

RECV'D: Office of the Town Clerk
September 24, 2009 at 9:11am

TOWN OF DURHAM

Planning and Zoning Commission

P.O. Box 428

Durham, Connecticut 06422-0428

MINUTES OF SEPTEMBER 16, 2009, MEETING Durham Public Library / Coginchaug Regional High School Auditorium

Present

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

Absent

Alternate: Mark Laudano

The meeting was called to order by George Eames, Chairman, at 7:30 p.m., initially at the Durham Public Library (the meeting subsequently moved to the high school at 8:00 p.m.). Stuart Keating was seated in Gene Riotte's place until Gene arrived shortly after 8:00 p.m. Mike Geremia was present, but unseated.

1. Approval of Agenda

Motion by Ralph Chase, seconded by Stuart Keating, to approve the agenda of the September 16, 2009, meeting as amended to reflect deletion of Greenland Realty and Pasquale DiNatale, text amendment (both public hearings postponed: Greenland to October 21, 2009, and Pasquale DiNatale to October 7, 2009) at the request of both applicants as well as deletion of discussion of these two hearings later in the agenda. Motion carried unanimously.

2. Public Session

No business.

3. Kyle Backus, Site Plan Review for an Eagle Scout Project to install signage at the Durham Fire House, Main Street or the Skating Pond, Wallingford Road for the Public Safety Committee; owner: Town of Durham

Frank DeFelice, as chairman of the Public Safety Committee, recused himself. He stated that he had been approached by Kyle Backus, an Eagle Scout, who is proposing to install a wooden sign without illumination for display of safety messages. While an alternate location has been proposed (the skating pond on Route 68), the preferred location would be in front of the fire house.

Kyle Backus addressed the Commission and described the proposed sign. Messages similar to those that appear in Cheshire would be rotated periodically (traffic safety, changing smoke detector batteries, house numbers being visible from the street, etc.). The sign would be positioned to the north of the driveway, nearer to the street (past the sidewalk) between two existing trees. There was discussion regarding the sign being installed on state property.

Frank DeFelice acknowledged that there may be a need to get approval from the Department of Transportation; approval will also be sought from the Historic District Commission. Kyle Backus stated that the position was selected with line of sight in mind. Geoffrey Colegrove indicated that with the approval of the DOT, the sign could be placed nearer to the road; he could then sign a permit.

4. Little Lane, LLC, Interior Lot Review

Attorney John Corona addressed the Commission. The lot size is a little under five acres off the dead-end road, Snell Road, that ends in Middlefield. There were several lots approved in the recent year for the Gastler family in that vicinity. A 500-foot access strip extends in to the interior lot. Because of that fact (interior lot), a review/approval is required.

Attorney Corona stated that because it is a first split, there is not a subdivision. The circles for the wells can overlap property lines when there is not a subdivision. The lots have been tested by Bill Milardo. There will be separate driveways as well as septic systems designed by Pat Benjamin. The interior lot is off Snell Road; the other lot is off Little Lane. Minimum rectangles are accommodated on both sites.

Motion by Ralph Chase, seconded by Tom Russell, to approve the interior lot review for Little Lane, LLC. Motion carried unanimously.

5. Town Planner's Report

George Eames advised that the Connecticut Appellate Court denied the petition for certification to appeal filed by Silver Eagle; this concludes the matter.

Geoffrey Colegrove indicated that all of the vehicles on 106 Old Farms Road are registered.

Al Johanson, the Zoning Enforcement Officer, is working on a situation on Clementel Drive (remnants of construction company jobs on the property).

Geoffrey Colegrove advised that the farming operation on Parmelee Hill Road appears to now be in compliance (noncommercial farm operation).

6. Payment of Bills

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

- Absolute Advantage, minutes of 9/2/09 meeting - \$590.16

Motion carried unanimously.

7. Approval of Minutes

Motion by Ralph Chase, seconded by Dave Foley, to approve the minutes of the September 2, 2009, meeting as presented. Motion carried, 8-1, with all in favor with the exception of Tom Russell (in abstention).

