

PLANNING & ZONING
COMMISSION
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

WILTON PLANNING & ZONING COMMISSION MINUTES OCTOBER 28, 2013 REGULAR MEETING

PRESENT: Chairman L. Michael Rudolph, Vice Chairman Chris Hulse, Secretary John Gardiner, Commissioners Lori Bufano, Doris Knapp, Bas Nabulsi, Peter Shiue, and John Wilson

ABSENT: Marilyn Gould (notified intended absence)

ALSO

PRESENT: Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; Lorraine Russo, Recording Secretary; members of the press; and interested residents.

PUBLIC HEARINGS

1. **SP#385, MCL Piersall, LLC, 44 Old Ridgefield Road, Establishment of outdoor dining terrace and repaving/reconfiguration of parking lot**

Mr. Rudolph called the Public Hearing to order at 7:15 P.M., seated members Bufano, Gardiner, Hulse, Knapp, Nabulsi, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing was continued from a previous meeting.

Present was Richard Kent, Environmental Design Associates, landscape architect.

Mr. Kent briefly reviewed plan modifications since the last meeting, including elimination of one parking space and clarification of islands/crosswalk details. He noted that lighting fixtures for existing and proposed islands will be included in the final revised drawings. He stated that staff had requested a raised planted median on the easterly side of the lot between two rows of angled parking, but he indicated that the owner would prefer not to because of maintenance and snow plowing issues. He noted that proposed bollards will be poured concrete, gray-colored cylinders.

He referenced a memorandum from Wilton Health Department (which he distributed), noting that the applicant has approval to install/utilize a proposed outdoor patio/seating area as a common area for general building use, but not specifically for the restaurant.

He referenced an email from the State (which he also distributed), noting that the State has no objection to the proposed site modifications, although submission of a full set of plans for final review/approval will be required.

Mr. Nabulsi asked for clarification regarding existing easements that the property owner holds over State and Town property. Mr. Kent explained that the State easement is contained within the property deed, while the Town easement involves a separate agreement between the previous property owner and the Selectman at that time, which was reiterated by the current Selectman. He confirmed for Mr. Nabulsi that if any circumstances were to change with respect to said easements, then the applicant would have to come back before the Commission for reevaluation of the site configuration and parking. Mr. Kent stated that the site would still conform to parking regulations even without the State/Town easements.

Mr. Nerney confirmed that staff reviewed issues with the applicant and resolved any that were outstanding.

Mr. Rudolph asked if anyone in the audience wished to speak for or against the application.

Mr. Gardiner referenced file documents for the record.

There being no further comments from the Commission or the public, at 7:26 P.M. the Public Hearing was closed.

2. REG#13342, To amend Section 29-2.B to add definition of “Athletic Fields” and Section 29-9.E.2 to add new subparagraph entitled “Lighting for Outdoor Athletic Fields”

Mr. Rudolph called the Public Hearing to order at 7:26 P.M., seated members Bufano, Gardiner, Hulse, Knapp, Nabulsi, Rudolph, Shiue, and Wilson. He referred to Connecticut General Statutes Section 8-11, Conflict of Interest and asked if any seated Commissioner had a conflict of interest. Addressing conflict of interest issues, Mr. Rudolph read a letter into the record dated October 28, 2013 from Anthony F. LoFrisco regarding “Motions to Recuse” in connection with Messrs. Rudolph and Hulse. Mr. Rudolph asked if Mr. LoFrisco was present in the audience.

Attorney Paul Sobel, present in the audience, stated that he represents Mr. LoFrisco, who he indicated was not present yet. When asked by Mr. Rudolph if he wished to speak on the matter, Mr. Sobel stated that Mr. LoFrisco would address the aforementioned letter pertaining to the issue of recusal. He also submitted into the record a letter dated October 28, 2013 from Paul A. Sobel of Green and Gross, P.C. to L. Michael Rudolph, reserving his and Mr. LoFrisco's rights to cross examine the applicant and presenters speaking on the applicant's behalf this evening, accompanied by an attached Connecticut Supreme Court decision as authority for the request.

Mr. Rudolph asked Mr. Hulse directly whether he felt a need to recuse himself and Mr. Hulse stated that he did not. Likewise, Mr. Rudolph indicated that he knew of no reason why he personally should recuse himself from the proceedings this evening.

Mr. Woodson Duncan, 121 Middlebrook Farm Road, submitted a letter dated October 26, 2013 from Dean Keister into the record regarding the issue of recusal, directing the Chairman to read the bottom paragraph in particular, which referenced the issue of recusal specifically. Mr. Rudolph read the last paragraph into the record. He once again asked the Commission if anyone wished to recuse him/herself and hearing none, he stated that the Commission continues to be well seated.

