

RECV'D: Office of the Town Clerk  
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# TOWN OF DURHAM

## **Planning and Zoning Commission**

P.O. Box 428

Durham, Connecticut 06422-0428

### **MINUTES OF SEPTEMBER 2, 2009, MEETING Coginchaug Regional High School Auditorium**

#### Present

Members: Ralph Chase, Frank DeFelice, Cathy Devaux, George Eames, Dave Foley,  
Jim Kowolenko, Gene Riotte

Town Planner: Geoffrey Colegrove

Alternates: Mike Geremia, Stuart Keating

#### Absent

Members: Richard Eriksen, Tom Russell

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 Richard Eriksen's place. Stuart Keating was seated on the Commission in Tom Russell's place.

#### 1. Approval of Agenda

Motion by Dave Foley, seconded by Mike Geremia, to approve the agenda of the September 2, 2009, meeting as amended to reflect deletion of Greenland Realty and Pasquale DiNatale, text amendment (both public hearings postponed to September 16, 2009, meetings at request of both applicants). Motion carried unanimously.

#### 2. Public Session

Diana Cruise, Mountain Road, addressed the Commission regarding large cement blocks that are being used along the property line in an attempt to keep quads off the property;

however, these vehicles are still accessing the site from Ozick Drive. She provided several pictures to the Commission.

3. 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 Commission reviewed the conditions that had originally been crafted in October of 2008 for a previous application. Jim Kowolenko was instrumental in drafting that original language. He stated that item 15 was no longer relevant, replaced with new standards.

Motion by Jim Kowolenko, seconded by Cathy Devaux, to approve the application of Connecticut Horse Cremation, LLC, request for a special permit to allow a large animal incineration facility to be located in free-standing building to be constructed on a 12.62-acre site, 593 Wallingford Road, owner: DiNatale Rentals, LLC, subject to the following conditions (#1-#15):

**Conditions:**

Each and every condition attached to this special permit is an integral part of the special permit and inseparable from it. Should any of the conditions attached hereto be found by a court of competent jurisdiction on appeal to be void then, in that event, the special permit granted herein is void and of not legal effect.

- 1) The operation of the facility will be conducted in accordance with the above summary at all times. All manufacturer specifications for operation and recommendations for maintenance will be adhered to.
- 2) No emissions waste, or other byproducts of operation shall be permitted to cause a nuisance or unreasonable annoyance to surrounding property owners. No odor or particulate matter shall be permitted outside the property line of the parcel on which the use is located. Any liquid or solid waste generated by the facility as a result of cleanup, maintenance, equipment repair or unclaimed animal ashes shall be disposed of in accordance with applicable state and local regulations or ordinances.
- 3) No signage indicating the use shall be placed at the site or on any vehicle used in the operation of the business except as may be required by law.
- 4) The Town of Durham Health Department or any successor office or authority may order temporary suspension of incineration operations during periods of extreme atmosphere conditions where such official determines such conditions may reasonably result in the transmission of odors, particulate, or other byproducts of incineration off-site. Such officials shall consult the Conn. D.E.P. air quality information in making a determination to temporarily suspend the operation of the incinerator. Such officials may inspect the facility at any time during business operations.