8. Greenland Realty, LLC, Mountain Road

Motion by Dave Foley, seconded by Ralph Chase, to approve the request of Attorney Joan Molloy on Greenland Realty, LLC, modification to an existing site plan to include outside storage of construction, etc., for an extension of the public hearing and application to October 21, 2009. Motion carried unanimously.

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

Motion by Dave Foley, seconded by Ralph Chase, to adjourn to the Coginchaug Regional High School auditorium for the continuation of the Regional School District #13 public hearing and the District's new hearing. Motion carried unanimously.

PUBLIC HEARING

1. 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, Frank DeFelice, Cathy Devaux, George Eames, Richard Eriksen,
Dave Foley, Jim Kowolenko, Gene Riotte, Tom Russell

Town Planner: Geoffrey Colegrove

Alternates: Mike Geremia, Stuart Keating

George Eames, Chairman, opened the continued public hearing and read the legal notice, noting that the meeting location for the public hearing had been moved from the Durham Public Library to the Coginchaug Regional High School auditorium. Mike Geremia and Stuart Keating were present but not seated on the Commission.

Geoffrey Colegrove advised that he had spoken with Attorney Steve Byrne regarding the purview of the Commission to weigh in on the matter of artificial turf versus a natural grass field. While he did not have a written opinion to provide the Commission, he indicated that the conversation was extensive and that composition of the turf is *not* a Planning and Zoning issue. The similarity was drawn to wiring in a diagram for light fixtures not being a Planning and Zoning site plan issue. Therefore, the type of turf planned is not a consideration in the Commission's deliberations. Obviously, that responsibility falls to the Board of Education.

Attorney Tim Hollister, from the firm of Shipman & Goodwin, addressed the Commission on behalf of Regional School District #13. He introduced members of staff and the District present at the hearing: Superintendent Susan Viccaro, Business Manager Ron Melnik, Facilities Manager Rob Francis, and Building Subcommittee Chairman Bill Currin as well as Dick Webb, landscape architect from Clough Harbour, Ted Furbell with Musco Lighting, and Dr. Karen Vetrano of TRC Consulting in Windsor.

He expressed the desire to wrap up all issues related to the modification of the current site plan for the athletic facilities at the high school, including renovation of the track and field, the new practice fields at the Stannard property, the renovation to the tennis court, and parking lot renovations.

Attorney Hollister explained that the second hearing opening this evening would address the proposed regulation amendment that would permit four light poles of up to 80 feet in height. This would accommodate the last piece of the site plan. He also hoped that this public hearing would be closed this evening.

Attorney Hollister then proposed that the Planning and Zoning Commission approve the regulation amendment this evening, making it effective the earliest possible date following newspaper publication. The Commission could also approve the site plan modifications contingent upon the District returning to the Commission to secure a special permit that would allow for the lights. The other option would be to hold off on approving the site plan until a site permit is applied for (provided that the text amendment is approved). The District cannot apply for a special permit to allow the lighting that is being sought until the regulation amendment is adopted.

Attorney Hollister noted that while the Commission now is aware that it does not have the authority to weigh in on the playing surface, artificial turf had been specified from the beginning of the project planning back in March 2008 as preferred over grass fields; he was not aware of the exact language on the ballot. He added that the District does not have the authority to do anything but what the voters approved.

He also noted that a comment had been made at a previous hearing regarding whether or not the District was spending money wisely in pursuing the renovation project. He stated that this issue was already determined by referendum and that what the Commission would be deciding is whether the site plan as presented was in compliance with the Zoning Regulations; he detailed Section 13.03.03, general standards for site plan approval, as well as Section 12.12.03, design for outdoor lighting. In both instances, the handout provided to the Commission included a chart showing the exact regulations text in a column on the left with the manner in which the site plan is in compliance with those regulations on the right.