Mr. Gardiner read the legal notice dated October 15, 2013.

Mr. LoFrisco rose and indicated that he wished to further address the issue of recusal. Mr. Rudolph referenced the earlier proceedings whereby each member was specifically questioned as to possible conflict issues and none were indicated, noting further that recusal is totally within the discretion of each individual Commissioner. He stated that if Mr. LoFrisco felt the issue was not appropriately considered/addressed, then he could pursue remedies that exist to address such matters.

Mr. LoFrisco stated that neither Mr. Rudolph nor Mr. Hulse have demonstrated judicial temperament with respect to this issue. He felt that Mr. Hulse has a definite conflict of interest by virtue of being a Lacrosse coach. He stated that he has a right to address the issue in detail and to present relevant facts.

Mr. Nabulsi noted that everyone has a shared interest in hearing, and moving on to, the merits of the application as soon as possible. He asked how long Mr. LoFrisco's presentation on the matter of recusal might take. Mr. LoFrisco indicated no more than 10 minutes.

Mr. Rudolph felt that the Commission should be moving along to the merits of the application and in that regard he felt it would not be productive to spend 10 minutes on the recusal issue. He suggested that Mr. LoFrisco address the matter in 5 minutes. Mr. LoFrisco stated that he would do the best he could, although he noted that he did not want

to be restricted to 5 minutes, and he stated that he had the right to address the Commission on a recusal motion. Mr. Rudolph stated that any right Mr. LoFrisco had was already used, noting in particular that Mr. LoFrisco was not present at the time the issue was raised earlier and Mr. LoFrisco's attorney, Mr. Sobel, chose not to speak on Mr. LoFrisco's behalf at that time. Mr. LoFrisco stated that 5 minutes is not enough, although he suggested that he begin to speak and see how far 5 minutes would take him. Mr. Rudolph asked Mr. LoFrisco to be seated, noting that a 5-minute offer was made and if it was not satisfactory, he should sit down. He asked the applicant to begin his presentation.

Mr. LoFrisco stated that he would take that decision as an order from the Chairman not to speak and noted that he was reserving his rights with exception to the Commission's ruling. He stated that it was outrageous that the Chairman would rule that recusal is not necessary without hearing one word about possible evidence to the contrary. He commented further that "this is nothing more than a cover-up" by both Commissioners.

Mr. Rudolph again asked that the applicant begin its presentation.

Present were J. Casey Healy, attorney; Dave Schiff, VHB, planning consultant; and Andrew Dyjak, Musco lighting consultant; on behalf of the applicant Eric Dean.

Mr. Healy stated that Mr. Dean has proposed an amendment to zoning regulations Sections 29-2.B and 29-9.E.2 involving a definition of "athletic fields", a term not currently defined in the regulations, and regulation of lighting for said athletic fields. He noted that the application does not address any specific athletic field but rather just addresses regulations relating to athletic field lighting in general. He explained that the proposed regulation would apply only to Town-owned public school properties and not to private schools or churches.

Regarding details of the proposed amendment, Mr. Healy explained that all Town-owned athletic field lighting would be required to protect surrounding areas from glare and spill; a photometric plan would be required to confirm a maximum of 0.5 foot-candle illumination at property lines; the maximum height of any fixture would be 80 feet; and all such fixtures would have minimum setbacks of no less than 1.5 times the required setback distances in that district. He noted further that lighting would be subject to Special Permit and Site Plan approvals in accordance with Sections 29-10 and 29-11 of zoning regulations, including Commission authority to impose conditions of approval (e.g. curfew times, automatic timer shut-offs, etc.) and the requirement to notify all property owners within 500 feet of the subject property. He noted further that an as-built photometric plan would also be required as a condition of obtaining zoning compliance, certifying that post-construction lighting conforms with pre-construction plans.

Mr. Schiff briefly reviewed the application from a planning perspective, noting that its

intent is to improve safety on the fields while utilizing advanced lighting technology to decrease light spillage to surrounding areas. In that regard, he cited requirements including types of shades utilized, height and distances from property lines, hours of use, and intensity of lighting. As part of the text drafting process, he explained that they surveyed many communities around the country in addition to Fairfield County communities.

Mr. Schiff referenced the Town's Plan of Conservation and Development (POCD). He stated that the POCD addresses protection of neighborhoods as well as quality of life issues in the Town, noting that the applicant's proposal was mindful of such concerns as reflected in the type of lighting and related requirements proposed. He noted further that the POCD expresses a need for additional opportunities to help meet recreation needs in the Town, particularly given the lack of land to build new active recreational facilities. He stated that the subject application's approach could increase the usability of existing facilities given the limited opportunities as noted in the Plan.

