

January 7, 2008

MEMBERS PRESENT: Mr. Abella, Mr. Averill, Mrs. Friedman, Mr. Owen

MEMBER ABSENT: Mr. Fitzherbert

ALTERNATES PRESENT: Mr. DuBois, Mr. Shapiro

ALTERNATE ABSENT: Mr. Wyant

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Ms. Fenwick, Mr. Farmen, Ms. Habib, Mr. Smith, Mr. Charles, Mr. Carey, Mr. Brinton, Mr. Lyon, Mrs. Payne, Mrs. Braverman, Mr. Sears, Mr. Boyer, Mr. Markert, Mr. Cornet, Ms. Gager, Mr. Fowlkes, Mr. Mustich, Mrs. Roberts, Mr. Rimsky, Mr. Buck, Mr. Riefenhauser,

Mr. Powell, Ms. Samples-Smart, Mr. Carpenter, Students, Residents, Press

PUBLIC HEARING

Rumsey Hall School/184 Romford Road/Special Permit: Section 4.4.10

Construct Dormitory and Hockey Rink

Mr. Owen called the public hearing to order at 7:35 p.m. and seated Members Abella, Averill, Friedman, and Owen and Alternate Shapiro for Mr. Fitzherbert. Mrs. Friedman read the legal notice published in **Voices** on 12/26/07 and 1/2/08. Mr. Owen read the list of documents in the file and the 1/7/08 ZEO Report, which included copies of Section 13; the standards for the review of Special Permit applications.

Mr. Farmen presented the maps, "Illustrative Master Plan," dated 5/15/2000 and "Proposed Ice Rink and Dormitory," by Smith & Company, dated 10/22/07 and pointed out the area on the upper side of the campus where the buildings were proposed. Renderings of both buildings were also presented.

Mr. Farmen introduced Ms. Habib, Business Manager, Mr. Smith, surveyor, Mr. Riefenhauser, engineer, Mr. Buck, engineer, and Mr. Powell, architect.

Mr. Farmen noted there had been concerns about emergency vehicle access up the existing steep driveway. He pointed out that the entrance had been widened for safety reasons and the Fire Department had been asked to drive one of its trucks up the driveway, and this had been accomplished without a problem. He pointed out two possible locations for a fire hydrant; one near the water storage tanks and the other near the pump house. Mrs. Friedman asked if there were any safety concerns regarding the portions of the driveway that had not yet been

constructed. Ms. Habib said the proposed new section of driveway had been designed to be accessible by fire trucks. Mr. Smith discussed the specs for the driveway around the rink which, he said, would be 24 ft. wide with curbs on both sides, would not exceed a 10% grade, and would accommodate busses and fire apparatus with a 40 ft. wheel base. He noted the 24 ft. width would allow two vehicles to pass safely. Mr. Farmen stated that the existing driveway from the arts center would be widened.

Mr. Owen read the 1/4/08 letter from the Fire Marshal, which recommended that a hydrant with a pull off area for fire truck access be installed in one of two locations in the vicinity of Dorm #1. Mr. Ajello noted the Fire Marshal also recommended a driveway loop to facilitate the traffic flow of emergency vehicles. Ms. Habib stated that the driveway would eventually loop around the new dorm and existing Hill Top dorm, but was not included in the current application.

Mr. Farmen addressed the reasons the school felt the new dorm and hockey rink were needed for its students. He said an increase in enrollment was not planned and that the new facilities would reduce the number of daily bus trips to transport students to and from dorms and rinks off campus.

Mrs. Friedman asked if organizations other than Rumsey would use the rink. Mr. Farmen said it would not be rented out to the general public, but that there were plans for the Shepaug hockey team, Washington Youth Hockey, and Foreman School to use the rink.

Mr. Owen asked if Rumsey would object to a condition of approval that would limit the rink's hours of operation. Mr. Farmen said that the school did not want to open the campus to strangers during the night. Mrs. Friedman noted it was common for rinks to be used as early as 5:00 a.m. Ms. Habib said that this one would not be used before 7:00 a.m.

Mr. Powell, architect, said that the proposed 34,000 sq. ft. rink would be fully enclosed with windows only at the entrance. This would contain the light in the building and help to soundproof it as well. It would also be fully insulated so there would be no heat gain from the outside and provide sound insulation. In addition to the rink, the building would contain dressing rooms, a skate sharpening room, ice resurfacing room, storage, mechanical room, etc. The building would house a standard national size hockey rink and two rows of bleacher seats.

