviewed this accessory use like a filling station from the standpoint of safety provisions. There are other businesses (school depot) that find it advantageous to have fuel on site. It is likely that fuel will be bought in bulk at a reduced cost.

To George Eames' query regarding buffering for the vehicles being stored on the site, Attorney Molloy indicated that trucks need to be moved about and parked. George Eames stated it would be a wise idea to have plantings to provide additional buffering.

Jim Kowolenko indicated that in the initial site plan approval, all vehicles were to be stored inside the building. Attorney Molloy indicated that it was the intent initially to store vehicles on the outside, but that this had not been specifically spelled out. There is equipment not involved in current construction activity and because there was no additional room in the building, external storage was desired.

Dave Foley stated the original site plan approval was for storage of decorative stone, topsoil, and mulch as an accessory use. The approval also stated that there would be storage entirely inside with no maintenance. With the current modification being requested, it is likely exterior maintenance will take place. It would appear that the site is becoming a construction yard.

Attorney Molloy reiterated that there was confusion—wherein the applicant believed that an exterior parking area would allow for parking of vehicles and this was thought to be an appropriate use. However, it was the applicant's mistake that this was not cleared up initially. With the interpretation that all storage of vehicles for a trucking operation had to be stored inside, the applicant had to live with that decision. That is the reason for returning to modify the site plan approval.

Attorney Molloy stated that the wetlands approval specifically prohibited maintenance repairs on the property. Mechanical repairs will not be done on site. Dave Foley reiterated his concern that this seemed highly unlikely and that he was particularly uncomfortable with allowing what would appear to be an expansion of a construction/maintenance yard.

Jim Kowolenko expressed concern with the safety of the fuel tank. He also noted the fire marshal's remarks about this being a filling station. Attorney Molloy clarified that the safety criteria are applied *as if* it is a filling station.

Richard Eriksen asked for clarification of the specific lots; there are three. Only two are affected by the proposed application for modification of site plan approval. The third lot with the "Mount Rushmore" pile of material may come under discussion shortly. He reiterated that no maintenance is allowed on the site. He also noted that there had been previous discussion of the types of equipment that could be stored on site. It is a transportation/truck terminal.

Dave Foley noted that at one point the site was to be used for storage of dumpsters. Attorney Molloy indicated that the Inland Wetlands Commission specifically prohibited rolloffs and trailers with construction debris; this was submitted to the Planning and Zoning Commission.

Mike Geremia noted that this site is in the Design Development District—"compatible with surrounding residential, etc. uses"; the bus terminal is in the heavy industrial zone.

Diana Cruise, 49 Mountain Road, stated that repairs are specifically being performed on the site and she provided a series of dates in September during which this occurred. Installation of the blocks has done nothing but further exacerbate the traffic in front of her home; there is access to the site via Rory Wilson's property off Ozick Drive that is being used. On a recent Saturday, the full day was devoted to dirt being hauled onto the site. She expressed concern with the activities being proposed. She took issue with the types of activities occurring in what is supposed to be a Design Development District. Dust control also continues to be a problem. She said that six years have passed and the proper trees have not been installed on her property as they were supposed to be.

Dave Dingwell, 89R Mountain Road, addressed the Commission. He detailed the types of equipment he sees on site—describing some of it as heavy industrial equipment, not just trucks: tri-axle vehicles, payloader, excavator, 18-wheeler, etc. Those vehicles were recently in operation at 2:30 to 3:30 a.m. working the large dirt pile outside his house. There are only two pieces now; he asked what will happen when there are eight or ten pieces of heavy industrial equipment on the site. The fuel tank is now positioned 25 feet closer to his front porch. He implored the Commission to consider the implications of the site plan modification.

Cindy Turcik, 9R Mountain Road, addressed the Commission. She stated that the property owner operates 24/7—Saturdays, Sundays, etc., including at 2:30 a.m. this morning. The Design Development District is not intended for this type of use.

Rick Parmelee addressed the Commission. He referenced a comment made earlier by Dave Foley with respect to 25 years of experience in construction. He said that fuel for the trucks is taxable. Fuel bought for equipment cannot be put into trucks; this is carefully monitored. The fuel in this tank would be likely to go into vehicles. He also discussed bollards and cement blocks. Bollards would be permanent; cement blocks can be moved around on the site. He said maintenance goes along with construction equipment.