Mr. LoFrisco asked if he could cross-examine at this time. Mr. Rudolph said no, not yet, indicating that Mr. LoFrisco would have his chance later.

Mr. Healy distributed a 6-page hand-out prepared by Musco Lighting, entitled "50% Reduction in Spill and glare. How we do it?"

Mr. Dyjak reviewed lighting design aspects, addressing in particular the issue of spill and glare. He explained that: 1) visors need to be incorporated into the design to block and redirect light, without which the majority of the arc tube would be visible; 2) the optometric design inside the visor and around the lamp further controls light after expanding from the arc tube, thus allowing for placement of light on the field where it needs to be, resulting in less off-field spillage; 3) mounting height is a critical component since increasing the aiming angle of the fixtures results in less spill and glare and 4) this lighting technology allows for the use of fewer lighting fixtures on the site. He stated that all of the foregoing elements result in a 50% reduction in spill and glare.

In response to a question from Ms. Knapp, Mr. Dyjak explained that if a neighboring property elevation is higher than the athletic field, then that property will experience less glare, whereas if the neighboring property is at a lower elevation and if there is no forest/trees around the field, more of the arc tube will be visible.

In response to a question from Mr. Gardiner regarding the different impacts of mounting height on glare, Mr. Dyjak explained that the higher the mounting height the better it is for spill/glare reduction.

Referencing the lighting design elements just discussed, Mr. Wilson asked how any light spillage would be experienced by a lower-elevation property given that the proposed

lights would be angled, mounted and shielded so as to illuminate only the field itself. Mr. Dyjak acknowledged that no shielding could completely block out the light. He stated that spillage would be dependent upon the magnitude of the setback of the lights from the property line, noting that it would be negligible.

Mr. Rudolph stated that he recalled a comment during a prior hearing that 70-foot high lights might be sufficient as opposed to the 80-foot maximum height proposed in the application, and he asked whether 70 feet would, in fact, be sufficient. Mr. Healy stated that this application is not site-specific. He noted further that the 80-foot height was chosen because there are already poles of that height on athletic fields in Town.

Mr. Rudolph also asked for clarification regarding different lighting needs for different sports/fields. Mr. Dyjak stated that there are hundreds of variables that would affect pole height for any given field. He cited the example of a football field where optimum pole height would depend upon whether there was a track around the field, the number of spectators, the size of the field, where the poles would be located, how much light is required, etc.

Mr. Nabulsi posed a hypothetical question, i.e. whether Musco Lighting would be able to install lighting on a turf field that would be safe and effective if 30-foot lights were the maximum permitted. Mr. Dyjak stated that that would be a company decision, noting that there have been times when the company has walked away from a project if it was not comfortable with the parameters of the particular job. Mr. Nabulsi referenced a Darien article cited at a recent hearing which discussed the positive impact experienced when field lighting height was increased from 20 feet to 30 feet, noting in particular that Darien was able to find a lighting company to install such lighting. Mr. Dyjak explained that the lighting in question was for temporary lights, used only sporadically for practice. He stated that such lighting would not be allowed for playoff games in Connecticut. Mr. Nabulsi asked whether it is height or portability that would make it illegal. Mr. Dyjak stated that CIAC (Connecticut Inter-Scholastic Athletic Conference) determines that.

A question was raised as to whether fall lines are a consideration for such poles. Mr. Dyjak stated that it is an uncommon consideration, more likely to be an issue in a city such as New York.

In response to further questions from Mr. Rudolph regarding different lighting needs for different sports, Mr. Dyjak cited examples such as a High School baseball field that might generally have 70-foot lighting, but if the field size is 380-400 feet, it might require taller lighting. He stated that the majority of football fields utilize poles in the 70-80-foot range because of setback and spill/glare issues. He cited an example of a Westport field where one side abuts residential properties and the other side abuts a school which necessitated the use of different pole heights on each side (80 feet and 70 feet) to better address spill/glare issues of surrounding properties.

In response to a question from Ms. Knapp, Mr. Dyjak indicated that between 30-50 foot-candles is generally needed for proper field illumination.

