



WESTPORT CONNECTICUT

PLANNING & ZONING
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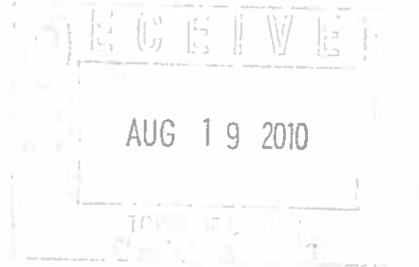
Hearing Dates: May 7, 14 & 28, June 11 and July 16, 2009

Work session Dates: July 23 & 30, 2009

Decision Date: July 30, 2009

August 3, 2009

Stuart McCarthy, Director
Westport Parks & Recreation Department
Longshore Club Park
260 Compo Road South
Westport, CT 06880



RE: Amendment #594: Appl. #09-039 by the Town of Westport c/o Stuart McCarthy for a text amendment to the Westport Zoning Regulations to add a new section 11-2.3.14 Lighted Athletic Fields on Town Owned Property as a special permit use subject to special conditions, add a new section 11-2-4.8 (i) for lighting poles to be permitted as accessory use up to a height of 80 feet, to amend section 11-5 (Height) to allow lighting poles for athletic fields up to a height of 80 feet, to amend section 12-5 (Height) to allow lighting poles for athletic fields up to a height of 80 feet, to amend section 13-5 (Height) to allow lighting poles for athletic fields up to a height of 80 feet, to amend section, to add a new section 32-19 Lighted Athletic Fields on Town Owned Property (with 4 subsections – 32-19.0 Purpose, 32-19.1 Application Requirements, 32-19.2 Considerations, 32-19.3 Commission Action and 32-19.4 Conditions of Approval) and to amend 43.14.3.2 Temporary Zoning Permits to include temporary lighting of athletics fields on Town owned property for practice only.

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on 7/30/09 it was moved by Mr. Kasanoff and seconded by Mr. Lathrop to adopt the following resolution.

RESOLUTION #09-039

WHEREAS, THE PLANNING AND ZONING COMMISSION met on 7/30/09 and made the following findings:

1. This amendment was submitted by the Department of Parks and Recreation to provide for athletic field lighting on Town owned property.
2. The 2007 Town Plan of Conservation and Development (POCD) states:

"Encourage the establishment of new facilities or events to continue to strengthen town-wide and neighborhood sense of community." Pg 4-14

3. The 2007 POCD further states that:

“Special Permit uses in residential zones must be reviewed to ensure that they are still suitable for neighborhoods, especially since so little undeveloped property remains.

Review Special Permit criteria and enforce the Special Permit standards to meet the regulations.” Pg 5-2

4. The 2007 POCD also further states that:

“Outdoor Cultural / Recreation Facilities - The Parks and Recreation Department should add new outdoor facilities to meet community needs and to maintain and enhance the facilities that currently exist. A study should be conducted to evaluate the feasibility and impact of adding night lighting to facilities to expand their usefulness and provide venues for community events. The Plan supports the upgrade of Parks and Recreation facilities as needed.” Pg. 9-3

5. The Parks and Recreation Commission (PRC) discussed on three separate occasions the idea of utilizing lighting on Town owned athletic fields. On February 11, 2008, the PRC discussed establishing a subcommittee to pursue lighting of town owned athletic fields but ultimately determined that the full PRC should work on this issue. On July 14, 2008 the PRC passed a resolution to *“Direct staff to prepare a request for use of temporary lighting at PJ Romano Field and Doubleday Field on weekdays between October 20th and November 21st from dusk to 8:00 PM for use by the Westport PAL football program for practice only.”* On September 8, 2008 the PRC passed a resolution to *“Recommend to the First Selectman that he direct staff to proceed with the necessary approvals to install permanent athletic field lighting at the Staples High School stadium field.”*
6. On September 23, 2008 the Zoning Board of Appeals (ZBA) held a public hearing on an application submitted by the PRC for a height variance pursuant to Section 13-5 and a temporary non conforming use permit pursuant to Section 46-3.3 for conditional permit for temporary non-conforming use for lights at PJ Romano and Doubleday fields from October 20 to November 21, 2008, from dusk to 8:00 p.m. weekdays only and to legalize existing permanent lighting for property located at 170 Riverside Avenue (Saugatuck Elementary School). This application was withdrawn before a decision could be rendered by the ZBA.
7. In past years, the ZBA has approved temporary athletic field lighting at Staples High School for football playoff games pursuant to Section 46-3.3 Conditional Temporary Non Conforming Uses.
8. The proposed text amendment was reviewed by the Architecture Review Board (ARB) on April 14, 2009. The ARB recommended conditional approval of the proposed text amendment with the understanding that the board’s comments regarding light spillage

be taken under consideration. It should be noted that since this amendment treats any permanent installations as a special permit, the ARB will be given the opportunity to review such applications.

