

## DRAFT MINUTES

Special Meeting  
Canton Zoning Commission  
Wednesday, March 6, 2013 6:00 p.m.  
Library Community Center, Room F  
40 Dyer Avenue, Canton, CT

**CALL TO ORDER:** Mr. Bondanza called the meeting to order at 6:05 pm.

**ROLL CALL: Present:** David Bondanza, Keith August, Jonathan Thiesse, Phil Pane and John Huyghebaert and Daniel Barnhart (at 8:12 pm); **Also Present:** Neil Pade, Town Planner and Sue Brodeur, Acting Recording Clerk.

Mr. Sarmuk recused himself at 6:03

Mr. Pane read the legal notice for the public hearing. Mr. Bondanza clarified to the audience that the meeting had been postponed due to improper posting of the public hearing sign.

Mr. Bondanza explained the rules of conduct to the public. He asked that comments from the public be asked to the commission and not to the applicant and reminded everyone that once the public hearing is closed, no further testimony will be taken.

### PUBLIC HEARING

1. File #336; Apln #1393; 72 & 76 Simonds Avenue; Assessor's Map 30, Parcels 4820072 & 4820076; Zone AR1; Section 51.5 Amendment to an Approved Site Development Plan for construction of a running track, reconstruction of parking, modification of driveway and construction of access way; Town of Canton, applicant/owner.

Mr. Tom Daly and Mr. Kevin Fusillere, Milone & MacBroom represented the application. Mr. Daly began the presentation by going over the existing conditions with aerial photos. He pointed out the large wetland corridor that feeds into Mills Pond. He explained the current orientation of the fields and parking areas. Mr. Daly stated that approval has been received from the Inland Wetlands Agency and that wetland activities are in the Upland Review Area only. He explained the water flow in the area. The Simonds Avenue entrance driveway was discussed. Mr. Daly stated that the driveway location will stay the same but it will become a divided drive with dedicated in and out lanes. The divider will be at the throat of the driveway only. The new parking area was explained. It will have a north/south orientation with dedicated bus lane for stacking, dedicated drop off lane and dedicated pedestrian way. Another part of the plan is a secondary emergency egress. There will be 26 additional parking spaces. Mr. Daly went over the storm water management and erosion control plan. He stated that it will be an enhanced catch basin/discharge system/underground detention system. Mr. Daly noted that they will lay foundation and conduit for ease of any future lighting (lighting is not part of this plan).

Mr. Kevin Fusillere, the landscape architect, gave the presentation on the running track and field. He explained that the track will be a round six lane non-equal quadrant track. It will have a regulation synthetic soccer field within it. The track will have an eight lane sprint. There will also be a pole vault and long/ high jump area and shot putt and discus area. The field will be a synthetic turf 2 ½ inch pile height with sand and rubber infill.

The track will be benched into the hillside with a six foot retaining wall and 30 foot sea wall in front of it. There will be a four foot chain link fence at the top of that wall. Landscaping will

include a row of evergreens (mostly spruce) around the perimeter. There will be minor grading to keep runoff from the track surface. There will be other landscaping throughout the parking lot along with wetland buffer plantings. They plan to plant 50 shade trees. The perimeter buffering will go along the side of the entry drive. Area for the bleachers and scoreboard are also shown. The scoreboard will have a top mounting height of 16 feet. There is the potential for a concession stand in the future. Parking lot lighting will be supplemented. There will be typical traffic signs and striping. A four foot high chain link fence will surround the entire track.

Cross section drawings were prepared to show the relationship between the proposed track, the retaining wall and the residential properties.

Mr. Daly spoke to items that Mr. Pade had commented on in his review of the project to check for compliance to the regulations and the plan. He went through the review and responded to each item point by point. The commission members followed along with Mr. Daly's written response to supplement the verbal presentation.