Mr. Gardiner referred for the record to the following documents:

- a 5-page letter dated October 10, 2013 from Anthony F. LoFrisco to Planning and Zoning Commission;
- a 2-page letter dated October 11, 2013 from Anthony F. LoFrisco to Planning and Zoning Commission;
- a letter dated October 14, 2013 from J. Casey Healy to Planning and Zoning Commission, with attached copy of Power of Attorney executed by Mr. Dean;
- a letter dated October 14, 2013 from Anthony F. LoFrisco to Planning and Zoning Commission, with 11 pages of attachments;
- a memorandum dated October 17, 2013 from Conservation Commission to Planning & Zoning Commission;
- a letter dated October 17, 2013 from Roxane Witke to Planning and Zoning Commission;
- a 2-page Planning and Zoning Staff Report dated October 22, 2013;
- a 3-page response letter dated October 24, 2013 from J. Casey Healy to Planning and Zoning Commission;
- an email sent October 25, 2013 from Anka Jones to Robert Nerney;
- a letter dated October 25, 2013 from William & Eliot Patty to Wilton Planning and Zoning Commission;
- an email sent October 25, 2013 from Sharon Stenger to Lorraine Russo, with attached letter dated October 25, 2013 to John Wilson;
- an email sent October 27, 2013 from Jeff Woodring to Robert Nerney;
- an email sent October 27, 2013 from Matt Zeyher to Robert Nerney;
- a letter dated October 28, 2013 from Anthony F. LoFrisco to Wilton Planning and Zoning Commission;
- an email sent October 28, 2013 from Ray Wangneo to Robert Nerney;
- an email sent October 28, 2013 from Marc Filipponi to Robert Nerney;
- an email sent October 28, 2013 from Michael Dooley to Robert Nerney;
- an email sent October 28, 2013 from Kevin McDonald to Robert Nerney;
- an email sent October 28, 2013 from Jeff Farrar to Robert Nerney;
- an email sent October 28, 2013 from Tom Waldron to Robert Nerney;
- an email sent October 27, 2013 from Al Nickel to Casey Healy, Eric Dean, Kevin Wall and Robert Nerney, with attached email sent October 28, 2013 from Paul Breitenbach to Al Nickel;
- an email sent October 27, 2013 from Al Nickel to Casey Healy, Kevin Wall, Eric Dean, and Robert Nerney, with attached email sent October 27, 2013 from Judy Higby to Al Nickel;
- an email sent October 27, 2013 from Al Nickel to Robert Nerney and Casey Healy, with attached email sent October 27, 2013 from Joe Burke to numerous recipients;

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- a letter dated October 28, 2013 from Sabina and Brooke Furst to John Wilson;
- an email sent October 28, 2013 from Sean & Marguerite O'Connor to Robert Nerney;
- an email sent October 28, 2013 from Pete Vogric to Robert Nerney, Casey Healy and Patricia Sesto;
- an email sent October 28, 2013 from Leena Wangneo to Robert Nerney;
- a letter dated October 24, 2013 from Kevin E. O'Brien;
- an email sent October 28, 2013 from Jonathan & Audrey Andrew to Robert Nerney;
- a letter dated October 28, 2013 from Tom Costello to Inland Wetlands Commission;
- an email dated October 28, 2013 from Marc and Amy Filipponi to Patricia Sesto and Robert Nerney;
- an email sent October 28, 2013 from Al Nickel to Robert Nerney, Patricia Sesto and John Wilson;
- an email sent October 28, 2013 from Craig & Jana Stephenson to Robert Nerney;
- an email sent October 28, 2013 from Ben Lamanna to Robert Nerney;
- an email sent October 28, 2013 from Dan O'Neill to Robert Nerney and Patricia Sesto;
- an email sent October 28, 2013 from Jeffrey R. Munrow to Casey Healy;
- an email sent October 28, 2013 from Steve Luciano to Robert Nerney and Patricia Sesto;
- an email sent October 28, 2013 from Diane McDermott to Robert Nerney and Patricia Sesto;
- a letter [undated] from Stephen Elia to Bob Nerney;
- an email sent October 28, 2013 from Bob Travers to Robert Nerney and Patricia Sesto;
- an email sent October 28, 2013 from John J. Sweeney to Robert Nerney;
- an email sent October 28, 2013 from Casey Healy to Robert Nerney, with attached email sent October 28, 2013 from Jeff Herlyn to Casey Healy;
- an email sent October 28, 2013 from Casey Healy to Robert Nerney, with attached email sent October 28, 2013 from Julie & Sandy Stein to Casey Healy;
- an email sent October 28, 2013 from Alison Fischer to Casey Healy and Patricia Sesto;
- an email sent October 28, 2013 from John & Diane McDermott to Casey Healy Robert Nerney and Patricia Sesto.

