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**MEETING NOTES
WESTPORT P & Z COMMISSION
MAY 7, 2009
PUBLIC HEARING
WORK SESSION**

Pp. 1-

Members Present: Eleanor Lowenstein, Ron Corwin, David Press, Michael Krawiec, Bruce Kasanoff, Catherine Walsh, Howard Lathrop

Staff Present: Larry Bradley, Planning and Zoning Director
Susan Voris, Recording Secretary

I PUBLIC HEARING

1. **5 Lamplight Lane:** Appl. #09-037 by Krister H. Holm for property owned by Krister H. Holm for a CAM Site Plan approval for an addition in a Res AA, PID # E05049000.

Jim Swift, LA, presented the application for an addition. He noted the application was reviewed and approved by the Flood and Erosion Control Board and the Conservation Commission. He stated there is a freshwater wetland on the property and indicated the property is in a Coastal Hazard Area.

Mr. Bradley reviewed the staff report. He noted the pond is tidally influenced. He stated the application is consistent with the Coastal Area Management Act. He highlighted the staff recommendations and the comments from other agencies.

Mr. Press noted he drove past the site and indicated he did not have any questions.

Mrs. Lowenstein asked where the stairs from the loft space lead.

Krister Holm, property owner, stated the stairs would lead into a mudroom hallway.

Mrs. Lowenstein noted the space could not be used as an apartment.

Mr. Holm agreed and indicated he has spoken with his neighbors and did not hear any objections.

Mr. Corwin asked if there were any objections to the staff recommendations.

Mr. Swift indicated there were not.

There was no public comment.

Mr. Kasanoff made a motion to close. Ms. Walsh seconded the motion.

Ayes: Kasanoff, Walsh, Lowenstein, Corwin, Press, Krawiec, Lathrop

Nayes: None Abstentions: None Vote: 7-0-0

2. **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.

Gordon Joseloff, First Selectman, spoke in support of the text amendment to have limited lighting on town owned properties. He noted the Commission would hear about updates in the lighting industry that would minimize the impact to neighbors. He stated the Parks and Recreation Department would be overseeing the use.

Stuart McCarthy, Parks and Recreation Director, presented the application on behalf of the Town of Westport and the Board of Education. He stated the ultimate goals of the amendment was to provide athletic field lighting at Staples High School for a limited number of events and for unlimited practice and to provide temporary lights at Saugatuck School to provide for additional practice during the late fall season. He discussed the zoning regulation as proposed provides for overall restrictions related to time of day lights may be in use. The regulation also recognizes the Planning and Zoning Commission's right to place further restrictions on the Special Permit and Site Plan approval. He indicated that Special Permit hearing would be the appropriate time to discuss restricting the number and type of events; however, stated he was prepared to discuss those issues if Commission believes such a discussion is in order. He indicated both the Board of Education and the Parks and Recreation Commission have passed resolutions supporting the use of athletic field lighting to meet the needs and desires of the community. The Parks and Recreation Commission, in particular, cited athletic field lighting in their contributions to the Town Plan of Conservation and Development and were most excited to see the inclusion of lights in particular and opportunities for community events and better utilization of existing facilities in general as inclusion in the Plan, which we believe support this proposal.

Mr. McCarthy reviewed the history of the previous attempts to realize our long stated goal of providing lighted athletic facilities in Westport. He stated the town has three facilities with athletic lighting: Greens Farms School Softball, Longshore Tennis and Compo Beach

Basketball. The Greens Farms lights were approved by Special Permit in 1977 following a ZBA variance. Those lights are permitted to be in use daily until 11 pm. In 1976, lighting at Longshore was approved by Special Permit with an 11 pm curfew. The lights at Compo Beach were installed prior to 1975 and operate under a 10pm curfew. He stated there have been several efforts since 1978 to install athletic field lighting at Staples High School and at the Doubleday athletic complex on Riverside Avenue/Post Road West. In 1978, the Commission approved a Special Permit for lights at Staples. The Board of Education withdrew that approval was withdrawn in response to a lawsuit and a shift in priorities. In 1995, the Commission issued a positive 8-24 report for lighting the football field at Staples and a baseball field a Doubleday. A subsequent application for a variance was denied by ZBA based on no evidence of hardship and the ZBA recommended seeking a change to the regulations. November 1997, ZBA granted an approval for temporary lights for a championship game. Subsequent approvals were granted for the same purpose in 2004 and 2005. In 1999, the Commission denied a proposed amendment, which was narrowly crafted to allow lights at Staples High School only, based in part that the text amendment represented "Spot Zoning". Finally, in 2008, an application for temporary lights at Doubleday before the ZBA was not entertained and the town was instructed by ZBA that a zoning amendment was the proper forum for accomplishing the stated objectives.