- 5) Written records of all incinerator activity and maintenance shall be maintained at the facility and shall be available to the Durham Health Department or any successor office or authority during business operations.
- 6) Within the first 30 days of operation, the applicant shall furnish the Durham Health Department with at least one air quality testing report prepared by a professional air quality testing laboratory. The purpose of this report shall be to provide confirmation that all manufacturers' emission specifications and any applicable local or state emissions requirements are met. In the event the report determines that such specifications or requirements are not met, no further incineration shall occur until subsequent testing confirms that such specifications and requirements are met. Thereafter, the Durham Health Department or any successor office or agency shall require such testing at least once each calendar year to confirm operation is within specifications and requirements.
- 7) The use shall comply with any subsequently enacted applicable state or Federal laws and regulations concerning health and safety in the operation of animal crematoria, including emission standards providing the special permit is amended by the Commission to reflect such changes. The applicant is obligated to make application for such amended special permits if such changes are enacted within 90 days of such effective date.
- 8) Any solid or liquid waste generated by the use shall not be kept or released outside the building in which the use occurs. Operation shall comply with all recommendations and orders of the Durham Health Department, or any successor office, authority, relating to any collection or disposal of solid or liquid waste generated by the use. Any materials removed from the site shall be handled and transported by persons licensed to perform such work.
- 9) The facility shall, at all times, maintain a consulting relationship with a Connecticut-licensed veterinarian, and this veterinarian shall be available to the operation at all times to respond to questions and emergencies. The facility shall not accept animals with communicable diseases or open wounds causing loss of body fluids. A licensed veterinarian shall certify that the animal does not have an infectious or communicable disease. Certifications shall be kept on the premises and available for inspection during normal business hours by the Durham Health Department or its successor.
- 10) The approval is for one Pennram model LLC-500 Long Life Crematory unit, additional units shall require an amendment to this special permit. Any substitution to the Pennram system shall require approval from the Commission.
- 11) The incinerator is permitted to operate Monday through Saturday from 7:00. a.m. to 7:00 p.m. only except for Connecticut Legal Holidays.
- 12) No liquid materials of any kind generated from the operation of this facility, except domestic sewerage, shall be discharged to the on-site septic system or any drain system that would allow such materials to enter the surface or ground waters of the

State of Connecticut. Any materials, liquids, solids or gases used or generated in connection with the operation of this facility shall be handled and disposed of in accordance with the manufactures' recommendations, standards or regulations of the State of Connecticut or recommendations of the Durham Health Department or its successors.

- 13) The facility will operate within the parameters of the Durham Noise Ordinance.
- 14) The applicant shall maintain an inventory of spare parts to prevent downtime in any event as the result of a system failure.
- 15) The use shall comply with the Section 19-508-24, of the Regulations of State Agencies as the same may be amended as well as Section 22a.124.18 and 22a.174.22 of the Connecticut General Statutes and other applicable state statutes and regulations.

Motion carried, 8-1, with all in favor with the exception of Dave Foley (in opposition).

#### 4. Payment of Bills

Motion by Ralph Chase, seconded by Frank DeFelice, to approve payment of the following bills:

- Absolute Advantage, minutes of 8/19/09 - \$630.11
- Attorney Steve Byrne, case review - \$1,412.50

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.

#### 5. Approval of Minutes

Motion by Dave Foley, seconded by Ralph Chase, to approve the minutes of the August 19, 2009, meeting as amended to reflect a change in the vote on the "hot dog stand" (Dave Foley abstained from the vote on conditions). Motion carried, 7-2, with all in favor with the exception of Gene Riotte and Frank DeFelice (in abstention).

#### 6. Town Planner's Report

Geoffrey Colegrove indicated that the District #13 hearing, if continued, would be on September 16<sup>th</sup> at the public library; the adjacent room is also available and has been reserved if needed. The second hearing for the height of the lighting fixtures will be opened on the 16<sup>th</sup>.

Geoffrey Colegrove advised that emergency management personnel were meeting with school representatives on Friday to discuss the proposed plans.

Geoffrey Colegrove stated that an August 5th update from Attorney Steve Byrne about cases being handled was included in the packages for Commission members. The current update will be included in the packages prior to the September 16<sup>th</sup> meeting.

George Eames advised that the Arrigoni Brothers have appealed the Commission's approval of Tilcon Minerals' annual permit. Geoffrey Colegrove will provide copies of all materials to Commission Members.

With regard to the farming operation on Parmelee Hill Road and the complaints received, Geoffrey Colegrove advised that the property owner will discontinue the website and not advertise availability of chickens or rabbits. The property does not meet the definition of a farm, it is less than three acres in size. People are entitled to have animals as pets or a noncommercial farm, but are not entitled by right to market products from their property. Geoffrey Colegrove said that he had reviewed the regulations with the two property owners (husband and wife). This will hopefully resolve the issue.

Frank DeFelice and Gene Riotte both noted for the record that they had reviewed the material submitted at the Regional School District #13 public hearing on August 19, 2009, and had both listened to the audio recordings of the hearing.