Mr. Rudolph also referenced his personal receipt by mail of a large postcard from Wilton Preservation Society (currently in formation) c/o Woodson Duncan, 121 Middlebrook Farm Road, Wilton, CT 06897, addressed to Local Postal Customer, entitled "Do you care about your neighborhood and property values? Do you want more 80 foot high

stadium lights?”

Mr. Rudolph also referenced a letter submitted earlier in the evening, dated October 28, 2013 from Paul A. Sobel (Green and Gross, P.C.) to L. Michael Rudolph regarding cross-examination, with 5-page attachment of LexisNexis case - *Gennero Pizzola et al. v. Planning and Zoning Commission of the Town of Plainville et al.*

Mr. Rudolph asked if the applicant wished to respond to exhibits just read into the record. Mr. Healy indicated that he had no response at this time, noting that he had not as yet seen all of the aforementioned documents.

Mr. Rudolph asked if there were any more comments from Commissioners or staff. There were no further comments from Commissioners. Mr. Nerney noted that Planning and Zoning staff were receiving emails after close of business today. He stated that if the public hearing is kept open, those communications would be included for reference at the next meeting.

Mr. Nerney confirmed, in response to a question from Mr. Nabulsi, that documents which were part of the record of the withdrawn application (REG#13341) for athletic fields lighting are not considered part of the record of the subject application.

Mr. Rudolph stated that the Commission would now take comments/questions from the public. He asked that comments be kept to around 3 minutes, noting that it would be helpful if comments focus on the issues, and that “me-too” comments be avoided if possible, particularly if a letter was previously submitted and essentially nothing new would be added to the comments therein. He stated that questions should be directed to the Chair and not to the applicant.

Mr. LoFrisco stated that he needed to protect his right to conduct cross-examination, noting that he was requesting to conduct cross-examination of the applicant’s witnesses. Mr. Rudolph thanked Mr. LoFrisco. He stated that, in the interest of the record being complete, the Chair was not recognizing that anyone here has a right to cross-examine witnesses.

Mr. Rudolph asked if anyone in the audience wished to speak in favor of the application.

David Cody, 10 Oak Ledge Lane, noted that local and national studies show that property values are affected by the quality of a community’s school, park, and athletic facilities. He stated that Wilton is falling short in 2 of those 3 categories.

Chris Skillen, 33 Wild Duck Road, stated that he has lived in Wilton for 31 of the last 35 years. He felt that a precedent for 80-foot lighting has already been set in Town as has a precedent for lighting at Middlebrook School itself. He stated that he is a neighbor of the

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Lake Club, which recently applied for and received approval to replace lights on its facility. He felt that homeowners should know the risks when purchasing a property bordering such a facility, noting that a “NIMBY” argument is misplaced in such a situation. He stated that existing Town facilities do not support the current increased level of athletic participation in the Town, noting that the proposed regulation change would benefit the children of the Town. He concluded with “Let the kids play”.

Anna Bilella, 426 Belden Hill Road, stated that there are 3 field hockey teams with 19 players each, using one field in Town, which is also used for football games. She noted that this is a perfect example of how necessary these improved fields are.

Jacqueline Bayne, 264 Old Grumman Hill Road, stated that she took a long time to consider the subject proposal and eventually came to the conclusion that the proposed amendment will be wonderful for the Town and will increase housing values.

Patty Tomasetti, 10 Bhasking Ridge Road, stated that although she has one son who will not currently benefit from the proposed amendment, she is in favor of it. She felt that the current 30-foot lights are not adequate or safe since the lights shine in players’ eyes. She noted that lighting shields will direct lights onto the field and thus will reduce glare and spillage.

Joe Polito, Linden Tree Road, stated that as local builders, he and his father have been building homes in Town since 1979. He stated that everyone moving to the Town has children, noting that the Town is very family-oriented and places a high value on sports/fields. He stated that it is almost embarrassing to go to other Towns and see their fields/facilities.

Al Nickel, 65 Keelers Ridge Road, stated that he has been a resident since 1974. He explained that due to the unavailability of fields to practice Lacrosse, he has had to drive his child to South Norwalk for practice on Sunday evenings between 7:30 – 9:30 P.M. He felt that such drives to adjacent towns to play sports are inherently unsafe and will likely result in accidents.

Ryan Masterson, 280 Chestnut Hill Road, stated that he is new to the Town, noting that he chose Wilton because of the value it places on education and sports. Now that he is a coach, he stated that he sees kids warming up in the dirt. He also cited the relatively few lit areas on the field that are available for play, which he felt presents a risk and is unsafe, noting that this community should not have to put up with that.

