

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
October 16, 2009

Application Number: Special Permit Application #188-B/Site Plan
Darien Board of Education, Darien High School, 80 High School Lane

Street Address: 80 High School Lane
Assessor's Map #9 Lots #80 & #81

Name and Address of:
Property Owner: Darien Board of Education/Town of Darien
2 Renshaw Road
Darien, CT 06820

Name and Address of
Applicant: Darien Board of Education
2 Renshaw Road
Darien, CT 06820

Activity Being Applied For: Proposing to utilize six (6) portable lights at the Darien High School Stadium Field for seasonal fall use by Darien High School fall sports teams.

Property Location: The subject property is located on the north side of High School Lane approximately 1,200 feet west of its intersection with Middlesex Road.

Zone: R-2

Date of Public Hearing: September 8, 2009 continued to October 6, 2009

Time and Place: 8:00 P.M. Auditorium Town Hall

Publication of Hearing Notices
Dates: August 27 & September 3, 2009 Newspaper: Darien News-Review

Date of Action: October 16, 2009 Action: GRANTED WITH MODIFICATIONS AND STIPULATIONS

Scheduled Date of Publication of Action: Newspaper: Darien News-Review
October 22, 2009

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.

- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plan, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
SPECIAL PERMIT APPLICATION #188-B/SITE PLAN
DARIEN BOARD OF EDUCATION, 80 HIGH SCHOOL LANE
OCTOBER 16, 2009
PAGE 2

- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The application is to utilize six (6) portable lights at the Darien High School Stadium Field for seasonal fall use by four Darien High School fall sports teams for team practices on weekdays until 6:00 pm in late October, November, and possibly early December. The number, height, location and use of the proposed temporary portable lights were described at the public hearing. The 20 foot high proposed temporary lights would allow lighted practices at dusk and after sunset. At the October 6, 2009 public hearing, the applicant's representative noted that they are requesting a minimum 3-year approval.
2. These proposed 20 foot high lights are the maximum allowed under the Darien Zoning Regulations—the Commission cannot approve lights higher than 20 feet.
3. The Commission notes that there is a related application for 20' temporary lights for exclusive use by the Darien Junior Football League (DJFL). Both the subject application and that application were heard simultaneously on September 8 and October 6, 2009. That DJFL application is the subject of Special Permit Application #188-C/Site Plan, and has been decided separately.
4. The purpose of the temporary portable lights is to have practices on the Stadium Field for the following high school sports teams: boys and girls soccer; boys football; and girls field hockey. The proposed temporary lights would allow these lighted practices during certain weekdays.
5. Section 405b of the Darien Zoning Regulations allows lighting or illumination of recreation facilities as an Accessory Use Requiring Special Permit. That Section reads as follows:
 - b. Outdoor recreational uses and tennis courts. The lighting or illumination of recreational facilities is permitted provided that such lighting shall create no hazard or nuisance upon adjacent properties with reference to the following standards:*
 - (1) *The source of such lights shall be concealed from surrounding residential properties;*
 - (2) *All lighting shall be located and be of such design that no illumination shall be directed toward surrounding residential properties;*
 - (3) *No lighting facilities shall be mounted at a height greater than 20 feet above grade.*
6. An important factor for this Commission in its consideration of this application is the location of the High School in a fully developed residential zone, surrounded on all sides by single-family houses; and with the Stadium Field, in particular, located directly upon a portion of that

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
SPECIAL PERMIT APPLICATION #188-B/SITE PLAN
DARIEN BOARD OF EDUCATION, 80 HIGH SCHOOL LANE
OCTOBER 16, 2009
PAGE 3

neighborhood. The Commission's application of its own Regulations to this request for a Special Permit requires that these location and proximity factors be considered fully in assessing each element of those regulations.