9. The South Western Regional Planning Agency (SWRPA) and the Greater Bridgeport Regional Planning Agency both reviewed this proposed text amendment and found no intermunicipal impacts.
10. In a letter, dated May 5, 2009, Police Chief, Al Fiore, expressed his support for this amendment and he had no concerns about having lighted athletic fields for evening events.
11. The Commission heard testimony and received written material from the Westport Astronomical Society, which raised concerns about the effects of outdoor lighting on the night sky and the ability of the society to use the Rolnick Observatory that is located at 180 Bayberry Lane which is within ½ mile of Staples High School.
12. The Commission heard testimony and received written documentation from a number of athletic organizations in Westport; include the Police Athletic League (PAL) football program. The representatives from PAL football presented evidence about the difficulties and dangers of operating their programs, especially late into the fall season with ever diminishing light levels in the evening hours. They also noted on the record minimum practice times per week that are required.
13. The Commission heard testimony from representatives of the Staples High School football program about how the Staples program is at distinct disadvantage when compared to many other schools in their league that have lighted athletic fields.
14. The Commission heard testimony and received written materials and video evidence from residents who live near some of the proposed facilities. They provided information about how their lives are, in their words, severely impacted as a result of athletic events at these locations.
15. The applicant has identified 6 potential sites that meet the locational criteria of being Town owned, over 20 acres and having at least 200 parking spaces. These sites as follows:
 - a) 260 Compo Road South Longshore Club Park
 - b) 70 North Avenue Staples High School/Bedford Middle School
 - c) 60 Compo Beach Road Compo Beach
 - d) 65 Easton Road Cooleytown Elementary & Middle Schools
 - e) 170 Riverside Avenue Saugatuck & Kings Highway Elementary Schools
 - f) 13 Hyde Lane Long Lots Elementary School
16. The proposed amendment will require that each application for permanent lights be reviewed and approved pursuant to a special permit. Each application must comply with the specific requirements of Section 32-19 in addition to the site plan and special permit requirements in Sections 43 and 44.
17. The proposed changes to Section 43-14.3.2 (Temporary Zoning Permits) would allow the use of temporary lights for practice only up to 9:00 PM with an approval by the Administrative Review Committee. The ARC always has the option of referring an

application to the full P&Z Commission.

18. The Planning & Zoning Commission received numerous letters and emails about this application. Many of these were in opposition to this application; however there were also many in support of this application.
19. This application is for text amendments to modify sections of the Westport Zoning Regulations including:

a) Section 11-2.3.14

This change adds a new item under the list of Special Permit Uses that are subject to special conditions by adding "Lighted Athletic Fields on Town Owned Property."

b) Sections 11-2.4.8 (i)

The addition to this section allows these structures to be accessory uses to principal uses and allows the height of these accessory structures up to 80 feet in height provided that all the other provisions of Section 32-19 or 43-14.3.2 are in compliance.

c) Section 11-5

The proposed changes to Section 11-5 allow the lighting poles up to 80 feet in height within the Residence AAA zone provided that all the other provisions of Section 32-19 or 43-14.3.2 are in compliance.

d) Section 12-5

The proposed changes to Section 12-5 allow the lighting poles up to 80 feet in height within the Residence AA zone provided that all the other provisions of Section 32-19 or 43-14.3.2 are in compliance.

e) Section 13-5

The proposed changes to Section 13-5 allow the lighting poles up to 80 feet in height within the Residence A zone provided that all the other provisions of Section 32-19 or 43-14.3.2 are in compliance.

f) Section 32-19.0 - Purpose

Section 32-19.0 establishes the purpose statement for this amendment and spells out the criteria that this use cannot cause unreasonable adverse impacts to surrounding residential neighborhoods. These lights are only permitted on Town owned property on sites with a minimum of 20 acres and 200 parking spaces. The purpose statement also establishes a requirement that the lighting provided achieve safe conditions for athletes, coaches and spectators.

g) Section 32-19.1 – Application Requirements

This section requires that in addition to the Site Plan & Special Permit requirements that an additional requirement for a photometric plan be required as part of any application.

h) Section 32-19.2 – Considerations

This section establishes the criteria that the Commission must consider when reviewing any application submitted as part of this section. Most of these criteria deal with potential impacts of the proposed application.

i) Section 32-19.3 – Commission Action

This section specifies the actions that the Commission may undertake. They are to either approve an application that does not cause unreasonable adverse impacts or to deny an application that does have unreasonable impacts.

j) Section 32-19.4 – Conditions of Approval

This section codifies the specifics that at a minimum at application under this section must comply with. These include:

- (a) All properties approved for lighted athletic fields shall be owned by the Town of Westport and the property shall be a minimum 20 acres in size and have a minimum of 200 parking spaces.
- (b) All structures used to light athletic fields shall achieve a minimum 50 foot setback from all residential property boundaries.
- (c) The structures used to light athletic fields shall not exceed 80 feet in height measured to top of all fixtures and poles.
- (d) Lighting structures shall be designed to avoid light spillage onto surrounding residential properties. All lighting must be down directed to the greatest extent possible. Less than 1.00 foot candles must be achieved at height of 6 feet at the property line. Evergreen screening and/or fencing may be used to achieve this requirement.
- (e) All athletic field lighting must be turned off within 30 minutes after the end of any event, practice or other activity. However in no case may the lighting be utilized after 11:00 PM.
- (f) The Commission may at its discretion limit the number of spectator events on an annual basis.

k) Section 43-14.3.2 – Temporary Zoning Permits

The changes to this section propose to allow temporary lighting of town owned athletic fields for practices only up to 8:00 PM. It should be noted approvals under this section would not be subject to a special permit. Temporary zoning permit are customarily reviewed by the Administrative Review Committee (ARC) and not the full P&Z Commission, however the ARC always has the option to refer applications to the full Commission for site plan review.

- 20. On June 2, 2009 the Planning & Zoning Commission visited the Staples High School football field at approximately 8:15 AM. Also on June 2nd at approximately 9:00 PM the Planning & Zoning Commission visited the football field at Sacred Heart University in Fairfield, CT to observe a lighted athletic field after dark.
- 21. On June 26, 2009, the Planning & Zoning Commission contracted with its own professional lighting consultant (Chad Groshart, from the consulting firm Atelier Ten) to obtain some profession guidance with respect to the proposed text amendment.
- 22. The scope of work that this consultant was asked to undertake is listed below:

1. Review of the file for this application.
 2. Provide the P&Z with some best practices that can be applied when evaluating specific requests for such lighting installations. Also provide some basic explanations to lighting terminology and concepts.
 3. Provide a methodology to evaluate the impact that these lighting installations will have on surrounding residential properties.
 4. Provide a review of other similar types of facilities.
 5. Visits to at least two of the Westport properties containing athletic fields for possible lighting.
 6. A review of the proposed regulation and its adequacy to minimize impacts on surrounding residential properties.
 7. Recommendations to modify these proposed regulations to establish standards for light trespass at the property line (including glare and foot candles) and into the night sky.
23. On July 14, 2009, the Planning & Zoning Commission received the final consultant report from Atelier Ten. This report made a number of recommendations including the following:
- a) Consider utilizing the Illuminating Engineering Society of North America (IESNA) standards for outdoor lighting found in their Recommended Practice Document (RP-33).
 - b) Consider utilizing the standards in the Model Lighting Ordinance (MLO), a draft document, co-authored by IESNA and the International Dark Sky Association (IDA).
 - c) Consider utilizing the standards for outdoor lighting established by U.S. Green Building Council Leadership in Energy and Environmental Design Program (LEED).
24. The consultant indicated that there is no national standard for light trespass. The standard that seemed most applicable based upon these documents to the proposed sites in Westport was the 0.3 foot candles measured at the property line.
25. However, despite these standards the report goes on to say that athletic field lighting can not comply with this standard and as such, should a community choose to have athletic field lighting, methods such as curfews, screening and fencing, limitations on use and location and automatic controls should be employed to minimize to the greatest extent possible the effects of this lighting on surrounding residential properties.
26. A public hearing was held and testimony was received on May 7, 14 & 28, June 11 and July 16, 2009.
27. In order to minimize the impacts of this proposed amendment on surrounding residential areas the Planning & Zoning Commission has modified the text of this amendment as follows:
- a) This amendment shall be limited to only town owned public school properties.

- b) This amendment shall be limited to no more than 2 new facilities with such lighted fields. This recognizes the fact that there are pre-existing lighted athletic facilities in Westport.
- c) This amendment shall be modified to include a limit of 1 lighted athletic field per property.
- d) All uses of this amendment shall be done under a site plan/special permit rather than a temporary zoning permit.
- e) This amendment requires that all facilities meet a 0.3 foot candle limitation measured at the property line except for a limited number of events that may not exceed 1.0 foot candles at the property line.
- f) The amendment shall include specific limits on the number of events that can be held at any given facility. This regulation sets a limit that there shall be no more than 12 Westport athletic special events at any one site within a 12 month period.
- g) Use of lighted athletic fields shall be limited from September 1st through December 1st.
- h) The amendment shall specify that the use of gas or diesel powered generators, except as emergency back-up should be prohibited.
- i) The amendment shall require that any future special permit application for athletic field lighting must address sound related issues in addition to just lighting issues.
- j) Public address systems may only be used for varsity level special events and there shall be no amplified music after 9:00 PM.