Mr. Rudolph asked if anyone wished to speak against the application.

Sarah Curtis, Cannon Road, asked if she could express neutral sentiments on the matter. Mr. Rudolph asked her to come forward to speak. Ms. Curtis stated that she went to the

first hearing for the first application (which was ultimately withdrawn) to gather facts/information. She felt that everyone is very impassioned, noting that there are some good points and also some serious concerns. She asked the Commission to consider the impacts that would be felt by properties at different elevations relative to the fields. She referenced the applicant's comparisons to communities such as Chicago and Phoenix which have a flat topography, and she asked the Commission to consider the differences in impact that a Town such as Wilton might experience, particularly for properties that are located in areas of lower elevation relative to the field. She also urged the Commission to fully understand the concept of 0.5 foot-candles (which is the maximum level of illumination permitted at the edge of the property) as well as the glare issue.

Ms. Curtis stated that no one is against sports or children or positive property values but she felt that sometimes the good of everyone must be considered. She noted that an application is forever and the question must be asked whether such an approval would dramatically and permanently alter the character of the Town. She noted that ironically the Town is now considering the purchase of open space on Seeley Road that would look out onto one of these fields. She urged the Commission to consider the application from a long-term perspective rather than a short-term one.

Anthony F. LoFrisco, 33 Cider Mill Place, stated that he has been a resident for over 40 years and is opposed to the application. He stated that he has evidence to show that Commissioners Rudolph and Hulse should recuse themselves. He also stated that the application should not be considered because it was not properly signed.

Mr. Rudolph asked if Mr. LoFrisco could address issues pertinent to the 80-foot light poles first, and address issues of technicality second.

Mr. LoFrisco stated that there were a number of missteps by legal counsel, noting that the lack of a valid signature implies that the applicant, namely Eric Dean, has not bound himself to the warranty of truthfulness that appears above the signature line. Enumerating the alleged missteps, he referenced the following:

- A document dated October 3, 2013 indicating that the Planning and Zoning Commission requires a letter signed by the applicant authorizing various individuals/companies to act as his agents in connection with the application. Mr. LoFrisco stated that he was unable to find such a requirement in the regulations, and he alleged that the Town Planner, Assistant Town Planner and Town Counsel were also unable.
- The fact that the application was signed by Mr. Healy on October 4, 2013 as Mr. Dean's attorney-in-fact. Mr. LoFrisco stated that this signature is a blatant misrepresentation since Mr. Healy was not Mr. Dean's attorney-in-fact on October 4, 2013.
- Letters from Mr. LoFrisco, dated October 10, 2013 and October 11, 2013, challenging the accuracy of that representation and indicating that the application should

not be accepted by the Commission due to its invalid signature and the fact that it did not include a power-of-attorney document indicating Mr. Healy's scope of powers and duration of said powers.

- Letter from Mr. Healy dated October 14, 2013, with attached power-of-attorney signed by Mr. Dean and dated October 12, 2013. He stated that said document was 10 days late and therefore no power-of-attorney was indeed in effect on October 4, 2013 and thus the application did not bear a valid signature.

Mr. Rudolph felt that the aforementioned issues were matters of technicality which perhaps should be passed along to Town Counsel. He asked whether Mr. LoFrisco would be willing to postpone this aspect of his discussion so that it could be reviewed by Town Counsel.

Mr. Nerney noted for the record that Mr. LoFrisco was in staff offices several days ago and had a discussion with Assistant Town Counsel Pat Sullivan, who felt that a number of these issues were of no consequence. He suggested that Town Counsel could perhaps re-review the arguments presented by Mr. LoFrisco this evening.

Mr. LoFrisco stated that he needed to protect the record, noting that he did not want to compromise his chances of appeal.

Referencing the "warranty of truthfulness" again on the application, Mr. LoFrisco stated that this is a serious issue, noting that neither Mr. Dean nor Mr. Healy is therefore subject to this warranty as a result of the missteps cited above. He stated that it is not just a technicality, questioning further whether it perhaps even rose to the level of perjury. He felt that this should not be allowed to happen, noting that the character and integrity of Wilton was at stake here.

Mr. LoFrisco moved on to the substance of the application. He stated that the application is an attempt to treat Town-owned property in a residential district different from property owned by others in that district, which he felt was beyond the statutory authority of this Commission and would therefore not survive legal scrutiny. He noted that the amendment should actually provide for 80-foot lights on all residential properties in Town. He stated that this Town will not tolerate its own destruction to satisfy a small interest group, some of whom want to light up athletic fields to attract tournaments and jamborees. He likened the subject application to an individual such as himself requesting the right to light up a bocce field on his property, and on any other properties he owns in Town, which he felt would never be approved by the Commission.