Motion by Ralph Chase, seconded by Frank DeFelice, to recess the regular meeting at 8:00 p.m. for the public hearings. 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, Dave Foley,  
Jim Kowolenko, Gene Riotte  
Town Planner: Geoffrey Colegrove  
Alternates: Mike Geremia, Stuart Keating

George Eames, Chairman, opened the continued public hearing and read the legal notice. Mike Geremia was seated on the Commission in Richard Eriksen's place. Stuart Keating was seated on the Commission in Tom Russell's place.

Attorney Tim Hollister, from the firm of Shipman & Goodwin, addressed the Commission on behalf of Regional School District #13. As a procedural alternative, he offered Chairman Eames the option of yielding the floor to further public comment first prior to starting his presentation. The chairman asked that the presentation be delivered first.

Attorney Hollister explained that the design team and staff had worked hard to respond to all of the comments presented at the August 19<sup>th</sup> public hearing, including the comments presented in the letter by Commission Frank DeFelice that had been read into the record. Responses were delivered to the town engineer's office (Nathan Jacobsen for this project) and the town hall over the last three days. Because of the breadth and depth of information, he suggested that three or fewer days was not an adequate window of time in which to allow Nathan Jacobsen or interested members of the public a review. Therefore, he stated the plan would be to get through as much information as possible during this hearing with the idea of concluding everything on September 16<sup>th</sup>.

Attorney Hollister also noted that a letter from Nathan Jacobsen, dated September 2<sup>nd</sup>, was provided just tonight; it would appear that this letter crossed receipt of the materials provided to Jacobsen's office. He also noted that a second application (proposed amendment to accessory use, lighting) would result in a new hearing opening on the 16<sup>th</sup> of September to deal with the consequence of the Zoning Board of Appeal's July denial. He anticipates being able to address all of the technical details of the site plan on the 16<sup>th</sup>, going to the second lighting hearing, then, ideally, closing both hearings. Based on evidence presented, he hoped that the Commission would be in a position to approve the amendment to the regulations and then the site plan conditioned on whatever date the amendment is enacted.

In reflecting on the August 19<sup>th</sup> hearing, Attorney Hollister stated that as a result of the referendum vote in the spring of 2008, decisions had been made by the voters in Durham and Middlefield with respect to renovating the existing fields and track as well as installing artificial turf and lighting. He pointed out that these elements had been brought up and voted on by the voters prior to the submittal of the application. He stated that the role of the Planning and Zoning Commission is to ensure that the plan approved by the voters complies with the Zoning Regulations of the town of Durham. The District is not in a position to reconsider the basic elements of the plan. The goal is to provide a plan that can be approved by the Commission. The use proposed is not a new use; there will be a renovation to a facility that has been in existence for almost 40 years. He stated that from some comments, there might be an impression that the District is attempting to take an agricultural field and turn it into a football stadium. The field is already there; upgrades are proposed, but it is not a new use. Fields are permitted by right—accessory to a permitted use (schools and their accessory uses being permitted by right in the Farm-Residential zone). The facilities are publicly owned and operated. There is no new special exception use being proposed. The District's obligation is to develop and present a plan that complies with the Zoning Regulations. Attorney Hollister commended Frank

DeFelice for his efforts, stating that the District had worked diligently to address the technical and use issues raised.

Attorney Hollister indicated that in response to a request from the Conservation Commission concerning use of permeable asphalt, the technical team had investigated this matter and given the particular soil types on the type and the expense, there wouldn't be benefits associated with using permeable asphalt.

Mention of a traffic study was made. Attorney Hollister stated that traffic engineer Bruce Hillson's report indicated that trip generation rates are calculated on the basis of this being a high school and the number of cars coming/going at peak hours. Large-scale athletic events are taken into account. When the project is completed, it will still be a high school with the same trip-generation rates and number of students. There is now a follow-up letter to this effect from a professional traffic engineer. It is the applicant's stance that a traffic study is not warranted and will not yield any useful information. Once approved by the Planning and Zoning Commission, the State Traffic Commission will be reviewing the application; they have not requested a traffic study.