NOW THEREFORE, BE IT RESOLVED that Amendment #594: Appl. #09-039 by the Town of Westport c/o Stuart McCarthy for a text amendment to the Westport Zoning Regulations to add a new section 11-2.3.14 Lighted Athletic Fields on Town Owned Property as a special permit use subject to special conditions, add a new section 11-2-4.8 (i) for lighting poles to be permitted as accessory use up to a height of 80 feet, to amend section 11-5 (Height) to allow lighting poles for athletic fields up to a height of 80 feet, to amend section 12-5 (Height) to allow lighting poles for athletic fields up to a height of 80 feet, to amend section 13-5 (Height) to allow lighting poles for athletic fields up to a height of 80 feet, to amend section, to add a new section 32-19 Lighted Athletic Fields on Town Owned Property (with 4 subsections – 32-19.0 Purpose, 32-19.1 Application Requirements, 32-19.2 Considerations, 32-19.3 Commission Action and 32-19.4 Conditions of Approval); be ADOPTED as amended and for the following reasons:

REASONS

- A. The Planning and Zoning Commission finds the amendment is consistent with the Westport Zoning Regulations.
- B. The Planning and Zoning Commission finds the amendment is consistent with the 2007 Town Plan of Conservation and Development.
- C. The Planning & Zoning Commission finds with proper controls that athletic field lighting can be achieved while reducing its impact on surrounding residential neighborhoods as described in Finding #25.

- D. The Planning & Zoning Commission finds that there is a need for lighted athletic fields to support existing programs in town which require lights to maintain a minimum level of safety for the athletes involved in these programs.
- E. The Planning & Zoning Commission finds that outdoor evening events are an important community activity that will enhance and strengthen the community spirit of the Town.

VOTE:

AYES	-6-	Corwin, Press, Lathrop, Kasanoff, Krawiec, Walsh
NAYS	-1-	Lowenstein
ABSTENTIONS	-0-	

The effective date of this amendment is: August 30, 2009.

Very truly yours,



Ron Corwin
Chairman, Planning & Zoning Commission

Attached: Adopted Amendment #594

cc: Gordon Joseloff, First Selectman
Elliot Landon, Superintendent of Schools
Ira Bloom, Town Attorney
Hadley Rose, RTM Moderator

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32-18 SECTION PLACE MARK

Amendment #594

Submitted: 3/26/09

Received: 4/2/09

Public Hearing: 5/7, 5/14, 5/28, 6/11 & 7/16/2009

Adopted: 7/31/09

Effective date: 8/30/09

11-2.3.14 Lighted athletic fields on town owned public school property.

11-2.4.8 Other buildings, structures and uses not listed above, accessory to a permitted principal use, provided that:

- (i) Light poles for lighted athletic fields on town owned public school property shall be permitted up to a height of 80 feet provided that all requirements of §32-19 are in compliance.

11-5 Height

No principal building or other structure shall exceed three (3) stories and a height of forty (40) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet, except barns as defined in §11-2.4.7 and light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8.

12-5 Height

No principal building or other structure shall exceed three (3) stories and a height of forty (40) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet, except barns as defined in §11-2.4.7 and light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8.

13-5 Height

No principal building or other structure shall exceed three (3) stories and a height of forty (40) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet, except barns as defined in §11-2.4.7 and light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8.

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32-19 Lighted Athletic Fields on Town Owned Public School Property

32-19.0 Purpose

The purpose of this regulation is encourage expanded use of Town owned public school athletic fields while not causing unreasonable adverse impacts to surrounding residential neighborhoods. Lighted Athletic Fields on Town Owned Property may be permitted on properties that have a minimum of 20 acres and a minimum of 200 parking spaces. The amount of lighting required shall achieve safe conditions for athletes, coaching staff and spectators. Lighted Athletic Fields on Town Owned Property are subject to a Special Permit and Site Plan approval in accordance with §43 & §44, herein, and subject to the following conditions:

32-19.1 Application Requirements

An application for Site Plan and Special Permit shall be submitted as required under §43 & §44 of the regulations. In addition the applicant must submit the following:

- (a) photometric plans for the entire area to be lighted including a separate plan for Westport athletic special events and a separate plans for practices. These plans shall show all property lines that abut the area to be lighted. The values to be measured are to be the vertical and horizontal foot candles measured at the property line on a ten foot vertical grid at ground level up to the highest elevation of any lighting structure or luminary.
- (b) a design plan for the sound system and sound mitigation that minimizes the impacts on adjacent properties.

