

RECV'D: Office of the Town Clerk
October 15, 2009 at 2:40pm

TOWN OF DURHAM

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

MINUTES OF SEPTEMBER 30, 2009, SPECIAL MEETING Durham Public Library

Present

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

Absent

Member: Cathy Devaux
Alternates: Mike Geremia, Mark Laudano

The meeting was called to order by George Eames, Chairman, at 7:30 p.m. Stuart Keating was seated in Cathy Devaux's place.

1. Approval of Agenda

Motion by Ralph Chase, seconded by Dave Foley, to approve the agenda of the September 30, 2009, meeting as presented. Motion carried unanimously.

2. Regional School District #13, Request for a Proposed Text Amendment to the Durham Zoning Regulations for New Section 1212.05. "Maximum Height of Light Structures for Public Athletic Fields"

Geoffrey Colegrove distributed proposed language for consideration of the Commission in developing a motion of approval.

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The language as originally proposed by Attorney Tim Hollister was altered to read “special exception” (instead of special permit) and to note “as compared to compliance with the 35-foot height limit for accessory structures stated in Section 05.03.02.”

The language reflects issues raised during the course of the three public hearings by members of the public, the Commission, and the school district representatives.

If the change in lighting is approved, the District would have to apply for a special permit for the lights for the tennis courts as well as for the multipurpose athletic fields.

Much of the testimony during the public hearings related to hours of operation; this is only relevant if there are lights that would permit the evening use of the facilities. No application can be made by the school district until the proposed language is adopted. A future hearing would then need to be held for the lights.

Geoffrey Colegrove indicated that if the Commission chooses to approve the amendment, the reasons would need to be reflected in the record (increased safety for players and reduced glare/light spill to other properties).

There was considerable discussion about removing the language “...as compared to compliance with the 35-foot height limit.” Ultimately, it was agreed *not* to delete this clause as it still reflects 99% of the lights in town.

The Commission also discussed a point raised by Frank DeFelice, that initially 60-foot towers with 40 foot candles were mentioned and now 80-foot towers with 50 foot candles are proposed. Dave Foley pointed out that it is common practice in any design process to have changes from what might have been originally discussed in order to achieve the goals. He did not believe this to be a significant difference from what was discussed.

The Commission discussed modifying the language to include “public school athletic fields” to further limit the application of the text. Because any consideration of the language will be by special exception, the Commission still maintains control.

Gene Riotte expressed concern with the term “structure.” Frank DeFelice noted that the structures are actually referred to as lighting standards.

Motion by Ralph Chase, seconded by Jim Kowolenko, to approve the attached language* regarding new section 12.12.05, maximum height of light structures for public school athletic fields, effective October 17, 2009. Motion carried, with all in favor with the exception of Gene Riotte (in opposition).

*language that is part of the motion:

New Section 12.12.05, Maximum Height of Light Structures for Public School Athletic Fields:

By special exception, the Commission may approve the installation of up to four lighting structures for public school athletic fields located in a Farm-Residential zone at a maximum height not to exceed 80 feet, provided that the applicant, in addition to compliance with Section 12.12.03, demonstrates to the Commission that the increased height will (a) diminish off-site glare, nuisance or intrusion, and (b) improve the conduct of athletic events and the safety of athletes using the field as compared to compliance with the 35-foot height limit for accessory structures stated in Section 5.03.02. The Commission may attach to such special exception conditions to ensure compliance with Section 12.12.03 and this subsection, including but not limited to restrictions on the time of year when such lights may be used, limits on the hours such lights may be on, and identification to the Zoning Enforcement Officer of the person or persons responsible for operation of the system and compliance with the special exception conditions.

Motion by Ralph Chase, seconded by Frank DeFelice, to note for the record the following reasons for approving the Zoning Text Amendment, revised:

- 1) increased safety of the players
- 2) reduce the potential of glare/light spill from leaving the property

Motion carried unanimously.

3. Tim Hollister, Esq., Request for Modification to Approved Site Plan for Athletic Field, Regional School District #13, Pickett Lane

Geoffrey Colegrove noted that the lights on the site plan cannot be approved until a special application is made. Therefore, lights would be excluded from any approval at this time.

Dave Foley suggested that as part of any motion it be noted that the District shall submit a second application for lighting structures in compliance with the regulations at the time of that application. It was agreed that the note "lights shown on the respective plan are not approved" would be included on the site plan.

Geoffrey Colegrove indicated that all documents provided with revised dates had been reviewed by Nathan Jacobsen and the Commission; all of these documents, calculations, various memoranda, geotechnical study, etc., are all part of the record. They comprise the application and need to be incorporated in the motion.

Geoffrey Colegrove distributed proposed language for framing a motion.

It was noted that the first selectman, Laura Francis, had sent a letter to the superintendent of schools regarding the town's interest as the traffic authority in working out various aspects of traffic handling.

Richard Eriksen reiterated a concern about a facility of this type being approved without sanitary facilities. After much discussion, it was agreed that the motion would include language that the permanent facilities would be completed within 18 months of site plan approval.

With regard to noise abatement, Frank DeFelice reminded the Commission that he had previously suggested the possibility of having trees to the west of the facility. Geoffrey Colegrove indicated that there are testing parameters for noise included and that the applicant can be asked to address problems if they occur; he added that trees have not been found to be effective relative to noise abatement.

The issue of the scoreboard was removed from consideration; a design will be brought forward.

In terms of maintenance of the vortex separator, there was some discussion, then general agreement that the District's maintenance obligation encompasses the details of all facilities and that the separator does not need to be called out individually.