Mr. LoFrisco asked whether he could ask questions of the applicant. Mr. Rudolph stated that Mr. LoFrisco could ask questions of him or the Commission. Mr. LoFrisco expressed frustration with posing questions to the Commission, citing an experience he had with the Zoning Board of Appeals where the same process was utilized and

subsequently only some of his questions (chosen by the applicant) were actually addressed by the applicant. He felt that he had essentially waived his right to cross-examination in that instance. He stated that he has a right to ask the applicant questions directly, noting that he would not waive his rights in that regard.

Woodson Duncan, 121 Middlebrook Farm Road, stated that he went to the first hearing (in connection with the withdrawn application) with an open mind, but because he did not receive a satisfactory response to his request at that hearing for a cost benefit analysis, he spent a substantial amount of personal time, effort and money to obtain a cost benefit analysis.

Christina Duncan, 121 Middlebrook Farm Road, passed around bound booklets entitled “Presentation to: Planning and Zoning Opposing the Amendment to Section 29-5 C of Zoning Regulations. . .”

Mr. Duncan expressed frustration that a cost benefit analysis was not done, noting that he was told at that last meeting that such an analysis was not done and thus no numbers/analysis in that regard would be forthcoming. He stated that he was also told no one would be able to see the proposed lighting because of new lighting technologies available, with Kristine Lilly field given as an example. He noted that residents questioned at that time why lights were left on long after athletic events were completed.

He stated that it was his feeling at that meeting that this application represents the beginning of a larger plan to transform the fields around the school into a sports complex, with added traffic, noise and pollution in a residential neighborhood. He read from a document that had been presented to the Board at that meeting indicating that “having accessibility of the additional fields where three sports can be on it allows for annual jamborees and tournaments which in itself, not just for the event at hand, but for Wilton, brings in economics”, and which went on to reference the extra people who would be coming in and eating, shopping, purchasing gas, etc. in the Town.

He summarized conclusions of his analysis, stating that he approached the process as the “man in the street” or a prudent man. He stated that he started with a simple computer search (two different browsers) on the phrase “stadium light benefit” and only one single result was returned. He referenced a sense of pride and spirit that playing under lights will provide, from winning and playing hard.

He stated that he looked for information on injuries connected with low lighting and could find none, not even under insurance claims. He then ‘googled’ the “detrimental effects of stadium lights,” noting that he received numerous pages of articles and papers supported by scientific research that outlined the detrimental effects of light pollution.

He stated that he read several books on new lighting technology and he referenced the

handout provided earlier in the evening by the applicant indicating 50% reduction in spill and glare. He exhibited a blow-up photo taken by a professional photographer of Kristine Lilly field illuminated in the evening, which he explained was as close to what the naked eye would actually see, per the photographer's notes. He noted that the lighting is clearly visible. He next exhibited a blow-up photo taken by the same photographer on a different evening from Skunk Lane. He pointed to High School lights visible from over a half-mile away through fall foliage. He acknowledged the fact that those lights were not the new technology, but noted that only 50% spill/glare gets wiped out in any event, leaving the other 50% still visible.

He next exhibited a blow-up photo of the lights at Middlebrook School from his terrace, noting that such lights are currently only 30 feet high. He referenced a ridge in the photo that is located in Norwalk, noting the position of the existing 30-foot light, and he explained that if the lights are raised to 80 feet in height, they will actually sit above that ridge line.

He referenced a topographical map of central Wilton, which he noted is like a bowl, the bottom of which is Middlebrook School. He felt that lighting at the High School is not such an issue since it is shaded by a dramatic upsweep of over 100 feet of hill topped by trees. He noted, by contrast, that the existing 30-foot lights at Middlebrook School can be seen from as far away as Cheese Spring Road.

He stated that property values are important to people, noting that not just school athletics are important. He felt that 80-foot poles during daytime hours and their corresponding lighting at night will cause immediate reduction in property values in the area.

He next addressed the issue of human health and environmental concerns. He cited an article that implicated artificial lighting at night with the high incidence of breast and prostate cancer since it increases the release of hormones throughout the body. He directed the Commission to relevant exhibits in the bound package distributed earlier.

He stated that ecological effects are many and have been well-documented for years, affecting both flora and fauna. He noted further that Wilton has a number of endangered species within its borders, particularly around central Wilton.