In terms of the parking calculation, the Zoning Regulations stipulate for this use one parking space for four bleacher seats (treating a bleacher the same as a room/auditorium). Therefore, a 1,000-seat bleacher will require 250 parking spaces, which is accomplished in the application.

A letter from Attorney Steve Byrne was referenced that discussed the policy of nonschool groups using the fields. Attorney Hollister stated that no promises, agreements, or contracts have been made with any nonschool groups. Any group that does wish to use the facility would be considered on a case-by-case basis, exactly as is done now by the District for use of the auditorium.

All conditions of the approval of the Inland Wetlands Commission have been addressed. Field grading has been modified and conservation easement sizes have been increased. With respect to the capability of the septic system handling the attendance of a football game, this would match the use of the current auditorium. Attorney Hollister pointed out that, of course, the District would not be scheduling a major event in the auditorium concurrent with a regional track event or football game.

Concerning the scoreboard, Attorney Hollister indicated that this is not considered as a sign and does not fall under the regulations provided that there is no advertising associated with the sign.

Information was provided for the record regarding hours of operation and lighting and the time of day that lights will be turned off.

With respect to sound, after conferring with an acoustical engineer, it was determined that field tests would not be practical to conduct with existing conditions. Therefore, the

District would propose to accept as a condition once the bleachers are installed and speakers are in place, a field test would be conducted in the presence of the Zoning Enforcement Officer or whoever would be appointed by the town to confirm that the speakers operate in conformance with the town's sound ordinance.

Attorney Hollister stated that the acoustic engineer is reviewing the design to assess optimal positioning of speakers to minimize impact on adjoining properties.

Rod Bascom, P.E., with Clough Harbour, addressed the Commission with regard to changes to the site plan. He stated that he had met with Nathan Jacobsen to discuss some of the concerns. Changes have been made to the practice fields on the Stannard property as well as the access to balance cuts and fills. New drainage control has been designed, including innerceptor drainage at the top of the slope above the proposed grandstand area. Drainage computation has been provided to Nathan Jacobsen.

With respect to drainage along steeper slopes, the design team will be considering rip-rap and other controls to ensure no erosion in the future. Underdrain issues will also be examined. A TSS (total suspended solids) chamber that removes sediment from the stormwater is proposed for the parking lot to the north of the track. Design calculations have been provided to Jacobsen regarding the sizing of the chamber. All work will be done in conformity with best management practice.

Rod Bascom also stated that a railing will be installed along the access road leading to the grandstand area. Handicapped ramps will be incorporated. There will be more buffer plantings to the east side of the parking lot.

Discussion ensued regarding town sanitarian Bill Milardo's involvement with the project. Rob Francis had spoken with Bill Milardo earlier in the design process and Bill Milardo had asked that the plans be referred to the State Department of Public Health on an advisory basis (this has been done; an opinion is forthcoming).

Attorney Hollister stated that the District would respond to the September 2<sup>nd</sup> letter from Nathan Jacobsen well before the 16<sup>th</sup> of September.

Attorney Hollister introduced Ted Fravel, who he indicated was an expert on athletic lighting and was here as a courtesy to the District.

Ted Fravel addressed the Commission with regard to proposed lighting for the athletic fields. He described his experience, which includes 20+ years with the town of Newington Department of Parks and Recreation prior to his position with Musco Lighting. Musco specializes in athletic lighting.

Ted Fravel discussed footcandles and light spill. He provided, for comparison, footcandle output at some recognizable sites around town. At Grippo's on Main Street, the footcandle reading at the gas pumps is 65. The footcandle reading at the base of the

proposed 80-foot light poles will be 50. At the town hall, there are lights with an output of 3.8 footcandles. At the high school, there are lights that presently generate 2.5 footcandles. The 35- to 40-foot lights at the tennis courts generate about 10 footcandles on the surface. However, because they are on lower poles (than the 80-foot poles proposed), the light must angle out and readings on the light meter could be taken from as far away as 685 feet. The tennis courts provide a visual example of why a higher light pole would result in light being cast directly downward onto the field (as opposed to being at an angle).