Mr. McCarthy stated the amendment was crafted to address the objectives for both permanent lighting and temporary lighting. The amendment cites Longshore, Compo Beach, Long Lots School and Coleytown as potential sites. He noted that there are no plans to add lighting at these sites but indicated there is lighting at two of the sites. He noted the amendment was broad enough to encompass town owned properties but the plans are to add lights at Staples High School and Doubleday Fields. As for the feasibility study, he noted there are lighted athletic fields across the country. He spoke about the improvements in lighting technology and indicated their lighting expert has recommended four 80' lighting poles to light the Staples field and limit the light spillage onto the neighboring properties. He noted that lower lighting poles would require additional lamps and has more potential for light spillage onto the adjacent properties. He stated the lighting controls would be done remotely; therefore, a coach or field manager could not extend the use of the field. He stated there are controls in place to safeguard against abuse of the facilities. The 9:00 p.m. curfew in the spring and fall would not be different from the light during the summer hours. He noted the properties in question are under the control of the Park and Recreation Department, the Board of Education and the Town of Westport. Crowd control and traffic control is taken care of by the Staples Athletic Department, the Parks and Recreation Department and the Westport Police Department. He noted the Chief of Police has expressed support for this amendment. He noted sound is subjective. He stated the Board of Education and the Parks and Recreation Department control the use of the sound systems. The sound system is only used for varsity games. He stated the sound issue would be addressed further at a Site Plan review.

Don O'Day, chair of the Board of Education, stated the BOE voted to support lighting of the fields in 2004. He indicated that sports bring the community together.

Elliott Landon, Superintendent of Schools, discussed the 2004 BOE resolution that supported lighting the athletic fields. He noted there would be a limitation of the times the lights could

be used. He noted the school system has been successful in crowd control during events where the lights have been used.

Mrs. Lowenstein asked for a copy of the 2004 BOE resolution to be incorporated into the record.

Mr. Bradley reviewed the staff report. He noted the application is a text amendment and the Commission is acting in its legislative capacity. He noted the Commission has broad discretion. He highlighted Section 9-3 of the Town Plan of Conservation and Development relating to Outdoor Cultural/Recreational Facilities. He noted a number of boards have passed resolutions in support of athletic field lighting including the Board of Education and the Parks and Recreation Commission. He noted the Architectural Review Board reviewed the amendment and made comments. He stated that the field lighting would be a Special Permit Use. He indicated he has spoken with Mr. McCarthy about limiting the use of the lights and asking him to define spectator events. He highlighted comments from other town agencies. He noted he incorporated New Canaan's lighting regulations into the record.

Mr. Press noted this was not a Site Plan review. He clarified the lights were fixed on the pole and would not change.

Mr. McCarthy agreed. He noted there would be no more than 22 events at Staples High School using the permanent lights, with 5 high school events and 7 community events in the fall and 5 high school and 5 community events in the spring. He noted the lighting poles would each have 12 fixtures.

Mr. Press asked about the lights at Doubleday fields.

Mr. McCarthy noted the lights would be used to accommodate practice needs. Doubleday Field is the home of Westport PAL football. The goal is to accommodate the practice needs and the safety of the participants. He stated the poles at Doubleday field would likely be 24' to 40'. He stated the lights at Doubleday field would primarily be used from mid October to Thanksgiving.

Mr. Krawiec asked about the specifications for field lighting.

Ted Frabel, Musko Lighting, discussed ISNEA guidelines for athletic field lighting.

Mr. Krawiec asked about the 9:00 p.m. curfew for the lights.

Mr. McCarthy noted the 9:00 p.m. curfew is for unlimited practice. It would replicate daylight during the months of May to July. He indicated a 11:00 p.m. curfew for the lights is requested for special events.

Mr. Krawiec indicated he was not opposed to the idea of lights. He stated the town must adhere to light spillage standards and the Special Permit standards.

Mr. Bradley reviewed §43 of the regulations. He noted the Administrative Review Committee has allowed seasonal or temporary events and noted the regulations allow for those events.

Mr. Krawiec noted the design and installation of the lights would be key components of the projects success. He stated he would want the lights tested for light spillage prior to the issuance of a Zoning Certificate of Compliance.

Mr. McCarthy agreed.

Mr. Lathrop noted §32-19.4 would require the applicant to come back to the Commission for Site Plan approvals. He indicated he would add to the regulation that the light source cannot be seen.

Mr. Frabel stated the fixtures are enshrouded by a shield. He stated 60% if the light is shielded by the visor.

Mr. Bradley asked about the angle of the light emanating from the fixture.

Mr. Frabel stated the angle of the light is 23°.

Mr. Press suggested the applicant provide some demonstration sites for the Commission to visit.

Mr. Corwin asked the staff to work with the applicant to coordinate.

Mr. Lathrop noted the Board of Education has a checkered history with turning off the lights in the parking lots. He asked how the field lighting would be controlled.