He next addressed the issue of capacity. He stated that he called the Director of Parks and Recreation, Steve Pierce, who he stated could not provide a coherent data set to support the assertion that more fields are necessary in Town, nor an explanation as to why fields, including Kristine Lilly field, are lit at night although empty. He stated that Mr. Pierce had no idea who was supposed to be on which fields at any given time, but that blocks of time are allocated by him based on a priority system of first to the High School, next to the Youth organizations, etc., first-come, first-served.

Addressing the issue of conflict of interest, he stated that Mr. Hulse should recuse himself since he is a coach and a member of an organization that is promoting the project.

In closing, Mr. Duncan stated that the subject application ignores the Plan of Conservation and Development (POCD). He noted that Wilton has dark skies at night which has been preserved by the Commission and is a part of the character of the Town, consistent with the intent of the POCD. He quoted from the POCD directly, noting that the “Town should ensure that both light and noise pollution are minimized.” He stated that this proposal is in opposition to the guiding principles set forth in the POCD and therefore should be denied.

Tom Brown, 135 Middlebrook Farm Road, cited the POCD’s intent to reduce noise and light pollution in the Town, noting that commercial lighting is not permitted to trespass off the site, and buffers are also required between commercial and residential areas in Town. He felt that it is reasonable to accommodate sports needs while also protecting residents’ interests. He noted that Middlebrook Field lighting is located in a residential area and he questioned whether sports lighting could be dedicated to non-residential areas.

Detlef Fuhrmann, 415 Mountain Road, felt that it is difficult to justify such a regulation change for the relatively small number of persons who would be playing on the fields as compared to the size/population of the Town as a whole. He felt that it is a waste of taxpayer money.

A letter of opposition was submitted into the record from Alice Levin (dated November 28, 2013 in error), and another letter of opposition from Steven Georgeou dated October 28, 2013.

Richard McCarty, 11 Cider Mill Place, noted that although his son and daughter were very successful athletes in various sports, he felt that the proposed change would be out of harmony with the POCD. He noted that the proposed regulation would affect only a small area of land in Town and should not be approved by the Commission since such changes essentially equate to “spot zoning”.

Gary Wakoff, 32 Slawson Court, questioned the need for such a change in the regulations given the fact that some fields in Town are already equipped with 80-foot lighting. He asked why an applicant could not just go through the same procedure (i.e. a variance application) as was required in the past to obtain approvals for such lighting.

When pressed for a response, Mr. Rudolph explained that the Commission did not originate the subject application. He noted that the Commission is just called upon to determine if an application has merit or not.

Jade Hanson, 18 Spoonwood Road, asked why Town residents do not have an opportunity to vote on this matter, which she felt was very important to the residents of the Town. Mr. Rudolph explained that that is not the process, noting that the Commission sits as a quasi-legislative body for matters relating to land use. Ms. Hanson expressed frustration with what she felt was a very one-sided and stacked perspective in the room this evening.

Jerre C. Dawson, 11 Belden Hill Road, stated that she has devoted 8 years to the Historic District Commission to maintain the Town and the Town's values, as well as to the Garden Club to create beauty in the Town that residents appreciate. She noted that the Town has voted to remain rural. She stated that the proposed lighting is something that adults in Town should turn down because they will damage children in ways that are not fully understood yet. She stated that as a former varsity athlete in the 1960s she is well aware of the positive influence that sports has on children, but she felt that the physical damage of turf and lights on children is not worth the trade-off. She stated that "we need to protect the kids". She also expressed great frustration and a lack of understanding with the rudeness that was exhibited this evening.

Elizabeth Craig, 46 Cheese Spring Road, asked whether references to light spillage and statements regarding containment of said spillage, pertain to spectators being able to view the events without glare.

Mr. Hulse felt that those references pertained to keeping the lighting focused on the field itself, not lighting the stadium/seats themselves.

Ms. Craig asked how far away the lights would be visible, e.g. if it's a clear night and you live a couple of miles away or even 10 miles away and you're situated above the illuminated site. She felt it is important to have an answer to that question, i.e. if there is a clear number that could be provided by the applicant in that regard.

There was some discussion regarding the continuance date for the next public hearing. Mr. Healy expressed a preference for continuing the application until Monday, November 25, 2013 to allow some additional time for the applicant to assemble the information requested this evening. He stated that he was hereby verbally granting an extension of the deadline to close the public hearing.

Mr. Rudolph stated that the Commission needs additional information on the application of lighting to the different types of athletic games, e.g. football vs. baseball vs. soccer, as well as the impact of athletes' ages on such needs.

Mr. Nabulsi asked that the applicant also address the issue of spot zoning.

The December 9th starting date for newly elected, incoming Commissioners was noted; as