Mr. Daly summed up the presentation by stating that the project is consistent with the use of the overall project. The town went through an exhaustive study for the best location of the track/field and ultimately this was the best location. Milone and MacBroom revalidated the study and came to the same conclusion. In an attempt to be respectful of the adjacent properties a heavy landscape buffer with seven to eight foot tall spruce trees will be planted along the perimeter. All standards have been met and they have received wetlands approval.

Mr. Bondanza thanked the applicant for the detailed presentation and asked for commission members comments at this time.

Mr. Thiesse questioned the radius of the emergency access drives. Mr. Daly explained that fire trucks will have to swing out wide and turn in. Mr. Thiesse also had questions about the outlet pipe for the storm water, lighting and the area for a future concession stand.

Mr. Bondanza commented on the emergency gate being too close to any future concession stand. He asked that Milone & MacBroom meet with the town's EMS leaders to seek their guidance as to the location of the gate. He also asked about traffic flow and lighting.

Mr. August had questions regarding the retaining wall and the type of vegetation that will be planted on the property line. Additionally he asked about the distance between the property line and the nearest resident and the pedestrian walk way to Cherry Brook Intermediate School.

Mr. Pane questioned where spectators will be during track events. Mr. Fusiller noted that most likely they will line the chain link fence. He also asked how many people the bleachers will hold and Mr. Daly answered that it will be approximately 500 which is adequate.

Mr. Huygebeart asked whether there will be enough parking for residents to use the track during school hours. Mr. Daly explained that there will be 254 parking spaces. Mr. Huygebeart asked about noise from the scoreboard and Mr. Daly answered that although it is equipped with a noise function, he did not know if the Board of Education will use that option.

At this time Mr. Bondanza called for a 10 minute recess so that the public could take a closer look at the plans.

**MOTION:** by Mr. Bondanza to recess for 10 minutes. Second by Mr. Thiesse.

**VOTE:** Thiesse-yes; Huygebeart-yes; Pane-yes; Bondanza-yes; August-yes.

The meeting was called back to order at 7:25 pm. At this time Mr. Bondanza announced that the Special Zoning Rewrite meeting will be held immediately following this meeting.

The public was invited to speak at this time.

Ms. Kathleen Woolam, 70 Simonds Avenue spoke. She stated that the her property is adjacent to the proposed field and she feels it will be a disaster due to the fact that the field will be at the same level as her property and that a tree buffer will not prevent noise and lights from seeping through. She asked why there will not be a berm for her property. She noted that she had submitted two written statements to the commission.

Mr. Steve Bemis, 59R Dyer Avenue spoke. He thanked the members for their volunteerism. He stated that his property is about 30 feet from the school property line at its closest point. He stated that he has spoken to town staff regarding buffering and is asking for the maximum amount of buffering that can be provided. He stated that he wished that the neighbors had been bought into the conversation.

Ms. Ann Banini, High Valley Drive spoke. She stated that no lights are used for football and soccer and lacrosse general don't play after dark.

Ms. Betty Fiora, 15 Albany Turnpike spoke. She wanted to know if there will be a barrier to stop trespassers from the residential areas and whether the property will be rented out.

Mr. Bondanza asked if there was any further input from the public. There was not.

Mr. Pade asked if there were any additional specific questions for staff. Mr. August asked about any encroachment onto property lines. Mr. Pade explained that the Board of Education will address this issue.

At this time Mr. Daly responded to concerns that were brought up by the public. There was discussion about plantings and the berm that the resident questioned.

Mr. Bondanza asked if for any further discussion. Hearing none, he asked for a motion to close the public hearing.

**MOTION:** by Mr. Thiesse to close the public hearing for File#336; Apln #1393; 72 & 76 Simonds Avenue. Second by Mr. Pane.

**VOTE:** Thiesse-yes; Huyghebaert-yes; Pane-yes; Bondanza-yes; August-yes.

## **SPECIAL MEETING**

### **PUBLIC HEARING ACTIONS:**

1. File #336; Apln #1393; 72 & 76 Simonds Avenue; Assessor's Map 30, Parcels 4820072 & 4820076; Zone AR1; Section 51.5 Amendment to an Approved Site Development Plan for construction of a running track, reconstruction of parking, modification of driveway and construction of access way; Town of Canton, applicant/owner.