Cathy Devaux asked about the days and hours of operation, believing the approval was for 8 a.m. to 5 p.m. (2001 approval). Attorney Joan Molloy responded that there was discussion during the special permit application in terms of the primary truck traffic, but no hours of operation were attached to the permit. Trucks can come in from out of state at hours that exceed the typical hours or trucks can leave early for jobs.

Attorney Molloy stated that she does make inquiries of her client when issues are raised. She has sought explanation from him as to why there is traffic during the night. However, these activities are within the purview of the permit.

Richard Eriksen asked for a copy of the original site plan approval, the minutes of that meeting, and the conditions discussed. Attorney Molloy indicated that she has these materials available. However, the entire Commission should have this material available prior to closing the public hearing. Over the years, there have been a number of situations occurring at the site.

To continue the public hearing to November, it would have to be the second meeting of the month, November 18 (Attorney Molloy is not available November 4). Attorney Molloy is willing to grant any extensions necessary. Otherwise, Richard Eriksen stated that the application would have to be denied without prejudice and the process restarted.

Motion by Richard Eriksen, seconded by Dave Foley, to continue the public hearing of Greenland Realty, request for modification to an existing site plan to include outside storage of construction equipment/vehicles and outside fuel tanks, 10 Mountain Road.
Motion carried unanimously.

PUBLIC HEARING

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| 2. Applicant: | Regional School District #13 |
| Request: | Request for a Special Permit for the Installation of Four Lighting Structures with a Maximum of 80 feet in height |
| Location: | 14 Pickett Lane |

October 21, 2009

Page 7

Present

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

Town Planner: Geoffrey Colegrove

Alternate: Mike Geremia

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

Attorney Tim Hollister addressed the Commission on behalf of the applicant. Public hearing signs were posted in compliance with the regulations. He recapped that the zoning text was amended at the September 30, 2009, meeting to allow light fixtures, by special exception, to a maximum height of 80 feet for public school athletic fields so as to limit glare and off-site light intrusion and to improve the safety of athletes using the fields. The Commission also approved the site plans for the renovations of the athletic fields in all respects with the exception of the lighting structures at the September 30, 2009, meeting. The fact that an appeal was filed does not affect the Commission's ability to go forward with this application.

Attorney Hollister asked that the site plan approved as amended on September 30, 2009, be considered the site plan for this application. He also stated that the exhibits from the previous public hearings related to the lights are included in this application.

A letter from the athletic director at Wesleyan, Durham resident John Biddiscombe, detailed how the same Musco lighting system has worked beautifully in an urban/suburban area for several years without complaints.

The minutes of the September 2 and September 16 meetings were provided to the Commission detailing testimony related to lighting for the Commission's review.

Dick Webb, a landscape architect with Clough-Harbor, addressed the Commission and discussed the proposed lighting. Four 80-foot-high light poles are proposed for installation. They are designed to provide athletic lighting for the multipurpose athletic field inside the track; as an accessory use, they will provide a much more limited lighting pattern for recreational community use of the running track. Each of the 80-foot light poles will contain 14 fixtures, each 1,500 watts (the lights will be in a double array – two arms with seven fixtures for a total of 14 fixtures per pole, 56 fixtures altogether). Both poles on the south side of the track/grandstand will include an additional 1,000 watt light mounted at a 40-foot height to address the egress code requirements for the grandstand facility; it would only be illuminated in a power failure or interruption.

The athletic lighting is designed to produce an average of 50 footcandles, the recommended level of illumination for high school and recreational sports. There are increased levels of illumination for television purposes, but that is not proposed here. The

footcandles drawing indicates the levels of lighting on the field. The first concentric circle limits the half-a-footcandle limit and then the second circle shows the one-tenth of one footcandle, demonstrating the efficacy of the cut-off fixtures. At the closest property line, the .1 footcandle level is achieved (i.e., one-tenth of one footcandle).

The closest light pole, at the northeast corner, is 295 feet from the nearest property line. The furthest pole to the south across the Stannard property is 465 feet to the closest property line in that direction. There is no lighting proposed on the Stannard fields whatsoever.

Attorney Hollister stated the original application for the tennis court was 60 feet. The proposed lights are actually slightly less than 30 feet, the current height of the tennis court lighting.

For proposed conditions, tab 14 provides a schedule of the proposed hours of lighting for various athletic teams. This was used in earlier hearings. Lights are proposed to be on for one hour later on Friday and Saturday nights than during the week. Tab 15 includes details regarding the lighting. The name/contact information for the system operation and shut down will be provided to the Zoning Enforcement Officer. Visibility of the fixtures from area homes at any time of the year will be reviewed with the Zoning Enforcement Officer relative to the shields.

While Stuart Keating was not present, Attorney Hollister noted that Mr. Keating had provided proposed language for a condition that the lights be limited to sporting events sanctioned by respective conference/athletic associations. This matter was discussed with the athletic director and the superintendent of schools. It is the District's stance that this is not a land-use issue for the Commission to have purview over whether or not something is a Shoreline Conference game or not. The lighting schedule in tab 14 details the actual use. Mr. Keating also proposed to prohibit light use on Sundays; the request from the athletic department is to have the opportunity to light the field on Sunday evenings for a Regional #13 athletic event along the same hours as Monday through Thursday. If the District has an agreement for a non-District #13 event, the District will review with the Commission whether or not a special permit is required; this gives the Commission adequate controls. Attorney Hollister summarized the District's application.

George Eames asked that the light poles be specifically pointed out on the site plan. He also asked for a demonstration of where the light levels reduce from 50 footcandles on the field to half of a footcandle and then one-tenth of one footcandle. Attorney Hollister stated that one footcandle is typical of footpath lighting used to light a sidewalk in the dark. At Yankee Stadium, the lighting is 400 footcandles. The lighting at the property line is one five-hundredth of the light proposed for the Cuginchaug field at 50 footcandles.

Cathy Devaux stated she had looked at the lights at Wesleyan. While she agreed that there was little light spillage, the lights themselves were so bright they could not be

looked at. Attorney Hollister stated that the lights there are shielded. John Biddiscombe stated that there are 48 footcandles at the field level. Cathy Devaux noted that her eyes teared from the brightness of the fixtures. Attorney Hollister noted that to look directly into the fixture would likely be difficult to do. The idea with the higher fixtures is so that no one is looking directly in the light fixtures; the shields protect from spillage.

Dave Foley noted that the applicant will be required to shield the fixtures from the view of adjacent properties after installation; this is a third condition. Attorney Hollister asked John Biddiscombe if any requests had been made to shield the lights post-installation; there have been no instances of unacceptable glare to adjacent properties. He added that this system is scientifically developed and tested and used extensively throughout the country. Athletes are able to track balls in play without any difficulty.

Geoffrey Colegrove asked if the table depicting 22 events was correct and reflected his understanding of the proposal. Attorney Hollister concurred with this representation, that there are 22 evenings across the course of the school year when the field could/would be lighted; there is a miscellaneous category that might be considered.

To Richard Eriksen's query regarding what a Sunday evening activity might be, the response was that it could be a Sunday night soccer game. Superintendent Viccaro noted that the Sunday night game would be a rare occasion, perhaps to allow for families unable to get to afternoon games.

Joan Zito, 176 Creamery Road, addressed the Commission. She contacted Carroll Caffrey earlier in the day. He worked previously for Northeast Utilities. He was not able to attend the meeting, but stated that the proposed lights "emit bad things into the night skies." There was not time to clarify this statement, but he offered to be available to the Commission to answer questions.

Donia Viola, Partridge Lane, addressed the Commission. She stated that Durham was very different from Middletown. She noted that the standards at the Wesleyan field are 80 feet tall with 12 fixtures as compared with the 14 fixtures proposed for Durham. The soccer/field hockey/lacrosse field in Middletown is illuminated from 4:00 p.m. to 9:30 p.m. Monday through Friday. There are football and soccer practice fields that are lit from 4:00 p.m. to 6:30 p.m. Monday through Thursday (65-foot standard, six lights each). She also looked at the lights and found them to be very bright. There was no off-site spillage. She noted that Yale plays daytime football games only; there are no lights. She cited research from an electrical supply company that detailed the costs for 80-foot standards as being substantially more than 65-foot standards. There are also no lights for Wesleyan's primary natural-grass football field and the outdoor track. She questioned the safety of the lighting. She thought the best approach would be to not have lights at all and that 80-foot poles are too high. She requested that a site walk of Wesleyan be made before a vote of the Commission on this application.

Dave Foley noted for the record that he has been by the Wesleyan facilities many times and did not feel the need for a separate site visit.

Kimberly Ryder, 259 Higganum Road, addressed the Commission. She asked the nature of the “regular” lighting other than the 80-foot lighting.

Dick Webb responded that lighting is proposed for the reconstructed parking areas and the access drive up to the bleacher area. The parking area lighting will feature 20-foot fixtures, similar to what is adjacent to the central administrative office parking presently. Depending on location, wattage will vary from 100-watt to 400-watt fixtures. These were on the site plans. The fixture units that are closest to property lines have very specific cut-offs so that light is directed onto the site without spillage.

Geoffrey Colegrove asked for explanation of the passive track lighting at the 40-foot level. Dick Webb stated that the track is being lit for convenience lighting/walking. Two of the fixtures on each of the four poles will be switched independently; they are not additional fixtures to provide convenience/safety lighting. There will be approximately 3,000 watts from each of the four poles. There are also two lights independent of the full lights for the grandstands for emergency lighting only; those are the fixtures at the 40-foot level. The safety lights will be on until 9:00 p.m. every night.

Kimberly Ryder stated that lights are presently on until 10:00 p.m., which is appreciated by working people who do enjoy the track up until that hour. She asked that this be taken into consideration. She asked that the lighting be modified if it is too intrusive once installed.

She asked that if 80-foot towers were installed, leased space to cell phone companies be considered to perhaps recoup the investment cost. Geoffrey Colegrove indicated this was up to the siting council.

John Biddiscombe addressed the Commission. He stated that the height of the towers is designed to create an optimal condition that allows for very little spillage off the field and little interference with the neighborhood. It also provides the right type of lighting for safety purposes. He then noted the proximity of houses to the Wesleyan fields—the homes are all at a higher elevation than the fields. These houses are used by Wesleyan faculty and serve as residences for a number of people. He also noted the astronomy department and the observatory on campus. Faculty in that space are very demanding of Wesleyan’s lighting plans so as to not limit the observatory night-viewing experiences. The end result has been more than satisfactory with no complaints about night light pollution.

Finally, John Biddiscombe stated that the control of the lighting system is provided by Musco so that a computer-controlled system operates the lights (on/off) without the need for on-site staff. This lighting system has been designed by scientists to produce the maximum and adequate light for surfaces to be used for the intended purposes. He noted

that for the indoor pool, there are 100 footcandles for proper lighting. The indoor track is lit to 65 to 70 footcandles. These are both acceptable without glare. The proposed footcandles and system will not be obtrusive to people.

Karen Cheyney, 60 Guire Road, addressed the Commission as the second-closest neighbor. She stated that she had two objections to the proposal. She said with lighting to 9 or 10 p.m., there would now be activities that didn't exist before. She said the property owner, as a school, can still educate people without outdoor lighting. Missing games at night is not a reason to having lighting. She asked if she should be greatly inconvenienced so that some parents can see their kids play at night. She believed that having lights would represent different uses for the facility. She also noted that the lights will be visible from her house. The hours proposed for the lights are objectionable to her as is the height of the light poles. When a variance was initially sought for the lights before the Zoning Board of Appeals, it appeared to be for one or two games or meets, etc. Each time she is present at a meeting, the hours of operation get longer and longer. She noted that athletic director Ted Lombardo said that kids are gone by 4:30; she hears coaches' whistles at 5:30 p.m. She was told football games are over by 9:00 p.m.; being from Texas, she said games rarely end by 9:00 p.m. She wondered if early morning practice would be next. She said her property value would decrease and the enjoyment of her property will decrease from the sound and light.

Joseph Pasquale addressed the Commission. He asked for clarification that the data provided was by Musco Lighting; it is. He asked if Musco Lighting would actually be used or Musco-*style* lighting. Attorney Hollister stated that Musco would be the leading candidate and provider/installer of lighting as these were the style and sample referenced; however, for a public project, public bidding requirements will have to be followed. Musco is the prototype, but there is not a guarantee that they will be the selected provider.

Hugo Boland, South Woods Lane, addressed the Commission. He noted that the lights on the field are only for games, not practice. For football, there would be, at most five home games, a few soccer games, and a few track meets. Practice is held during the daylight hours. Friday night games gives kids two days off (instead of playing a game on Saturday). With so many parents working, lit fields will give the opportunity to see kids play.