7. During the 2008 Fall Sports season at Darien High School, an experimental or trial use of six 20 foot high portable lights was carried out at the High School's Stadium Field after approval from the Planning & Zoning Commission. This allowed the football team only up to 11 weekday practice sessions under the lights for a maximum of 33 hours. It also allowed two DJFL practices totaling three hours. That approval ran from November 20 to December 5, 2008.
8. In the weeks following the 2008 trial use of the lights, the Darien Board of Education conducted a study and survey concerning the practice sessions and the use of the portable lights, and about the impact of these activities on the residential neighborhoods surrounding the High School. A January 29, 2009 five-page report with attachments was prepared by Donald P. Fiftal, Superintendent of Schools, and was briefly discussed by the Commission at the Commission's general meeting on March 10, 2009. During the public hearing on the subject application, the use of the lights and the Fiftal report were discussed, and input from the general public was considered.
9. All four Fall Sports teams (boys and girls soccer; boys football; and girls field hockey) involved in this application have carried on active and successful interscholastic seasons at Darien High School for years, including many years prior to the recent building of the new High School building and sports fields complex. With the exception of the 2008 trial use of practice lights, these teams have not held their outdoor practice sessions at Darien High School facilities under artificial lights.
10. During the hearing sessions, it was established that some of the four high school teams would end their regular seasons of interscholastic games during the first week-end in November – this year from November 7-8. At least one other team will play its final regular season game on Thanksgiving Day – this year November 26. On this basis, the latest dates on which weekday late afternoon practice sessions would be held by any of the four teams would be a few days after Thanksgiving, until any post-season games for which they might be designated are completed. According to the submitted application materials, if the high school football team makes the State tournament, it could need to continue its practices through the first week of December.
11. The applicant noted, and the Commission agrees, that this is a very limited proposal for a limited duration. The details presented to the Commission were adequate for it to gain a sufficient understanding of the proposed activity. The Commission is looking for the Board of Education and its representatives to manage this temporary lights program to ensure full compliance with Section 405b.
12. The subject application is solely for six 20 foot high portable lights to be used on a temporary basis—only during the described fall sports seasons during 2009, 2010, and 2011. The usage of the lights was specifically defined by the applicant within the application materials and at the

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
SPECIAL PERMIT APPLICATION #188-B/SITE PLAN
DARIEN BOARD OF EDUCATION, 80 HIGH SCHOOL LANE
OCTOBER 16, 2009
PAGE 4

public hearing. Any request for lighting beyond late November/early December 2011 requires a subsequent Special Permit application to this Commission.

13. The information gathered during these three fall sports periods nonetheless could be helpful in any future analysis of light use proposals for the subject property. The Commission notes that if the approval period proposed had been a longer span of weeks each year, there could have been other stipulations required by the Commission to ensure that the lights and activities would not have an unreasonable impact on the neighborhood.
14. It was clear from the applicant's presentation that no different or more intense use is being proposed as part of this application. The existing late afternoon practices on the Stadium field now occur, and will continue to occur. Only practice sessions for the aforementioned four high school varsity sports teams are proposed to occur under the subject lights, and only on weekday afternoons, always ending at or before 6 pm. No other use of the lighted Stadium Field is being requested as part of this application.
15. The Commission notes that the lights as proposed herein are a Special Permit use within a single-family residential neighborhood. Actions have been taken since the lights trial period last year to reduce impacts of temporary, portable lights on neighbors. The Commission believes that an approval using lights for a longer number of weeks per season beyond those approved herein and the related Special Permit Application #188-C/Site Plan for DJFL could have unreasonable impacts on the neighbors and upon neighboring properties. It is incumbent upon the DJFL and the Board of Education to continue to work toward improvements which will minimize any potential impacts from the lights and the lighted activities upon neighbors and neighboring properties.
16. The 2006 Town Plan of Conservation and Development provides for the preservation of the residential character of Darien.
 - The Plan also notes Darien is fully developed, and the Commission acknowledges the resultant scarcity of public resources and potential strain on adjoining land uses. This strain is particularly evident in the neighborhoods surrounding all of Darien's public schools and the need for athletic fields and open space to accommodate both public and private use.
 - The Commission acknowledges the need to closely monitor the use of these field resources to ensure minimal encroachment on neighboring residential development.
 - Any incremental use and physical enhancement to the existing fields and facilities is subordinate to maintaining the character and quiet enjoyment of these preexisting neighborhoods.
17. Given the short and limited duration of the proposed use, the location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
18. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
SPECIAL PERMIT APPLICATION #188-B/SITE PLAN
DARIEN BOARD OF EDUCATION, 80 HIGH SCHOOL LANE
OCTOBER 16, 2009
PAGE 5

activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

19. The limited nature of the proposed lighting is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
20. The site plan has been reviewed by the Commission and is in general compliance with the intent, purposes and objectives of Section 1020.
21. The design, location, and specific details of the proposed use will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
22. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #188-B/Site Plan is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Installation of the portable, temporary lights shall be in accordance with the plan entitled, "Proposed Fall Seasonal Portable Light Units Darien High School Stadium Field" Application for Special Permit August 10, 2009.
(This plan shows the proposed location of six (6) proposed Fall seasonal portable light units not more than 20 feet above grade (non-generator units)).
- B. This Special Permit shall cover a period of three annual Fall Sports practice seasons at the Stadium Field, through the end of 2011, as requested by the applicant. During the weeks during which use of the portable practice lights are in use they shall be turned on as early in the afternoon as the High School officials determine that daylight conditions require their use, and they shall be turned off no later than six o'clock pm (6:00 pm).
- C. Based upon the potential needs of some teams for post-season late afternoon practice sessions during the week[s] after their last regular season games, a Special Permit for the use of six portable light stands, as described during the hearing, is granted to the applicant for use at the Stadium Field. The lights may be used beginning on the Monday after at least one of the four teams finishes its final regular season game (but no earlier than the first Monday in November). The last day of practice lights use shall be the day on which the last weekday afternoon practice session is held for any of the four teams, whether or not that final practice date is for regular or for post-season play. For the 2009 Fall Sports season, the details of which were presented at the hearing, the period during which the lights may be used is Monday November 9 through the weekday when the football team holds its final 2009 late afternoon practice session, which, at the latest, could include one or more days during the week after Thanksgiving.