32-19.2 Considerations

When considering Lighted Athletic Fields on Town Owned Property, the Planning and Zoning Commission shall consider and determine in each case the following:

- (a) the impact that such approval shall have on the general health and welfare of the residents of the Town.
- (b) the effects of light and noise that this approval will have upon surrounding residential neighborhoods.
- (c) the proposal will not adversely affect public safety.
- (d) the proposal will be consistent with the current Town Plan of Conservation and Development and the Westport zoning regulations.
- (e) the proposal will be consistent with the Special Permit standards in Section 44-6.

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32-19.3 Commission Action

After the required public hearing is held and findings are made, the Commission may, at its sole discretion:

- (a) approve the application as proposed or introduce additional requirements or conditions to insure that surrounding residential areas are not unreasonable adversely impacted as a result of the application
- (b) deny any application that would cause unreasonable adverse impacts to surrounding residential areas.

32-19.4 Conditions of Approval

Any Special Permit for a lighted athletic field on town owned public school property approved by the Planning and Zoning Commission under this regulation shall be subject to the following.

- (a) The property shall be a minimum 20 acres in size and have a minimum of 200 parking spaces.
- (b) All structures used to light athletic fields shall achieve a minimum 50 foot setback from all residential property boundaries.
- (c) The structures used to light athletic fields shall not exceed 80 feet in height measured from ground elevation at the center of the field to the highest point of the structure including any attached fixture.
- (d) Lighting structures shall be designed to avoid light spillage onto and minimize offensive glare visible from surrounding residential properties. All lighting must be down directed to the greatest extent possible. No measurement of luminance taken at the property line as a result of lighting sources located on the subject property shall exceed 0.3 foot candles as measured in the photometric plan required in Section 32-19.1a. The 0.3 foot candles may be achieved by using evergreen screening and/or fencing or other types of screening acceptable to the Commission.
- (e) All athletic field lighting must be turned off at the earlier of either a) 30 minutes after the end of any event, practice or other activity, or b) 8:00 pm. No game or event may be scheduled to start later than 7:30 PM. The lighting control system shall have provisions acceptable to the Commission in order to guarantee these limited use restrictions which must be specified in a special permit application.
- (f) The Commission may, at its discretion, permit a limited number of exceptions to the 0.3 foot candle limitation and the 8:00 pm curfew for Westport athletic special events provided that a) the measurement of luminance at the at the property line as a result of lighting sources at the subject property may not exceed 1.0 foot

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candle as measured in the photometric plan specified in Section 32-19.1a for Westport athletic special events and b) all athletic field lighting is turned off by 11:00 pm.

- (g) No athletic field lighting may be used at any time on either Saturdays or Sundays. No athletic field lighting may be used between December 1st and September 1st except for permitted spectator events.
- (h) There shall be no more than 12 lighted Westport athletic special events at any particular facility during any 12 month period that begins September 1st of each year. No later than August 15th of each year a list of special events for the upcoming 12 month period shall be submitted to the Planning & Zoning Department. The Commission may, at its discretion, further limit the number of or prohibit lighted special events and impose additional requirements or restrictions on lighted special events as it deems necessary.
- (i) There shall be no more than 2 such lighted athletic fields constructed after the effective date of this amendment (08-30-2009)
- (j) There shall be no more than 1 lighted athletic field per property.
- (k) The use of gas or diesel power generators, except as emergency backup, shall be prohibited.
- (l) The applicant shall provide information about sound and noise as part of any special permit application. Any application shall demonstrate that noise and sound effects on surrounding residential properties shall be to the minimum extent possible. If deemed necessary by the Commission sound attenuation measures shall be installed. A public address system shall only be used for varsity Westport athletic special events. There shall be no amplified music for any event after 9:00 PM.
- (m) Any additional requirements or restrictions the Commission determines at its discretion are necessary to insure that adjacent properties are not significantly adversely impacted by the proposed special permit.
- (n) All special permit applications under this section shall provide guidelines for controlling, air horns, bull horns and similar devices.
- (o) The lighted fields shall only be used for Westport team athletic practices and games (except for required league reciprocity).
- (p) Prior to the issuance of a Zoning Certificate of Compliance the applicant shall submit a final engineer's certification of luminance measurements at the property line.