Mr. Bondanza opened up the discussion. Mr. Thiesse commented that all questions were answered and that the application fits the regulations. Mr. Pane also stated that the proposal meets requirements and noted that if a PA system is used it should be directed toward the school. Mr. Bondanza reiterated that the previous discussion regarding emergency access gates.

**MOTION:** by Mr. Bondanza that the Canton Zoning Commission (Commission) does hereby **APPROVE, WITH CONDITIONS AND MODIFICATIONS AS SET FORTH HEREIN**, the application [**File #336; Apln. #1393**] of the Town of Canton for the following approval: Section 51.5 Amendment to an Approved Site Development Plan for the construction of a running track, reconstruction of parking, modification of driveway and construction of access way at 70 & 76 Simonds Avenue; Assessor's Map 30, Parcels 4820072 & 4820076 Zone AR1.

This approval with conditions and modifications is made, in part, on the basis of, and the Commission's reliance upon, the application form submitted on December 27, 2012 and the Commission's review of and reliance upon the following plans submitted by the Applicant for the Commission's approval:

#### Drawings

1. EX: Existing Conditions; Track, Field and Parking Lot Improvements, Canton High School, prepared by Milone & MacBroom dated January 3, 2013.
2. LA: Site Plan Layout; Track, Field and Parking Lot Improvements, Canton High School, prepared by Milone & MacBroom dated January 3, 2013.
3. LS: Site Plan Landscaping; Track, Field and Parking Lot Improvements, Canton High School, , prepared by Milone & MacBroom dated January 3, 2013.
4. GR: Site Plan Grading; Track, Field and Parking Lot Improvements, Canton High School, prepared by Milone & MacBroom dated January 3, 2013
5. CS: Cross Sections Track, Field and Parking Lot Improvements, Canton High School, prepared by Milone & MacBroom dated January 3, 2013.
6. CS-2: Cross Sections Track, Field and Parking Lot Improvements, Canton High School, prepared by Milone & MacBroom dated February 27, 2013.
7. UT: Site Plan-Utilities; Track, Field and Parking Lot Improvements, Canton High School, prepared by Milone & MacBroom dated January 3, 2013.
8. SE: Site Plan-Sediment & Erosion Controls; Track, Field and Parking Lot Improvements, Canton High School, prepared by Milone & MacBroom dated January 3, 2013.
9. SD-1: Sediment & Erosion Control Details and Specifications; Track, Field and Parking Lot Improvements, Canton High School, prepared by Milone & MacBroom dated January 3, 2013.
10. SD-2; Site Details; Track, Field and Parking Lot Improvements, Canton High School prepared by Milone & MacBroom dated January 3, 2013.
11. SD-3; Site Details; Track, Field and Parking Lot Improvements, Canton High School prepared by Milone & MacBroom dated January 3, 2013.
12. SD-4; Site Details; Track, Field and Parking Lot Improvements, Canton High School prepared by Milone & MacBroom dated January 3, 2013.
13. SD-5; Site Details; Track, Field and Parking Lot Improvements, Canton High School prepared by Milone & MacBroom dated January 3, 2013.
14. SD-6; Site Details; Track, Field and Parking Lot Improvements, Canton High School prepared by Milone & MacBroom dated January 3, 2013.
15. SD-7; Site Details; Track, Field and Parking Lot Improvements, Canton High School prepared by Milone & MacBroom dated January 3, 2013.
16. SD-8; Site Details; Track, Field and Parking Lot Improvements, Canton High School prepared by Milone & MacBroom dated January 3, 2013.
17. SD-9; Site Details; Track, Field and Parking Lot Improvements, Canton High School prepared by Milone & MacBroom dated January 3, 2013.
18. 1 of 1; Photometric Plan; Track, Field and Parking Lot Improvements, Canton High School prepared by Milone & MacBroom dated January 15, 2013.

19. Sk-1; Site Plan – Sketch-Proposed Scoreboard; Track, Field and Parking Lot Improvements, Canton High School prepared by Milone & MacBroom dated January 15, 2013.

This approval with conditions and modifications is also based, in part, on testimony received at a Public Hearing commenced on February 20, 2013, and closed on that date; and upon the following documentation submitted by the Applicant or others during the course of the proceedings on the application:

Exhibits #

1. Town of Canton Zoning Application for File #336, Application #1393; 72 & 76 Simonds Avenue; Town of Canton, applicant/owner; submitted on January 16, 2013.
2. Engineering Report; Canton High School Track, Field, and Parking Lot Improvements; prepared by Milone & MacBroom dated January 3, 2013.
3. Plans and Specifications for Track, Field and Parking Lot Improvements dated December 7, 2012.
4. Application Completion Review dated January 10, 2013.
5. Fair-Play Football Scoreboard cut sheet
6. Streetworks Lighting cut sheet
7. Stone wall cut sheet
8. Minutes of Design Review Team meeting on December 18, 2012.
9. Comments from Chief Arciero, Traffic Official dated January 17, 2013.
10. Comments from Building Official dated January 17, 2013.
11. Comments from Water Pollution Control Authority dated January 22, 2013
12. Comments from Department of Public Works, dated January 23, 2013.
13. Comments from Richard Hutchings, Fire Chief, dated January 23, 2013.
14. Memo from Neil Pade to Richard Barlow re referral to Planning Commission dated 9/24/12.
15. Draft minutes of Design Review Team meeting dated January 22, 2013.
16. Letter from Milone & MacBroom to David Askew, NCCD, re request for review; dated January 24, 2013.
17. Certification of Notice for public hearing dated February 8, 2013.
18. Legal notice for Hartford Courant dated February 4, 2013.
19. North Central Conservation District report dated February 13, 2013.
20. Notice of Postponement of Public Hearing Only dated February 20, 2013.
21. Certification of Notice dated February 21, 2013.
22. Draft Minutes of Zoning Commission meeting dated February 20, 2013.
23. Agenda for ZC meeting on March 6, 2013.
24. Letter of approval from Inland Wetlands & Watercourses dated March 5, 2013.
25. Letter from Kathleen Woolam to ZC dated February 17, 2013.
26. Letter from Betty Fiora to ZC dated February 17, 2013.
27. Letter from Kathleen Woolam to ZC dated March 6, 2013.
28. Memorandum from Neil Pade to ZC dated February 13, 2013.
29. Letter from Kevin Fuselier, Milone & MacBroom to Neil Pade dated March 6, 2013.

This approval with conditions and modifications is granted because the Zoning Commission finds that the application, as conditioned and modified by and inclusive of the stipulations of this approval, would comply with the following:

1. The standards of the underlying district, AR-1;
2. The standards of Sections 51, as follows:

- a. The Site Development Plan Requirements of Section 51.6, as shown in the submitted maps and plans and documented in comments from staff, and the applicant's responses;
  - b. The Site Development Plan as submitted includes the information required by Section 51.7 as shown in the submitted plans and documented in comments from staff and the applicant's responses, including but not limited to:
    - i. Section 51.7.5, Proper provision for the protection of existing residences:
      1. The applicant, through the submitted cross sections, aerial photographs, and plans has shown that the proposed use is adequately separated from abutting single family uses by natural vegetation, topography, distance and proposed landscaping;
  - c. The standards of Section 51.8, including the following:
    - i. Section 51.8.2 Design, including but not limited to:
      1. The applicant, through the submitted cross sections, aerial photographs, and plans, has shown that the proposed use will function as a part of the existing school complex within the neighborhood;
      2. The applicant, through the submitted cross sections, aerial photographs, and plans has shown that the proposed use is adequately separated from abutting single family uses by natural vegetation, topography, distance and proposed landscaping;
      3. The proposed facility and major elements of the site design, as shown by the applicant in the submitted cross sections and plans, will be predominantly obscured from view;
      4. The proposed use of the property in relation to the uses of the surrounding area has been considered and is found to be appropriate;
    - ii. Section 51.8.3 Landscaping
      1. The landscape has been preserved to the extent practical;
    - iii. Section 51.8.4 Lighting
      1. The proposed lighting plan meets the technical requirements of this Section;
    - iv. Section 51.8.5 Blasting Excavation and Grading
      1. The excavation and grading proposed to develop the site has been designed, as shown in the submitted plans and cross-sections, to be obscured and screened from adjacent properties;
3. The standards of Section 61, as follows:
    - a. The Commission has reviewed the proposal in consideration of Sections 61, and the plan, as modified by the stipulations below, are found to be acceptable.
    - b. The cross-sections and elevations through the site and to surrounding neighborhood, as submitted by the Applicant, indicate that there would be adequate separation and topography to protect the adjacent neighborhoods from unreasonable levels of noise as described in Section 61.3, beyond that which presently exists on site or what is customarily acceptable for a school complex. The stipulations provided herein will further reduce potential effects of noise.
  4. The requirements of Section 62, as follows:
    - a. The proposed parking, as reviewed by staff and the Commission are found to be sufficient per Section 62.3.11;
  5. The Erosion and Sedimentation Control Plan (required by Section 68) is certified based on the review and recommendations of North Central Conservation District and the subsequent amendments made to the plans by the applicant.

This approval is effective March 26, 2013 (20 Days from approval date) and UPON THE RECORDING OF AN APPROVAL LETTER AND A CERTIFICATE OF ACTION WITH THE TOWN CLERK.

The Commission hereby grants this approval subject to the following conditions, modifications, restrictions, and safeguards:

1. The above-referenced plans, as modified by these conditions, shall be placed on Mylar, bear all the conditions placed upon the proposed uses by all Town the land use commissions, and stamped "APPROVED" and signed by the Commission on a Town approved signature block. Said plans shall be filed by the Applicant with the Town Planner and Town Clerk within 12 months of the date of approval, which is March 6, 2014; The Applicant/ developer must provide one (1) fixed line Mylar, one (1) Mylar and three (3) paper copies of each approved plan for signature by the Chairman and /or Secretary. Maps to be filed on the land records of the Town Clerk must meet the following standards:  
Must be produced by 1) wash-off photographic polyester film, 2) fixed line photographic polyester film, 3) original ink drawing on polyester film or linen; the process used must be certified by a stamp in red indelible ink, 1" x 2", and include name of producer and process used. Polyester films ("Mylar") must be matte on at least one side. Maps shall be 24" x 36".
2. No site preparation work, including, but not limited to, grading, tree removal, on-site storage of materials and excavation work, may commence until erosion and sedimentation control measures have been installed; and a preconstruction meeting has been held with the Town Planner, Wetlands Agent, and Project Administrator, or their designees;
3. The applicant shall be responsible for erosion and sedimentation control in accordance with the approved plan; failure to adhere to the plans, or create any discharge of materials, shall be considered a violation;
4. The Plans shall be modified to incorporate the following, prior to the signing of mylars:
  - (a) Emergency access gate will be located at a point agreed to by consultation with the Town of Canton EMS chief and the applicant and that consideration will be conducted prior to start of construction on the site.
  - (b) Incorporate any changes in storm water construction as has been discussed throughout the evening by the commission.
  - (c) Both of the above modifications are subject to the approval of the Zoning Enforcement Officer.
5. The design engineer shall certify that the proposed stormwater management system is designed in accordance with the 2004 Connecticut Stormwater Manual;
6. Trees proposed to be installed within the parking lot area to be installed with a clear trunk height of 6 feet;
7. Any large existing trees to be saved within close proximity to grading activities shall be field marked and surrounded with construction fencing at the outermost edges of the drip line prior to the start of any construction, clearing, excavation or grading;
8. All work in connection with this site plan shall be completed within five years after the approval of the plan, or March 6, 2018;
9. This approval shall expire at the later of 12 months after initial issuance or at the expiration of the Building Permit issued during that 12 month period, unless an extension is granted by the Commission;

10. The design engineer, responsible for the submitted plans and designs, shall certify that all site development work and auxiliary facilities, sewer, parking areas, landscaping and plantings have been installed in accordance with the approved Site Development Plan;
11. Dumpsters shall be provided on-site during construction;
12. All existing refuse and debris shall be removed from the site;
13. There shall be no on-site burial of building materials or debris, and a (notarized) statement to this effect shall be submitted to the Town Planner;
14. Any Town streets, roads, sidewalks, curbs or other public components damaged due to construction activities are to be repaired or replaced by the contractor, if required in the opinion of the Project Administrator or Director of Public Works;
15. A complete improvement location survey (as-built) is to be submitted to the Town;
16. A boundary line survey by a licensed Connecticut Land Surveyor shall be provided in the project area prior to the commencement of any site activities;
17. Outside lighting shall include timers, dimmers and/ or sensor to reduce during non-business hours of the school to a minimum level required for overnight security per Section 51.8.4.h.
18. Litter, refuse, and debris from the site and or generated from the site and found in surrounding areas shall be quickly removed;
19. As required by Section 61.7 of the Zoning Regulations, no refuse or other waste material shall be dumped on the property;
20. All landscaping shall be neatly maintained, and dead vegetation shall be replaced as soon as weather permits in accordance with the approved plan as required by Section 51.8.3.b;
21. The proposed parking lot construction standard is hereby accepted by the Commission in accordance with Section 51.11;
22. The proposed number of parking spaces is found to be sufficient under Section 62.3.11;
23. All public address and other noise generating equipment shall be orientated inwards towards the site and shall not be broadcast outwards towards adjacent residential properties;
24. Nothing in this approval, in whole or in part, shall be considered to be approval of, or the implied consent for, any possible future lighting of the track and athletic field or the construction of any press box, future concession stands or any other structures without additional review by the Zoning Commission. Any such lighting shall be required to be submitted to the Commission for review in the form of a subsequent application;
25. The Erosion and Sedimentation Control Plan is hereby certified;
26. The Commission waives any outstanding requirement of the Erosion and Sedimentation Control Plan (Section 68.4) per Section 68.4.d.f.;
27. The plans shall be amended to incorporate all changes required by the foregoing stipulations;
28. This approval shall be binding upon the Applicant / developer, heirs, assigns, and grantees.

Second by Mr. Pane.

**VOTE:** Thiesse-yes; Huyghebaert-yes; Pane-yes; Bondanza-yes; August-yes.

Mr. Sarmuk re-joined the meeting at 8:12 pm.

Mr. Barnhart joined the meeting at 8:12 pm.

**OTHER BUSINESS:**

1. Discussion/Review of Home Connecticut Program and Technical Assistance Grants

Mr. Pade explained that the town has the opportunity to apply for Phase I grant program for design standards. This grant could help to fund some of the recommendations in the POCD

update. This would fund mixed use development along Route 44. This grant explores the feasibility of this type of housing.

**MOTION:** by Mr. Thiesse to adopt the certified resolution of the local zoning authority of the Town of Canton at their meeting on March 6, 2013 and adopted a resolution to endorse submission of the pre-development grant application for assistance under the Housing for Economic Growth Program referenced in section 8-13(m-x) of CGS; and certifies that it will consider the creation of one or more housing incentive zones.

Second by Mr. Sarmuk.

**VOTE:** Thiesse-yes; Huyghebaert-yes; Pane-yes; Bondanza-yes; August-yes; Sarmuk-yes; Barnhart-yes.

**ADJOURNMENT:**

**MOTION:** by Mr. Thiesse to adjourn the meeting at 8:20 pm. Second by Mr. Pane.

**VOTE:** Thiesse-yes; Huyghebaert-yes; Pane-yes; Bondanza-yes; August-yes; Sarmuk-yes; Barnhart-yes.