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
SPECIAL PERMIT APPLICATION #188-B/SITE PLAN
DARIEN BOARD OF EDUCATION, 80 HIGH SCHOOL LANE
OCTOBER 16, 2009
PAGE 6

- D. The lights herein are proposed for a very limited duration. Any longer duration would trigger increased scrutiny by the Commission per the Darien Zoning Regulations. Similarly, this request/approval is not for games--only practice, and no use on weekends. Any game or weekend usage would also trigger increased scrutiny by the Commission.
- E. As described during the hearing, the physical plant staff at the High School and DJFL representatives shall have full control of the light units; the power connections for them shall be deactivated when they are not in use at the panel that feeds the lights, and the panel door will be locked; and, while the base fixtures for each of the light stands will house a locked diesel generator, these motors will not be operated during use of the lights and the units' fuel tanks shall contain no fuel.
- F. Because it is possible that the high school teams are eliminated from the playoffs prior to November 20, 2009, there is a chance that the lights may be in use only by DJFL on certain weekdays. Conversely, if DJFL teams get eliminated earlier, it is possible that the lights may be in use only by one or more high school teams on certain weekdays. It is also possible that the lights may not be used on certain weekdays at all within the total approved period due to practice schedules. Whether or not all of the permitted times and dates are used, no dates or hours of lighted practice sessions are authorized beyond those set out in paragraphs B and C of this decision.
- G. The Commission requires that all electrical cords meet all applicable code requirements and be inspected by the Fire Marshal or the Building Inspector prior to their use.
- H. The Commission strongly recommends that the Board of Education work in concert with the DJFL in providing screening in the form of plantings on the High School property, which may help minimize any impact of these temporary lights. The Commission notes that since this is a three-year approval, tree planting in 2009 or 2010 may help minimize impacts in late 2010 and 2011, *although any such planting would not determine any future action of the Commission.*
- I. Three contact phone numbers shall be submitted to the Planning and Zoning Office before October 30 and prior to the installation of the portable lights. This should be a phone number where someone can be contacted when the lights are in use and immediately thereafter, and should be for the Superintendent of Schools, a representative from the Board of Education, and the schools' Athletic Director. This will allow the neighbors to contact someone directly if they believe that any of the conditions herein are not being complied with, or if the lights are not turned off at the correct time. Any phone calls regarding the lights during the trial period shall be logged, and included in the subsequent "post-operations" report required by the Commission herein.
- J. Within 60 days after each year's final light use allowed under this decision (such final date expected to be near the end of November), the Board of Education shall prepare a written report outlining the following: when the lights were used; any complaints regarding the noise, light, or other potential impacts to the neighbors; and what changes could be made to minimize potential

PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
SPECIAL PERMIT APPLICATION #188-B/SITE PLAN
DARIEN BOARD OF EDUCATION, 80 HIGH SCHOOL LANE
OCTOBER 16, 2009
PAGE 7

impacts (if any) were temporary lights to be used in the future. In order for the Planning & Zoning Commission to get a better understanding of how this trial period worked, they are requiring that a copy of said report be submitted to the Planning & Zoning Office before January 31, each year, so that they can discuss said report at a meeting in late January or February. This meeting will allow the Commission to hear first-hand from both the Board of Education and the neighbors about these temporary portable lights. It will also allow the Board of Education to consider what they would do or could do differently, and to better understand any impacts that the lights may be having.

- K. The Commission strongly recommends that during the trial period the light and sound from the high school Stadium Field location be analyzed by professional experts. This would allow the Board of Education to include this information in its “post-operations” report.
- L. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. The Commission hereby confirms that any future application for lights, whether temporary or permanent, shall require subsequent review and action by the Planning and Zoning Commission.
- M. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke these permits as it deems appropriate.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final plan. A Special Permit form shall be filed in the Darien Land Records prior to the installation of the temporary lights.