Exterior lighting was discussed at length. Mr. Smith reviewed the "L-1" plan dated 10/22/07 for landscaping and lighting. He said twelve free standing lights, each twelve feet high with a 100 watt white light bulb, were proposed around the rink. He said they would be shrouded and directed downward like at the Big Top. Mr. Owen asked what the purpose of all the lighting was. Mr. Smith said it was to light the parking area. Mr. Powell also noted that the Building Code requires lighting at all emergency exits. Mr. Owen showed photos of examples of the existing exterior lighting at Rumsey; most of it very bright and glaring. Mrs. Friedman noted she had heard complaints about the lighting at the new art center and asked how the proposed rink lighting would compare to that at the art center. Mr. Smith submitted lighting specs by Lithonia Lighting, sheet # MRW-M-S. Mr. Owen circulated the "Dark Sky Resource Guide" by the Hudson Highlands Land Trust. Mr. Smith stated that it had been determined that 100 watt lights were needed unless more poles were added and said the building mounted lights would be motion activated and the pole lights on timers so that neither would be on all night. It was noted that currently the lights at the Big Top and art center are on from 5:00 p.m. to 11:00 p.m. Mr. Owen noted how unsafe the tree mounted light at the intersection of the driveway with Romford Road was because it shines into drivers' eyes as they come to the stop sign. He also pointed out how the extraordinarily bright lights at the art center impact the area, saying it was appropriate that the Zoning Commission ensure that this type of lighting would not be

installed on the proposed buildings. He recommended that Rumsey purchase hoods for the existing undirected lighting that is mounted too high to serve the purpose for which it is intended. Mr. Farmen said he would consider all of Mr. Owen's concerns. Ms. Habib said the tree mounted light at the intersection was only temporary until a pole light on a timer could be installed there.

Mrs. Friedman asked if the Health Department had approved the application. Mr. Ajello said the Health Dept. had no issues.

Mr. Shapiro asked if there would be an increase in parking. Mr. Smith stated that 25 parking spaces were proposed at the rink and 6 at the new dorm. He noted, too, that a pull off area for busses would be installed outside the rink.

Mrs. Friedman asked how many months per year the rink would be used. Mr. Farmen said it would be used mainly from December into March. It was noted, however, that the building would have a concrete floor and so could be used for other activities such as roller hockey, tennis, baseball practice, indoor lacrosse, and assemblies throughout the year.

Questions and comments were taken from the public.

Mrs. Fenwick asked if the applicant would be required to put up a balloon so it could be determined how visible the building would be from surrounding properties before it was erected. Mrs. Friedman asked how tall the rink would be. Mr. Smith said it would be 32 ft. 8 inches to the peak.

Mr. Smith addressed view shed concerns. Ms. Habib submitted an email dated 1/7/08 from Atty. Koscuiszka, representing the Robbs, adjoining property owners. Mr. Smith presented his plan, "Viewshed Analysis," dated 12/26/07, which he created with the assistance of Mr. Robb whose property is located across the Bantam River approximately 1600 ft. from the proposed rink. The plan showed the sight lines from both the front of the Robb house and from the Robb pool. Some trees on the south side of the rink would be cut to install the proposed detention basin, but Mr. Smith said the remaining trees would be adequate to block the view from the house, but not from the pool. Therefore, a planting plan including 25 ft. tall evergreens was proposed. Mr. Owen asked if the Robbs were the only neighbors who would be able to see the new building. Mr. Smith did not know. Mrs. Friedman read the letter from Mr. and Mrs. Robb re: mitigation to decrease the impacts on their property from the proposed construction. It was suggested that the colors of the roof and the side of the building facing the Robbs be a color that would blend in with the landscape.

Ms. Fenwick read the 12/20/07 letter she presented at the 12/20/07 ZBA hearing, which listed her concerns about the continuing expansion of the school and the loss of peace and quiet on her property. She noted an "immense" generator had been installed behind the auditorium and the school was taking steps to quiet it. She said the school's lighting turns night into day and that the art center is white and very visible from off site.