Mr. McCarthy stated the lights would be controlled remotely and would be password protected. He stated for the use of the temporary lights, there would be a staff person present who would be responsible for turning off the lights.

Mrs. Lowenstein noted the cut sheet shows the lamps are not cut off lights.

Mr. Frabel stated you will not be able to see the bulb but will be able to see light.

Mrs. Lowenstein asked if the lights are adjustable.

Mr. Frabel stated the lamps are locked. He stated the lights could be adjusted for maintenance. He noted Musko Lighting controls the lights. They control the lighting systems for 5000 fields. The controls can be accessed by cell phone or computer.

Mrs. Lowenstein agreed with Mr. Lathrop's comment about the lights being on in the school parking lots. She asked if the neighbors were contacted regarding this application.

Mr. McCarthy stated they had not contacted the neighbors. He stated they have heard from the neighbors during past application and indicated their concerns included light, noise and patron behavior. He stated they have attempted to address those concerns.

Mrs. Lowenstein noted they assume the concerns are the same.

Mr. McCarthy noted the same concerns have been raised before the Parks and Recreation Commission and the Zoning Board of Appeals.

Janice Hollings, Park and Recreation Commission, stated she is a member of the Athletic Field Lighting sub-committee. She noted that she met with Ann Gill of High Point Road and indicated that the sub-committee asked to meet with the High Point neighbors. Only four neighbors attended the meeting. She stated the sub-committee has looks for ways to work with the neighbors.

Mrs. Lowenstein asked how far neighboring residences were from the fields with lights in area communities.

Mr. McCarthy indicated he did not know.

The Commission asked the applicant to gather information on the proximity of neighboring homes to the lighted fields in area communities.

Ms. Walsh asked about the other activities that would use the lights at Staples.

Mr. McCarthy stated youth sports would use the field.

Ms. Walsh asked about the use of the public address system.

Mr. McCarthy stated the PA system would only be used for varsity games.

Ms. Walsh asked about the use of the lights until 11 p.m.

Mr. McCarthy stated they are asking for the ability to use the lights until 11 p.m. but indicated that is not the intention.

Ms. Walsh asked if they had considered limiting the days the fields could be in use.

Mr. McCarthy stated they had not intended to but would agree to no use on Sunday evenings.

Ms. Walsh asked if there would be any adult games.

Mr. McCarthy indicated that it was unlikely.

Mr. Corwin asked more information on the lighting and better visuals.

John Dodig, principal of Staples High School, stated he has experience with adding lighted fields from Fairfield Ward High School. He stated he attended many meetings and worked with the neighbors to address concerns. He stated the lighted fields would change the community. During a Saturday afternoon game, there may be 500 spectators. A Friday evening game could have 800 to 2,000 spectators. He stated he saw no discernable difference in patron behavior whether it was a Friday night game or a Saturday afternoon game.

Eric Wesson, junior at Staples High and resident of 253 Greens Farms Road, stated the football team puts a lot of work in throughout the year. He indicated putting in lights would take the program to a different level. He noted practice is limited in the late fall.

Gloria Gouveia of Land Use Consultants stated she was representing 16 property owners on High Point Road. She stated the Commission should look at the site where this amendment could be used. She indicated the applicant should have included an impact study and added there would be impacts at many of the properties. She stated that a few years ago, it would have been unheard of for the Westport Police Department to be working with neighboring communities but now it is a fact. She suggested that the town work with neighboring communities that have lighted fields to work out a compromise for access to those fields while a study is being conducted to see if all the proposed sites are appropriate for lighting. She stated she does not believe the amendment meets the regulations. She highlighted §32-7.1. She spoke of the history of lights in Westport and noted that time after time, the answer has been no. She asked what has changed. She noted that the number of people whose lives will be enriched by the lights as the number of people who will be annoyed by the lights.

Austin Wolf, attorney representing the neighbors on Whippoorwill Lane, spoke of the generalities of lighting within the AAA zone. He stated the AAA zone is fully developed with high quality housing. He stated it would be highly invasive to expand the use of the facility to include lighted fields and would be an invasion into the peace and quiet of the neighboring homes. When Darien wanted to add lights at the high school for practices, in the 8-24 referral, the Planning & Zoning Commission found that it was not consistent with the Town Plan of Conservation and Development and could have possible impacts on the neighboring property owners. He stated the conditions are the same in Westport. He noted the football team was allowed to practice using temporary lights as a part of a compromise reached with the neighbors. The lighted fields in Greenwich, Wilton, New Canaan, and Weston are significantly removed from the residential zones. He urged the Commission to look at the character of the neighborhoods when conducting site visits.

Mr. Press asked if there would be a difference if the lighted field were adjacent to a residence A zone.