He also discussed light bulbs. Floodlights have evolved such that 70% of the light is directed into the desired area without spill or glare. Higher poles enable tighter focusing of light downward on a surface and, with a shield, the lamp is not exposed. Light from higher poles is also better with respect to athletic play.

The goal for the lighting at the field from the 80-foot poles would be 50 footcandles in the middle of the field and, at the closest property corner to the east, the intensity of light would be a tenth of one footcandle from the lights at the field itself. There would be the incremental impact of parking lot lights (about two-tenths of a footcandle) for a cumulative reading of approximately three-tenths of one footcandle at the closest property line. For comparative purposes, exit lighting in a public building (including signs in the auditorium at the high school) generate a higher footcandle rate.

Attorney Hollister noted that there will be no impact on the farming operation on an abutting property from the light (it will be equivalent to moonlight at that distance).

Geoffrey Colegrove clarified that a neighborhood concern from Fowler Avenue was not the footcandles on the site, but the fact that there is glare presently from a light fixture on the little league field. Attorney Hollister responded that this could be the result of misalignment or shields not being properly in place. He stated that the fixtures proposed are full cutoffs so that no one off site will be able to see the bulbs. There is light that is visible from a distance and light that's intrusive or glaring. The latter is produced when a bulb is visible. The proposed design will prevent anyone off the school property from looking at a bulb.

Ted Fravel explained that elevation is an important consideration in a lighting project, particularly with abutting properties. He said that there are three different visors used on athletic lighting (5, 7, and 13). These can be readjusted by technicians.

Geoffrey Colegrove stated that he had an opportunity to view the football field behind the new Middletown High School off Route 3. There are four poles, as is proposed in Durham, at a height of about 45 to 50 feet. Each pole has 18 lights (more than what is proposed in Durham).

Ted Furvel stated that his company would not get involved in a project with poles of that height or with that many fixtures; he said that it would create more problems. The

technology has evolved such that where five fixtures were once used, three can now be used that provide more constant light and energy savings.

Stuart Keating asked the height of portable lights used for some sporting events. Ted Furvel responded that most portable lighting is between 25 and 40 feet tall for practice football. Musco does do remote lighting in stadiums (full-size, at 80 to 90 feet in height). Stuart Keating asked if it might be possible to have a demonstration with lighting provided on a crane so that the Commission can see exactly what is proposed. There are existing facilities with the same lighting on the plans (including Montville High School, Sacred Heart University, and others); a list will be provided of facilities as close as possible to Durham.

Ted Furvel explained that when properly installed, light from these fixtures on 80-foot poles is focused directly on the playing field and it can be pitch black just 30 yards away.

Frank DeFelice asked what standards were used for the field design and lighting requirements. Ted Furvel indicated that Musco and numerous other companies comply with facility management guidelines (50 footcandles, as is recommended for high school lacrosse).

With regard to synthetic turf, Frank DeFelice stated that he was not aware of any problems with this and was not taking a position either for or against it, but he did want assurance as to its composition (not only lead content but other chemicals). He stated that he did not want to see artificial turf installed and then have the school inform taxpayers a few years down the road that there's a problem. He asked if it would be possible to obtain a sample of the material that is proposed.

Ted Furvel stated that having worked in the parks and recreation field for nearly 25 years and with numerous presentations about athletic fields, he had considerable experience. Further, he noted that a state study done about six months ago has not revealed any problems.

Rod Bascom stated that the report from the attorney general should be available shortly. He noted they had done a similar installation at Conard High School in West Hartford last year.

Frank DeFelice asked for clarification that the tennis courts are proposed as part of the current application (they are). He asked about the possibility of trees being installed as a sound shield, particularly on the west side of the field where sound can radiate outward.

Dick Webb responded that the original application has been expanded to include plantings along the east boundary of the parking lot. There is an existing deciduous tree canopy that will be augmented by the planting of 3-4 foot shrubs that will mature to a height of about eight feet. There are no trees proposed on the west side of the field.