For the record, Attorney Hollister indicated that an e-mail had been provided to the Commission detailing facilities in the area with artificial turf fields and outdoor lighting similar to what is proposed (facility behind field house at Wesleyan and facility at Sheehan High School in Wallingford). Letters had also been provided by the fire marshal and the volunteer ambulance corps. Other approvals will be sought following approval by the Planning and Zoning Commission (including the Department of Public Health and others). A proposed set of conditions of approval was provided for the Commission's consideration. These conditions reflect conversations in the first two hearings:

- 1) recognize other approvals will be necessary
- 2) an acoustical engineer will supervise the public address system before it is operational
- 3) seasonal/weekly/daily use is proposed as presented on August 19 for outdoor use of light fixtures; if any material change is proposed, the District will come back before the Commission or Zoning Enforcement Officer

- 4) prior to use of the outdoor lighting, the District will identify the person responsible for the system to the Zoning Enforcement Officer so that there can be a prompt response if there is any problem
- 5) after installation of lighting, under the supervision of the Zoning Enforcement Officer, if anyone from a neighboring property experiences light glare, this will be brought to the attention of the District, which will, in turn, work with the lighting consultant to adjust shields and cutoffs to ensure that no one is affected by glare intrusion

Photographs presented by Musco Lighting at the previous hearing were reduced into handouts for the Commission's review.

Attorney Hollister stated that use of the athletic fields would be treated the same as use of the auditorium—on a case-by-case basis.

Dick Webb has worked closely with the offices of Nathan Jacobsen over the past few weeks, reaching consensus on the technical aspects of the plan. He reviewed some of the technical clarifications regarding drains for the practice fields, disposition of drainage, underdrains, retaining wall, and fencing on the walls. He also reviewed details of stormwater rejuvenation and detention, the handicapped ramp and access, and grades for the Stannard property. A conservation easement is proposed to address a condition from the Inland Wetlands Commission (total of 87,650 square feet).

Dick Webb also explained that the 80-foot light poles were represented by the balloon floating from the joint commission site walk; these were suspended at a height reflective of the actual height of the proposed light towers. The height of many of the mature trees in the area does a very effective job of screening some of the views.

Attorney Hollister explained that the District was prepared to offer more information about the artificial turf field; however, in light of Attorney Byrne's recommendation, this part of the presentation will be omitted.

In summary, Attorney Hollister indicated that the District would provide a written extension if necessary so that there would not be an automatic approval after 65 days following the close of the hearing.

George Eames asked if there was an opportunity to address one point raised in the letter from Nathan Jacobsen—increasing the setback to further protect the well; Dick Webb noted that the plans are in compliance with all requirements at this time, but he will investigate possibly increasing the setback.

With respect to onsite traffic management, this was addressed by the traffic engineer during the presentation on August 19.

With respect to the lighting, if there is anyone after installation who believes there is a problem with glare or intrusion, this matter has been addressed in the proposed conditions of approval (lighting engineer will work to install/adjust shields on the cut-offs to ensure this is not a problem).

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

Motion by Dave Foley, seconded by Gene Riotte, to close the public hearing at 10:59 p.m. of Regional School District #13, Pickett Lane, request for modification to approved site plan for athletic field. Motion carried unanimously.

PUBLIC HEARING

2. Applicant: Tim Hollister, Esq.
Property Location: Pickett Lane
Request: Request for a Proposed Text Amendment to the Durham Zoning Regulations for New Section 12.12.05. "Maximum Height of Light Structures for Public Athletic Fields"

Present

Members: Ralph Chase, Frank DeFelice, Cathy Devaux, George Eames, Richard Eriksen, Dave Foley, Jim Kowolenko, Gene Riotte, 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 and Stuart Keating were present but not seated on the Commission.

Motion by Ralph Chase, seconded by Gene Riotte, to close the public hearing of Regional School District #13, proposed text amendment to Durham Zoning Regulations, Section 12.12.05, "Maximum Height of Light Structures, Public Athletic Fields." Motion carried unanimously.

Motion by Gene Riotte, seconded by Ralph Chase, to reconvene the regular meeting at 11:40 p.m. Motion carried unanimously.

9. Applications of Regional School District #13

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The Planning and Zoning Commission agreed to schedule a special meeting for the subject two applications only on September 30, 2009, at the Durham Public Library, 7:00 p.m.

Motion by Ralph Chase, seconded by Dave Foley, to adjourn the meeting at 11:47 p.m.
Motion carried unanimously.

Respectfully submitted,

Jan Melnik
9/23/2009