Mrs. Friedman asked Mr. Farmen what was being done to ameliorate these problems. Mr. Farmen said a stockade fence had been erected around the generator and trees planted to screen it. Mr. Owen did not think that would decrease the noise. Ms. Habib said the generator had been placed in a logical area near the propane tanks and access to the building. Mr. Owen asked if a substantial concrete enclosure could be built. Ms. Habib noted the generator has a sound shield and is used only for back up power. Mr. Farmen stated the generator operates only when the power goes off and during tests, but said when it is on, the noise is "horrendous." He offered to encase and insulate it so it could

not be heard.

Mr. Owen asked if noise generating equipment would be installed for the new buildings. Mr. Powell said there would be a condenser in an enclosed concrete block wall on the east side of the rink and a compressor inside the building.

Mrs. Friedman asked how the roof would be addressed. Mr. Smith circulated photos showing the view, in winter when there were no leaves, of the Big Top and where the new building would be from a) the Robb's pool, b) the Robb's house, and c) on the driveway in front of the house. They were visible from only the pool, which is at a higher location. He said that the Robbs did not want a shiny roof to be installed and that the school would work with them to find a color that would blend in with the background. Mrs. Fenwick stated that the new auditorium glares in the sun and so thought a green wall would be far better than white and would blend in better with nature. She asked if view shed studies had been done for the Luckey property, which is located next to the Robbs. Mr. Farnen said he had contacted the Luckeys and they said they were OK with the rink.

Mr. Ajello asked the applicant to state for the record that the clearing and disturbance would be limited to the areas indicated on the site plan and would be kept to a minimum. Mr. Smith referred to the heavy red line on the Sedimentation and Erosion Control Plan and noted that was the proposed limit of clearing. He said one area would be modified due to the revision of the drainage plans and that he would work closely with the contractor.

Mr. Charles asked if another dorm was planned. Mr. Farnen said there would be another dorm in the future. Mr. Owen noted it would require another variance for coverage.

Mr. Charles noted that the existing driveway off Romford Road is very steep. Mr. Smith said it averaged 18% and was 19% along the worst section. Mr. Charles said he had been advised that a traffic analysis would be done since new traffic would be introduced at this steep and congested intersection. He suggested a second separate access from an old Town road on the other end of the property.

Mr. Charles asked if the Inland Wetlands Commission had been advised of this "substantial" proposal. Mr. Ajello said it had not because there were no wetlands features on the hillside and the building site is approximately 350 feet from the river. Mr. Charles recommended that the Wetlands Commission be notified of the application so that it could determine for itself whether it wanted to review it and the stormwater management plans.

Mr. Charles asked whether the proposed buildings would be Leed certified. Mr. Owen noted that Leed certification was not required in the Zoning Regulations. Mr. Farnen said that although the buildings would not be Leed certified, they had been designed in an environmentally thoughtful way.

Mr. Charles asked how the sound level of the condensers would be measured. Mr. Powell stated that they would be inside and that they would not be heard 350 feet from the building. Mr. Owen noted that decibel levels were not governed by the Zoning Regulations.

Mr. Ajello noted that there would be 40,000 gallons of water stored on site and that the Fire Marshal required a hydrant so that it would be accessible to the Fire Department. Mr. Buck, engineer, agreed to install the hydrant per the Fire Marshal's recommendations.

Mrs. Friedman asked how the roof runoff would be handled. Mr. Smith discussed the specifications of the stormwater detention system, noting that the Zoning Regulations require a design that will handle a 50 year storm event, but the proposed system would handle a 100 year storm. He said there would be no increase in peak runoff for a 100 year storm.

Ms. Fenwick noted that the driveway was very steep and asked how its runoff would be handled. Mr. Farmen stated that last summer the school had installed an elaborate drainage system downhill of the driveway and along Romford Road. Mr. Buck noted it was a conventional stormwater drainage system to handle surface flows and that it discharged into the Bantam River. Mr. Smith noted that the proposed buildings would not add runoff to this system.

Mr. Averill asked Ms. Fenwick if she would still object to the proposal if all of the Robb's issues were addressed. Ms. Fenwick said she would have to have time to review the plans before making that determination. She asked why the proposed rink could not be built over the existing pond on the other side of Romford Road. Mr. Owen said it was a regulated wetland. Ms. Habib said a building could not be constructed there because it would be within 200 feet of the Bantam River.