Frank DeFelice inquired about the decibel level at the bleachers. Attorney Hollister explained that the District was working with an acoustical engineer to ensure optimization of speaker placement and design. Testing will not be done until the bleachers are installed (this would be a condition of approval in order to ensure compliance with the town ordinance).

Frank DeFelice asked for clarification of the speaker model; one per pole is proposed at a 60-degree angle. He asked for the differentiation between daytime and nighttime decibel levels. Geoffrey Colegrove stated that he would verify this (he believed 9 a.m. to 9 p.m. on Sunday and 7 a.m. to 9 p.m. all other days represented daytime hours).

Dick Webb advised that with regard to the stormwater management area and separation from the existing well, a review was underway with the Department of Public Health and that the District was awaiting a formal response.

Frank DeFelice mentioned the scoreboard as it relates to signage. Attorney Hollister stated that the District's interpretation is that this is simply a continuation of a use and that the scoreboard is not a sign (no advertising, it provides time and the score of a game). He noted that he had been involved in land use representing schools for many years and has never heard of a scoreboard being regulated as a sign. Frank DeFelice stated a different opinion, that his interpretation was not the same as Attorney Hollister's.

Attorney Hollister said that he would take up the matter with Attorney Steve Byrne if the Commission wanted a legal interpretation. A scoreboard has been in place at the high school for many years.

Dave Foley suggested that consideration be given to using several lower-level speakers instead of one set of "blasting" speakers for the entire bleacher area. Attorney Hollister indicated that the acoustical engineer would look at this alternative.

A letter to Geoffrey Colegrove from Attorney Steve Byrne was discussed in which Attorney Byrne is in agreement that the application for a site plan for the proposed athletic fields and facilities is limited to use by school groups only as this is an accessory use to a school. Further, any nonschool-related use would require an agreement and disclosure of same to the Commission. Any future use of proposed athletic fields and the facility by nonschool-related groups will first require review by the Commission to determine if said use is permitted and whether a special permit is required.

Cathy Devaux asked a number of questions related to the artificial turf. She advised that a study was reported in the *New Haven Register* on August 31 referring to Attorney General Blumenthal. Turf temperatures were compared (132 degrees, artificial turf; 87 degrees, grass). On a 98-degree day, artificial turf can reach a high of 200 degrees.

Attorney Hollister explained that the New York study referenced in the application recognizes that one of the parameters considered is heat—and there is no question about artificial turf fields being hotter than grass fields.

Cathy Devaux asked how this affects players. Dick Webb responded that if heat is an issue, there would be a recommendation not to use the field on a particular day. However, the field is generally going to be in use during the fall and spring. Dick Webb also noted that the heat drops off dramatically as you move a foot or two away from the grass.

Cathy Devaux stated that she had read about increased health risks, MRSA, and temperature-related injuries (heat illness, heat stroke). Dick Webb stated that the temperature issues must be acknowledged on a hot, sunny summer day. Over the last 2-3 years, the MRSA concerns have been studied in-depth and found not to be an issue. Overall safety studies show that the synthetic infill systems, as proposed, result in a dramatic decline in major trauma (particularly head and neck injuries), although there is an increase in superficial injuries. There is a dramatic benefit from turf when considering the more significant injuries.

To Cathy Devaux's question about lead, Dick Webb stated that there are two fields in New Jersey—both using an earlier version of the AstroTurf system—where there was a problem. The proposed material is different, a newer generation that has not yielded problems.

Cathy Devaux asked for a guarantee that kids playing on this surface would not have any problems from a chemical perspective or any other way.

Dick Webb noted that it would be impossible to provide such a guarantee. He indicated that what he could present was the fact that studies had been conducted by industry and independent state agencies looking at the overall benefits of turf systems as compared with perceived risks. Scientific studies all indicate that it is a balance and that there is a dramatic improvement from the artificial turf fields.

Cathy Devaux expressed concern with ensuring the safety of kids playing on these fields. She does not want to learn in several years that they have been exposed to harmful chemicals or that the field has to be shut down. She indicated that she would like to know the results of the Connecticut study before making a decision.

Dick Webb concurred with the need for safety, pointing out that many of the studies do demonstrate safety on these artificial turf fields. He pointed out that different studies focus on different elements of the system but that, in sum, the studies regarding injury and trauma demonstrate dramatically improved safety when compared with grass fields.