Rick Parmelee addressed the Commission. He noted that the lights would not affect his property nor would he attend the games day or night. He is not in favor of the lights and the expense to taxpayers. He reminded the Commission that cell towers were also opposed. He thinks games can be played during the daytime hours. He noted his disappointment with the fact that the school district did not acknowledge responsibility for the delay in the application when some members of the public previously accused the Planning and Zoning Commission of delaying the project.

Karen Cheyney stated that the district is residential and not business. This application, if approved, will change the character of the neighborhood.

Donia Viola addressed the Commission with regard to John Biddiscombe's remarks. She stated that the 65-foot light poles are not as obtrusive as the taller poles. She reiterated her request that the Commission conduct a visit of Wesleyan before the vote. She stated she would not be in favor of cell phone antenna installation on these light poles.

Ed Retallack, Woodland Drive, stated that when he was in high school, activities took place until daylight hours were over, then followed by four hours of homework. He said Durham should not be compared to Wesleyan University.

Karen Keane addressed the Commission. She said that Ted Lombardo had represented that there would be *about* 14 events. Daylight savings time runs from April to November, the lights would be adjusted accordingly. She noted that the Zoning Board of Appeals really didn't want to vote until the Planning and Zoning Commission had voted.

The present football games by the Hawks end around 8:30 p.m. at Palmer Field. Wesleyan University and its facilities were used as an example only—not that Coginchaug has to compete with Wesleyan—it is simply where the lights were located that could be viewed in the field.

Richard Eriksen asked Attorney Hollister about the lights on for safety/convenience. There will be two lights per pole illuminated in the evening for safety and convenience of recreational community use. There is one light fixture with two bulbs on each of the four poles. He subsequently clarified that there are 14 fixtures per pole, two will be left on for security lighting until the final evening turnoff (9 or 10 p.m. were the hours discussed).

Cathy Devaux asked about use of lighting for practice. Attorney Hollister said that the lights will be used for games only and they will not be used for practice. He agreed to accept that understanding on the record (no lighting for practice).

Geoffrey Colegrove stated that the salient point is the absolute number of times the lights will be illuminated versus the number of games or practices; he cautioned against micromanagement. There are 22 events/games/meets proposed that will be illuminated.

Kimberly Ryder amended her suggestion regarding lighting for recreational use of the track. She asked that for some months during the year that the lighting be on until 10:00 p.m. (i.e., April through November).

Motion by Ralph Chase, seconded by Cathy Devaux, to close the public hearing on the request for a special permit for the installation of four lighting structures with a maximum of 80 feet in height, 144 Pickett Lane, Regional School District #13 Motion carried unanimously.

October 21, 2009

Page 13

Motion by Mike Geremia, seconded by Dave Foley, to reconvene the regular meeting at 10:00 p.m. Motion carried unanimously.

5. Regional School District #13, Request for Special Permit for the Installation of four lighting structures with a maximum of 80 feet in height, 144 Pickett Lane

Geoffrey Colegrove stated that if a site walk to Wesleyan were to be considered, then a vote couldn't occur. He distributed possible conditions of approval for the Commission's consideration. Richard Eriksen queried the plans for the tennis court lighting, given there are no changes proposed. The height of the tennis court lighting is about 30 feet; the adjacent little league field is somewhere between 60 and 70 feet. Because the tennis lights are under 35 feet, they are not part of this application.

Geoffrey Colegrove reviewed the language proposed in the conditions of approval. He referenced the shields for the lights. The height of the lights will not exceed 80 feet, including the fixturing and the base. The language proposed limits the number of evening activities that would be illuminated for up to 22 events for the school year (until 9 or 10 p.m. depending upon night of the week). If additional activities are desired, the District would be required to come back before the Commission. The Planning and Zoning Commission will review the lights post-installation for visibility.

There was discussion regarding the safety and convenience lighting for the track being separate from the 22 lighted events; this would be for eight lights on for walking for the full year until 9:00 p.m. Richard Eriksen was reluctant to extend the hours of operation until 10:00 p.m. for the partially illuminated track. He noted that there were issues of safety and practicality that needed to be addressed, yet recommended compromise.

Motion by Ralph Chase, seconded by Mike Geremia, to approve the request for a special permit for the installation of four lighting structures with a maximum of 80 feet in height, with the modifications submitted (including Attorney Tim Hollister's points), 144 Pickett Lane, Regional School District #13. Motion carried unanimously.

Motion by Mike Geremia, seconded by Richard Eriksen, to adjourn the meeting at 10:10 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik
10/28/2009