Frank DeFelice pointed out that there needs to be correct labeling relative to well depth, flow rate, and yield (drawing C101.1).

Motion by Dave Foley, seconded by Frank DeFelice, to approve Tim Hollister, request for modification to approved site plan, for athletic field, Regional School District #13, Pickett Lane, subject to the attached conditions and modifications*. Motion carried, 8-1, with all in favor with the exception of Stuart Keating (in opposition).

*conditions and modifications that are part of the motion:

At its September 30, 2009, special meeting, the Commission approve the request of Regional School District #13 for modification to an approved site plan for the construction to renovate the high school athletic facilities including running track, synthetic field, grandstand, and tennis courts at 144 Pickett Lane with the following conditions:

1. Parking and Traffic Control

- a. Parking for all events shall be accommodated on-site (including Allyn Brook Park) and any proposed offsite parking shall be approved by the Durham Traffic Authority and the Durham Planning and Zoning Commission.

- b. No parking shall be permitted for any event or events that involve public streets in the Town of Durham without the approval of the Durham Traffic Authority.
 - c. For events which may be considered major, the District shall prepare a traffic control plan with proposed routing and such plan shall be reviewed and approved by the Durham Traffic Authority.
 2. Restroom Facilities for the Spectators and Athletes and Related Issues
 - a. Use of temporary facilities will be provided as required by the Durham Assistant Health Officer until completion of permanent facilities, to be completed within 18 months of site plan approval.
 - b. It would be the responsibility of the District to make sure the grounds were policed and provisions have been made for trash pickup and removal.
 3. Noise from the Public Address System
 - a. Noise emanating from the public address system shall not exceed the levels provided for by the Durham Noise Ordinance.
 - b. An acoustical engineer shall review the plans within three months of this approval of the proposed public address system and provide an opinion to the District and the Commission as to its probability of compliance with the Durham Noise Ordinance.
 - c. Prior to use of the renovated fields the District shall conduct, under the supervision of an acoustical engineer and in the presence of the Zoning Enforcement Officer, a field test of the public address system; this shall be conducted demonstrating its compliance with the Durham Noise Ordinance.
 - d. The District shall make efforts to reduce noise from participants and spectators during the various events.
 4. Non District 13 Sponsored Activities using the Proposed Facilities

“At such time as the District makes a commitment or agreement with a non-school group for use of the new or renovated facilities, it will review with the Planning and Zoning Commission whether or not regulatory approval (i.e. special exception) is required.”
 5. Outstanding Approvals – CDPH, DEP, U.S. Army Corps of Engineers and STC

- a. Prior to construction, the District shall have written approval for the proposed detention areas for the athletic field in relation to the existing water supply well Connecticut Department of Public Health (CDPH) and approval for the possible increase in flow to the septic system Connecticut Department of Environmental Protection (DEP). Also, a determination needs to be made that the wetland impact does not require a permit from the U.S. Army Corps of Engineers and the facility does not need a permit for the State Traffic Commission (STC). Such approvals shall be provided to the Town Engineer and Planner to verify compliance with this condition.

6. Other

- a. The design of any proposed scoreboard will require the approval of the Durham Planning and Zoning Commission prior to construction.
- b. The Town Engineer and Planner shall be notified of any proposed modifications to the approved plans, including any deletions of any facilities, drainage structure or structural elements.
- c. Correct labeling of the well depth, flow rate, and yield on drawing C-101.1.
- d. Modify the site plans to reflect that the lights shown on the respective site plans are not approved at this time.
- e. List of design documents "A" is an integral part of the motion.

A.

Design documents prepared by Clough Harbour and Associates, LLP or their consultants for Regional School District #13's Application for Site Plan Review for the Athletic Facility Improvements, Coginchaug Campus

<u>Description</u>	<u>Sheet #</u>	<u>Date</u>	<u>Revision</u>
Title Sheet	C-001	7/6/09	8/28/09
Layout Plan	C-101.1	7/6/09	8/28/09
Layout Plan	C-101.2	7/6/09	8/28/09
Layout Plan	C-101-3	7/6/09	8/28/09
Grading Plan	C-201.1	7/6/09	8/28/09
Grading Plan	C-201.2	7/6/09	8/28/09
Grading Plan	C-201.3	7/6/09	8/28/09
Site Utility Stormwater Plan	C-301.1	7/6/09	8/28/09

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Site Details	C-603	7/6/09	8/28/09
Site Details	C-604	7/6/09	8/28/09
Electrical Site Plan	F-101	7/6/09	8/28/09
Pre-Development (stormwater)	Fig.2	7/6/09	8/28/09
Drainage Swale Calculations	-	8/27/09	-
<u>Description</u>	<u>Sheet #</u>	<u>Date</u>	<u>Revision</u>
Storm Drain Computations and Details	-	8/31/09	-
CHA Letter response to comments	-	9/11/09	-
CHA Sketches DSK – 2 through DSK-5	-	9/16/09	-
WeltiGeotechnical Study	-	7/20/09	-
CHA Memorandum to CTDOPH	-	9/1/09	-
CHA Runoff Curve Number Calc's	-	9/10/09	-
CONTECH VertSentry Sizing Est.	-	8/27/09	-

These documents are the specifics of the site plan approval and are to be adhered to except for modifications voted by the Commission at the time of approval. The Town Engineer and Planner shall be notified of any proposed modifications.

Motion by Ralph Chase, seconded by Dave Foley, to adjourn the meeting at 9:15 p.m.
Motion carried unanimously.

Respectfully submitted,

Jan Melnik
10/15/2009