The material used in the proposed system has been in existence some 12-15 years. The problems with the New Jersey fields (lead leachate) was typical of the early generation astroTurf. This project is not using AstroTurf.

Cathy Devaux referenced a comment made that people should have built on Guire Road near a high school if they were concerned with sound or noise. She stated that most of the houses were built in 1967-1969, predating the high school.

George Eames asked the hours of operation of the track at night—when residents would want to use the track for walking. Attorney Hollister explained that the track will be open to the public, including weekends, and it will be lit until 9 p.m. with one security light per pole. The lights will go off at 9 p.m.

Attorney Hollister pointed out that there is substantial information available on the internet about artificial turf. One needs to ensure that there is an apples to apples comparison. The study cited in the application from New York is by the Public Health Agency of the State of New York, dated May 2009. It was selected for its currency as well as the authenticity of a municipal agency.

Jim Kowolenko stated that children will be using the field, not professional athletes. He couldn't understand why the District would take a chance on artificial turf; he thought a natural turf surface would make more sense.

Stuart Keating stated that with artificial turf, one is trading one type of injury for another. Broken necks and head injuries might be reduced, but what other types of injuries may be increased?

Attorney Hollister expressed concern that many of the opinions being offered were unsubstantiated. The applicant would not provide the Commission with something prepared by someone trying to sell a product. That is why only a study from a public safety and health agency was submitted. He added that if the Commission is going to take a position about the artificial turf, it would need to obtain expert witnesses and produce findings quickly.

To Frank DeFelice's question about the planned turf manufacturer, Attorney Hollister indicated that one had not been selected yet. Dick Webb stated that there are 3-4 under consideration. In response to Frank DeFelice's request, Dick Webb will supply a list of all artificial turf manufacturers being considered.

Gene Riotte asked on what data the decision that artificial turf is much safer than grass was being based. Every study that he has found indicates that only head injuries are reduced with artificial turf; rates of all other injuries increase.

Kim Ryder, 259 Higganum Road, stated that she had witnessed a similar debate in Farmington three years ago. She said that the referendum brought to the tax payers did not specifically state that an artificial turf surface was being considered. Therefore, the District has leeway. She indicated that she had spoke with some parents and what they feel is important would be concessions available (to enable fundraising) and bleachers.

She stated that she did not see concessions included in the design plans. She stated that the Building Committee could perhaps reallocate the considerable expense of an artificial turf field and, instead, build a concession stand. She also said that the slab was left unaddressed; she did not believe one could have a 1,000-set facility without bathrooms.

With regard to the artificial turf field, Kim Ryder stated that left unaddressed, there is a build up of bacteria on a turf field. Studies have not looked at the effect of carcinogens and bacteria. She also spoke about the heat from the field and knew of a child dying in another state during football practice. With additional heat comes additional death risks. Materials used in the past (such as asbestos and lead) were subsequently found to be unsafe. She also noted that an artificial turf field does not help the issue of global warming (huge carbon footprint)

Kim Ryder also discussed noise, saying that this must be addressed from the vantage point of Mauro Meadows. Light is not the only concern. She questioned hours of operation and access, stating that some people would want to use the track after the proposed 9 p.m. closing time. She stated that parents were very willing to go with a natural grass surface and she hoped that the District was willing to compromise with grass.

Liz Shoudy, Sycamore Drive, said that she moved to Sycamore Drive to be near the high school and take advantage of all the things this would enable; she has three children in the District. For the two years they have lived here, they have enjoyed the proximity, like hearing children's voices and cheering, concerts at Allyn Brook (which are audible), etc. She stated that she was bothered at the previous hearing and again tonight that it would appear that the Commission is looking at every way to delay or postpone the project. She said she has total faith in the District, her children play on those fields every day. She is concerned that the seniors are not going to have the use of a track again this year. She added her support for District #13, that the Building Committee had done its homework, and that she hoped it would go through as quickly as possible.

Lynda DelVecchio, 63 Guire Road, addressed the Commission. She read from a letter she had previously prepared. She characterized her home as the one on Guire Road nearest in proximity to the athletic facility with a chainlink fence separating her property from the parking lot and a wood fence separating her property from the track. She endorsed the plans as proposed. She stated that considering the immensity of the project, it doesn't make sense to install lighting that does not have proper visibility for the athletes. She indicated that 35-foot light poles would be problematic, possibly resulting in unnecessary cost and injury to players/spectators. With regard to worries of setting a precedent, she said that applications are always considered on a case-by-case basis. She thanked the Commission for their "open-minded, intelligent consideration" of the application and reiterated her support for the full project.

George Eames asked Jan Melnik to read into the record the correspondence received. The following letters were read in their entirety with brief sentiments reflected below:

*In Favor:*

- William Kondracki, 177R Main Street – in favor of the project
- Kenneth Anderson 151R Maiden Lane – in favor of the project
- Louis Francis Cortezzo, 370R Blue Hills Road (but owns Hi-Land Farms along Pickett Lane/Maiden Lane) – in favor of the project
- Residents of Hill Hollow Condominiums Mill Pond Lane – in favor of the project:
  - Beverly Pedersen
  - Sharon Criscuolo
  - Vincent Costello
  - Karen Buckley
  - Richard Sorensen
  - June Thomas
- Amanda Astaria, 18 Maiden Lane – in favor of the project

Comments reflected in the above letters included support for the project, allowing the upgrades and renovation to go forward, and citing respect for the project as approved by voters in the 2008 referendum. Comments included the belief that 80-foot lighting and noise would not have an affect on the neighborhood.

*In Opposition (to some elements of plan):*

- Karen Cheyney, 60 Guire Road

Rick Parmelee addressed the Commission stating that he did not have a problem with a gravel parking area, nor did he think artificial turf was necessary. He expressed continued concern with increased educational costs despite decreased enrollment, particularly during lean economic times. He stated that he had previously asked about public access to the track and was told this would continue; he asked that this be reflected somewhere in the official records. He pointed out that the tax payers are the owners of the school and its facilities, not the Board of Education. He stated the importance of keeping Bill Milardo fully informed of all issues that affect public health. He stated that it was not the Planning and Zoning Commission holding up the process. If there is a parking problem at the school, it was created by the school system. In terms of the artificial turf, he stated that he did not want to hear a few years from now that there are problems or concerns with turf. He thought that the District had made a tactical, strategic error in combining this project with the roof repairs—he thought they should have been bonded separately.

Dave Foley asked how the design would be affected with natural turf used instead of artificial (also with respect to impact on drainage).

Frank DeFelice stated that from comments made by some residents, an impression was given that the Planning and Zoning Commission may be trying to stonewall a decision. He said that many of these people have observed the Commission in operation for a

number of years. It is a careful balancing act. While the Commission certainly does not want to stonewall a decision, he would like to support the project personally if it is done with good engineering guidelines. He stated that from the very fact that the Zoning Board of Appeals denied the height of the proposed light poles, there is clear evidence that there are two sides. He said that the Commission works very diligently to try to ensure protection, especially where this project is for kids, the public, and everyone to use. He added that he wants to make sure that what the town is spending money on is a wise investment, that it will endure, and be safe—these being the principle things that the Commission looks at, in his opinion.

Frank DeFelice stated that he has been handling lighting projects for a long time, even longer than the project consultant, Ted Fravel, and that what is proposed is perfectly in accordance with guidelines for athletic fields, that there is a good design, etc. But he noted that the problem is it doesn't fit with the current regulations. There are still issues with lighting, lighting trespass, and the neighbors' concerns to be addressed. The Commission needs to do what is in the best interests of the town.

Motion by Dave Foley, 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 16. Motion carried unanimously.

Motion by Ralph Chase, seconded by Mike Geremia, to reconvene the regular meeting at 10:10 p.m. Motion carried unanimously.

Motion by Ralph Chase, seconded by Cathy Devaux, to adjourn the meeting at 10:11 p.m. Motion carried unanimously.

Respectfully submitted,

Jan Melnik  
9/10/2009