Mr. Wolf stated he would treat residential zones the same. He noted, however, that Norwalk is not the same as Westport. He presented photos of the Fairfield Ludlow stadium. He noted the illuminated area from the 80' light poles could be seen from a considerable distance. He noted a Fairfield University court case about neighboring properties to a lighted football field. He addressed the proposed regulation and indicated the proposed user has not been identified, there are no limitations on number of times the lights may be used, there are no

limitations on the number of lighting structures that may be used, and there are no limitations on the use of the public address system or the bands. He noted §32-19.4 proposes a 50' setback. He stated the regulation proposes the same setback for an 80' light pole as for a 40' residence. He indicated the setback should also include the light poles proximity to the field. He indicated there are no limitations in the proposed regulation on the hours or the days of use. He noted that §32-19.4D suggests a limit of 1 foot-candle at the property line. He stated Greenwich limits light to .1 foot-candles at the property line. He highlighted the Greenwich conditions of approval. He stated it is important to preserve the sanctity of the residential neighborhood. He entered the Floch settlement agreement into the record. He noted paragraphs 3 and 15 prohibit lights at Bedford Middle School for 12 years after the issuance of the Certificate of Occupancy.

Nitzy Cohen, 28 High Point Road, spoke in support of the lights. She noted that if this were a referendum item, she believes there would be overwhelming support for the lights. She stated that decisions should not be dictated by 5 to 10 neighbors. She asked the Commission to look beyond the few surrounding neighbors and look at the benefits to many community members in this family community.

Ron Marsilio of 10 Bluff Point stated he has been a resident for 34 years. He indicated he worked on the proposal for lights at Staples High in 1978. He noted the times have changed, as has the lighting technology. He suggested there is tremendous support for allowing the lights. He added the proposal would allow use of the lights for 6% of the year if all 22 proposed events were approved. He urged the approval of the application.

Marc Petroccio, head coach of Staples football, gave an overview of week. He noted practice is Monday through Friday for 3 hours a day. He has four teams at the high school. There are 15 youth teams. There are 2 competition fields. He noted that in the late fall, students have to get out of school early in order to finish games before dark. He indicated that the football program is at a distinct disadvantage due to the lack of lights.

Mr. Press asked what would happen to the schedule if lights were approved and Friday night games were played.

Mr. Petroccio indicated the junior varsity games would likely move to Saturday morning. He noted the regular practice times are 3 to 6 p.m. He stated that probably would not change since the athletes need time for other activities. He stated the extended practice time during the late fall would level the playing field against teams that have lighted fields.

Mrs. Lowenstein asked why the team could not use the Greens Farms lighted field for practice.

Mr. Petroccio noted that field is a softball field and noted there are differences in the fields. In addition, he indicated he would have to bus students to get them to the playing field.

Tom Davis, 206 Farmington Avenue, Fairfield and former president of the Westport Astronomical Society, stated he has seen a degradation of the night sky over the years. He suggested that the town adopt IES standards.

Bill Meyer, 3 St. George Place, stated the town has great athletic facilities but they are missing lights. He noted Woody Bliss, First Selectman of Weston, spoke to the Y's Men about the lights in Weston. He noted that 71% of the kids in town participate in the athletic programs. He urged the Commission to support the amendment.

Ian Bruce, 9 Winding Lane, spoke in support of the amendment for athletic field lighting. He noted the community is missing out on the excitement of Friday night football. He indicated the town facilities are currently underutilized. He stated the amendment is appropriate and provides safeguards. The proposal is consistent with the Special Permit standards and the Town Plan of Conservation and Development. He noted the Town Plan was not written to prevent development but to provide a guideline. He stated the Special Permit standards grant the Commission a substantial amount of discretion and noted that lights on a specific property would still have to be reviewed by the Commission in a Site Plan and Special Permit review. He noted the Commission listens to all sides fairly. He indicated that the approval of the amendment does not guarantee approval of the lights at Staples High.

Mr. Corwin continued the hearing to May 14, 2009.

3. **1 Stony Point West:** *(The following application is continued from 4/2/09 and further continued to 6/4/09. No testimony will be taken at this hearing)* Appl. #09-015 by Joseph Tomas for property owned by 1 Stony Point West LLC, for a Special Permit for Excavation and Fill in a Res AA, PID # B05114000.
4. **1 Stony Point West:** *(The following application is continued from 4/2/09 and further continued to 6/4/09. No testimony will be taken at this hearing)* Appl. #09-016 by Joseph Tomas for property owned by 1 Stony Point West LLC, for a CAM Site Plan approval for a new single family dwelling in a Res AA, PID #B05114000.

Mr. Press read the agenda items for 1 Stony Point West into the record and indicated it was further continued to June 4, 2009.

The meeting adjourned at 11:05 p.m.

Respectfully submitted,

David Press, Secretary
Susan Voris, Recording Secretary