Mr. Charles noted that normally the Zoning Commission gets approval from the Washington Health Dept. before acting on applications. Mr. Ajello said the state DPH had said that the Zoning Commission could proceed with its review and that the local Health Dept. had given a verbal OK, although there was nothing in writing.

Mr. Charles asked if the Zoning Commission would address the traffic issue. Mr. Ajello said it had been improved by the widening of the driveway and would be addressed with improved lighting. Ms. Habib said Rumsey had also requested pedestrian crossing signs. Mr. Owen noted that Rumsey had always had traffic problems and that the impact was almost entirely on the school itself. Ms. Fenwick disagreed. It was noted that although there would be an increase in traffic due to the new rink, some daily trips to and from the Sunny Ridge Road dorm and to and from off campus rinks would be eliminated. Mr. Charles, however, pointed out that another use would be added seven days a week to a steep intersection at the iciest time of year. Mrs. Friedman attested to the dangerous driveway and intersection conditions.

Ms. Samples-Smart, student, spoke in favor of the proposed dormitory.

Mr. Carpenter, student, spoke in favor of the proposed rink.

Mrs. Friedman noted the school's existing lighting was brighter than necessary and urged Rumsey to make improvements. Mr. Owen said that using lower watt bulbs and installing shields would be an inexpensive way to address neighbors' concerns. Mr. Farmen said he would consider the Commission's recommendations. Ms. Samples-Smart said the existing lighting did not bother her.

There were no other comments from the commissioners or from the public.

MOTION: To close the public hearing to consider the Special Permit application: Section 4.10.10 submitted by Rumsey Hall School to construct a dormitory and hockey rink at 184 Romford Road. By Mrs. Friedman, seconded by Mr. Averill, and passed 5-0.

At 9:15 p.m. Mr. Owen closed the public hearing.

This public hearing was recorded on tape. The tape is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

SPECIAL MEETING

Mr. Owen convened the Special Meeting at 9:16 p.m.

Mrs. Friedman thought Rumsey had chosen the least obtrusive location for the proposed rink, but said conditions of approval were needed.

Mr. Shapiro thought that view shed issues could be adequately addressed, especially by planting vegetation, which would make the rink less objectionable to neighbors. Mr. Averill and Mr. Abella agreed.

Mr. Owen suggested conditions of approval, which the Commission agreed should be included in the motion of approval:

- 1) The tree clearing shall be limited to the area within the line of disturbance shown on the site plan,
2. The rink shall not be in use between the hours of 11:00 p.m. and 7:00 a.m.
3. The tree mounted light at the intersection of Romford Road and the Big Top driveway shall be removed as soon as reasonably practical, and
4. The recommendations made by the Fire Marshal shall be met.

Potential noise problems from the compressor were discussed. It was agreed that if noise should become a problem the school would then be in violation of its Special Permit under the general standards of Section 13.1.B and would have to come back to the Commission to resolve the problem. It was agreed a condition was not needed to address this matter.

Landscaping and the color of the roof and building were briefly discussed. It was the consensus that since the area of clearing would be limited and the planting of 25 ft. tall trees was already included in the plan, provisions for building color and additional landscaping need not be made a condition of approval.

Use of the hockey rink by outside agencies was discussed. It was thought that restricting the hours of use also served to restrict its use by parties other than Rumsey.

MOTION: To approve the Special Permit application: Section 4.4.10 submitted by Rumsey Hall School to construct a dormitory and hockey rink at 184 Romford Road per the plans, "Proposed Ice Rink and Dormitory," sheets CS-1, OPS-1, SP-1, SG-1, L-1, SE-1, ND-1, and ND-2, by Smith & Company, dated 10/22/07 subject to the following conditions: 1. tree clearing shall be limited to the area within the line of disturbance shown on the site plan, 2. the rink shall not be in use between the hours of 11:00 p.m. and 7:00 a.m. 3. the tree mounted light at the intersection of Romford Road and the Big Top Driveway shall be removed as soon as reasonably practical, and 4. the recommendations made by the Fire Marshal in his 1/4/08 letter shall be met. By Mr. Owen, seconded by Mr. Abella, and passed 5-0.

JOINT MEETING OF THE PLANNING AND ZONING COMMISSIONS

Due to the late hour the Planning commissioners requested that this meeting be rescheduled. Mr. Owen thanked them for coming.

MOTION: To adjourn the meeting. By Mr. Owen.

Mr. Owen adjourned the meeting at 9:32 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator