**Site Plan and Special Permit**  
**PLPZ202000105**  
(see also Municipal Improvement PLPZ 202000104)  

- New home team bleachers, press box, handicapped accessibility and parking, public rest rooms, team rooms, and concession area. Update to field lighting in compliance with the Court Order.

| Location: | Stadium at Greenwich High School 10 Hillside Road |
| Zone: | RA-1 – 38.9 acres  
 | R-20 – 16 acres |
| Lot size: | 54.87 acres |
| Number of Stadium Seats: | Home: 2,060 existing; 2,020 proposed  
 | Visitor: approx.. 1,060 seats |
| Height of bleachers: | Existing: top row of the bleachers is approx.. 23 feet and the top of the press box is 33 feet  
 | Proposed: top row of the bleachers is proposed at 30 feet, pressbox 38.9’ and elevator tower 48.5’ (37.5’ permitted) |
| Setbacks of bleachers from East Putnam Avenue: | 13’-9” existing  
 | 37’-0” proposed |
| Floor Area: | 457,879 square feet – existing *  
 | 385,418 square feet floor area - permitted*  
 | 463,385 square feet proposed comprising existing floor area and the following additional floor area:  
 | 5,321 sq. ft. for team rooms  
 | 185 sq. ft. for kiosk |
| Handicapped accessible parking space: | 17 existing and proposed |
| Parking: | 663 parking spaces on site and 72 off-site parking spaces – approved *  
 | 74 new parking spaces in Phase 2 parking lot; total of 785 spaces **  
 | 652 existing on-site parking spaces, and 59 on-street parking spaces – Existing ** |

*source: MISA decision letter dated December 28, 2010  
**source: Traffic Impact Study prepared by Fuss and O’Neill dated April 24, 2020
UPDATE:
This application was heard at the 5/19/20 Public Hearing where it was left open to address comments from DPW-Engineering and DPW-Sewer, obtain a variance of height for the press box/bleachers, and present the project to the Architectural Review Committee. The applicant withdrew their request for a variance of floor area and has submitted a re-zoning application for the Commission’s consideration.

The Board of Education has a purchase order for the bleachers ready to go once the MI is approved and they want to start construction as soon as they can. To that end, they would like to split up Phase 1 of the project whereby Phase 1A would comprise the bleachers and the ability to drive food trucks to the bleachers. The second part of Phase 1 would be the handicapped parking area and the ticket kiosk.

The ZBA voted in favor of the height variance and the ARC issued a “Do not return” for the bleachers, which is now the work being called Phase 1A. The ZBA approved the elevator height with the flat roof (Section drawing is attached). The applicant will be returning to the ARC to address the ticket kiosk and provide further details with the Phase 1B work (Minutes attached).

While the testing requested by DPW-Engineering is being procured the applicant has provided a drainage exemption, which will limit the site development work to not add any new impervious surface during Phase 1A. Comments are expected from DPW-Engineering.

The applicant’s cover letter states: With regard to the comments related to constructing the bleachers and a corner of the building above the sanitary sewer line we offer the following:

☐ We have obtained a letter from the project structural engineer (attached) with their opinion that due to the depth of the line (+/-12 feet) that it will not be impacted by these new loads above.
☐ We will videotape the line and provide a full report prior to construction. If minor modifications or repairs are needed we will modify the plans to include the necessary work.
☐ Any significant repair or replacement of this line would also disrupt the track and field which if not necessary should be avoided. If at some point in the future this is necessary then there is ample room at the site to locate it a few feet away where it will not be below the buildings or bleachers. Ideally this work would be best implemented when major upgrades to the track and field are necessary.

The applicant is working to obtain sign-off from the DPW Engineering and Sewer with the hopes that the Commission will approve the site plan and special permit, MI, and associated re-zoning application (PLPZ2020 00127) so that the bleachers can be ordered and installed in time for the Fall sports.

ORIGINAL REPORT:
APPLICATION SUMMARY:
This application is a requesting a site plan special permit, Municipal Improvement (MI), and a variance for allowable FAR and height of the elevator and press box, for Phase 1 only to include:

**Phase 1** – Replacement of the home side bleachers and press box with elevator access. Construction of buildings under the bleachers to provide a home team room, public toilet rooms and support spaces. Site improvements to include upgrading the access drive to the bleacher area for delivery, food trucks, emergency access, an improved driveway from Post Road to a new parking area that contains all of the required handicapped parking spaces, a new ticket kiosk and replacement of the performance lighting fixtures on the current poles.

**Phase 2** (Not included in this application; shown for informational purposes only) – Replacement of the visitor’s side bleachers, a new building for a visitor’s team room, public toilets and storage, relocation of the tennis courts, extension of the driveway to connect with the High School parking lots via a bridge, additional parking, a practice field area, related wetlands mitigation and landscaping.

**ISSUES TO BE RESOLVED/RECOMMENDATIONS:**

1) **Variance:** The application should remain “open” until at least a variance for FAR and height is obtained. The application for a variance notes that the height variance is needed to provide handicap access to the pressbox as required by the Americans with Disabilities Act and the additional square footage will provide amenities without adding further activities to the school campus. ZEO comments note that the project is acceptable if the variance is granted by the Zoning Board of Appeals.

2) **Traffic and access:** Further, although there is no proposed increase in number of seats over the existing, there has been considerable discussion about parking and traffic at the High School that has increased post the construction of MISA. DPW-Engineering is supportive of replacing the bleachers that have been shored up but also know there is a significant amount of work that has been identified and they feel there needs to be continued review and action taken to address the many traffic related comments about creating a second access point to the high school property.

A meeting between CTDOT, Town and design team has been requested to discuss the long-term plan for the design. DPW believes it is possible to install an entrance equal to Overlook that would not require the size retaining wall that has been discussed. A marked-up plan will be provided from DPW within the next two weeks offering a potential solution to that end.

The applicant offered the following response: While it is theoretically desirable and technically feasible to align the driveway on the Post Road opposite Overlook so that the entry/exit is at an existing traffic light., it would involve constructing a 15 foot high retaining wall within close proximity to both the new bleachers and directly above the walkway to the stadium. Vehicular access to the bleachers would then need to be along the pedestrian pathway or via an underpass below the entrance drive. Not only would this be a very costly and unattractive configuration, similar to a highway entry / exit ramp, it
would pose safety issues to stadium occupants and pedestrians. All involved do not think this is advisable and as a result it was not pursued any further.

The Commission may want to consider separating out discussion and action of the bleachers from that of new access point but should keep in mind that approval and installation of the bleachers may hinder future plans for a revised access point and roadway as proposed under the various phases of this project. These options should be explored.

3) **Sewer**: Sewer comments are a “must re-submit prior to final site plan approval”. They note in part that based on our review of the proposed construction plans, it does not appear that sufficient consideration has been given to the existing sanitary sewer line that runs across the football field and directly within the proposed bleachers and team rooms, bathrooms, etc. area. It appears that one column support for the proposed bleachers is directly centered above the sanitary sewer main and the corner of the proposed building foundation will be partially over the sewer line. This sewer line serves as the High School’s sanitary sewer lateral. How does the design team propose not only protecting this sewer line during construction, but also planning to be able to replace this line in the future? At some point this sewer line will need to either be repaired and/or replaced. The building cannot have its foundation and a corner of the structure over the line or within a certain distance from the sewer line, as excavation will be required to replace the line. This could mean the foundation may be exposed during that excavation and need to be fully self-supporting. In addition, column supports and associated concrete footings to support the columns cannot be placed directly over the sewer line. Please have the design team consider this, provide a response and the design may need to be revised to make adjustments for the existing sewer line.

4) **Lighting**: The Commission should note the Stipulation and Order of Judgement and ensure that the proposed lighting upgrade is in compliance with the order. See below for the list of restrictions placed on the use of the field/lights under the approval for the field lighting and also MISA (coordination of events).

5) **Drainage**: DPW comments are a “must re-submit prior to final site plan approval”.

6) **Handicapped Parking**: There are 13 handicapped parking spaces at the current High School which seems to be compliant. The stadium Committee did not want to use these as part of the count for the Stadium due to their poor proximity to the field even though they are on the site. The goal with the handicapped parking in Phase one is to provide all of the handicapped parking for the new bleachers. Per Greenwich code the calculation is 

\[ (2020/2.5) \times .02 = 16.16 \] 

so 17 handicapped spaces are proposed to be provided. Additional handicapped parking is provided in phase II with the installation of accessible visitor side bleachers.

7) **Soil remediation**: DPW indicated that to the best of our knowledge and testing, there are no issues with impacted soils up in the Cardinal Stadium area – other than those minor spots that are to be addressed through their work this summer (and those were not PCB related). The area of the bridge proposed under Phase 2 is a different matter, particularly the north side of the brook in the school’s western parking lot.
Permission and notice to the regulators is standard – this site is operating under the state’s voluntary remediation program and as a result, DPW informs the regulators of maintenance projects as they come up. The state and the EPA want to be in the loop on what is being done and what measures are in place to make sure all is done in accordance with their rules and requirements. Just what sign-off/approval might be needed from the regulators is dependent upon what is being done. For example, new bleachers would probably require the town to inform the regulators but not require anything special in terms of approvals/plans etc. Building a bridge across the brook will be a different matter.

As DPW has have noted on many occasions – the environmental matters can be dealt with – it’s a matter of time and funding, and coordination.

The relevance is that the ability to construct the road proposed under Phase 2 is in question given the possible feasibility and environmental issues that would need approval from wetlands, the DOT, and the EPA.

**SITE DEVELOPMENT DETAILS:**
The expansion will consist of increasing the number of seats for the home team as well as constructing a new driveway, built over the current service driveway, providing access to Cardinal Stadium. The new driveway and associated parking will require the current tennis courts to be relocated to the east.

The existing site consists of a 457,879 square feet high school, four tennis courts, a baseball field, Cardinal stadium (the school’s football field), the MISA auditorium, 652 existing on-site parking spaces, and 59 on-street parking spaces.

There are five main access driveways to the site along Hillside Road. The existing stadium consists of 2,250 seats with a service entrance that provides access from Route 1 that is limited to access for emergency vehicles only. It has been used recently for food trucks but there has been no approval granted for that expanded access. There is minimal parking here and all of the existing parking is unmarked dirt spaces.

**Proposed new access point from East Putnam Avenue:**
Pursuant to the Traffic Impact Study prepared by Fuss and O’Neill dated April 24, 2020, the proposed primary site access will be provided via one unsignalized right in right out driveway, which will operate as full access during larger events with police control. The driveway will tie into Route 1 (East Putnam Avenue) about 150 feet from the intersection of Overlook Drive and Route 1. The driveway will then allow access into the existing high school parking lot to the north providing direct access to Route 1 from the west high school parking lot.

The expansion will encompass the current tennis courts requiring them to be relocated when
construction begins. The site will be accessed through the existing unsignalized full access driveway that will be reconfigured to operate as a right in, right out during normal operations and full access during major events with police control.

This newly expanded road will connect to the existing parking lot to the north providing additional access to Route 1 and allowing parents to access the drop off point from Route 1 rather than Hillside Road.

Site access will be provided via a new site driveway constructed at the existing driveway. This driveway will act as a right in right out during daily operations and will be full access during larger events, such as a football game. The new driveway will utilize an officer during the larger events to allow for safe and efficient flow and will be stop controlled during daily operations. Parking will be located to the west of the newly relocated tennis courts. The new driveway and parking lot connection will also contain a turnaround allowing for parents and buses to drop students off at events or the school.

Since the seating capacity is not changing, the major impact on traffic conditions will be a result of the new connection to the high school parking lot leading directly to Route 1. This connection will redistribute traffic that would normally enter Route 1 through the Hillside at Route 1 intersection.

The new site driveway at Cardinal Stadium will primarily be receiving trips by diverting drivers leaving the high school and traveling south on Hillside Road and traveling west on Route 1. The new site driveway will also receive trips by diverting drivers entering the high school via the right turn at the intersection of Route 1 at Hillside Road. About 60 percent of these trips will travel out of the new site driveway in an attempt to avoid the queue on Hillside Road. It is expected that a portion of the Route 1 (East Putnam Avenue) trips will be diverted, about 20 percent, to the new site driveway to avoid the queue at the Main Driveway.

The Board of Education has decided to restrict use of the handicapped parking lot to only those times when the stadium is in use until Phase II is completed. The submitted plans show a gate that will facilitate the selective opening of this parking area. Currently the handicapped accessible parking is a great distance from the stadium at the Science Wing. Golf carts are used to help transport people in need.

Conclusions and Recommendations of the Traffic Impact Study:
All intersections within the study area operate at LOS D or better during the morning and afternoon peak hours, under background and combined conditions with the exception of the eastbound approach at the intersection of Hillside Road at Main Driveway which operates poorly at LOS E under background conditions and combined conditions during the morning peak hour. Queue lengths for all intersections within the study area intersections are expected to remain constant with background conditions except for the eastbound approach for the intersection of Hillside Road at Main Driveway, which will experience a decrease in queue length of at least two vehicles, and southbound approach at the intersection of Route 1 (East Putnam Avenue) at Cardinal Stadium Drive, which will experience a queue length increase of two vehicles or less.
A review of crash data provided by the University of Connecticut Crash Data Repository indicated that there were no abnormal crash frequencies and crash patterns in the study area given the volume of traffic, signalized arterial roadways, and large amount of curb cuts on Hill Side Road. There was one fatality and two minor/serious injuries reported in the study area for pedestrians. At the intersection of Cardinal Stadium Drive and Route 1, adequate intersection sight distance is provided for buses looking left (east) and right (west). However, this intersection is expected to operate as a right in right out, to provide a safe and efficient intersection, when there is no police present to direct traffic.

Recommendation:
Polic control of the intersection of Route 1 (East Putnam Avenue) at Cardinal Stadium Drive to allow for full access use during large school events.

VARIANCE:
The height of the elevator shaft as well as the press box exceeds the permissible height in this residential zone. Building sections (A301) and a site section (A302) show this condition on the submitted documents.

RA-1 Zone = 38.9 acres, which has FAR of 0.135 allowable per 6-205 of the zoning regulations
R-20 zone = 16 acres, which has FAR of 0.225 allowable per 6-205 of the zoning regulations

The allowable FAR on site is:
\[(38.9 \text{ ac})(0.135) + (16 \text{ ac})(0.225) = \text{ a Hybrid FAR of } 0.161.\]
\[(38.9 \text{ ac} + 16 \text{ ac})\]

The High School is already over the FAR allowance by 79,901 square feet.

DRAINAGE:
There are two systems proposed; one to address the bleacher area and the other for the handicapped parking lot. Neither system involves any construction in the wetland buffer. The system for the handicapped parking lot will be extended and modified when Phase II is constructed. DPW has requested considerably more information.

FIELD LIGHTING:
This application also includes the replacement of the sports performance lighting on the current poles. Catalog cuts of the light fixtures as well as a plan showing the light levels is also included in the submission. The applicant is aware of the court settlement regarding lighting and there are no plans to deviate from these restrictions (FSP #2278 pp. 5-6).

Guidelines for controlling lighting at Cardinal Stadium from FSP#2278 as referenced in the Order of Judgement include:
1) No more than a total of 10 lighted athletic events, i.e. ¾ boys football, 1 boys and 1 girls soccer, 2 girls lacrosse, 1 boys lacrosse and 1 girls track event, limited to regularly scheduled Greenwich High School athletic events (Board of Appeals condition).

2) This limit includes any state playoff games (Board of Appeals condition).

3) Games to begin no later than 7:30 PM (Board of Appeals condition).

4) Practices would be in addition to the games; for a total of 6 night practices permitted per year, will begin no later than 7:00 PM and not last more than 1 hour. (Board of Appeals condition).

5) The use of the stadium lights for other events outside the purview of the GHS Athletic Department would not be permitted.

6) All illumination supported by the subject poles to be extinguished as reasonably soon as safety standards permit following the completion of the athletic event, (Board of Appeals condition).

7) Additionally, the Board of Education has included an explanation of accountability and responsibility for implementation and procedures for the Headmistress/master of the High School and Superintendent of Schools for enforcement of these guidelines.

8) The language of the contract for maintenance of these lights, the insurance and bonding requirements be reviewed and approved by the Law Department.

9) The conditions and guidelines are proposed to be written into any site plan for permit issuance to guarantee their enforceability.

10) The Chief of Police has stated that the Police Department will work with the High School to handle crowd control, traffic, noise, parking and the Board of Education has committed to providing shuttle service to and from Central Middle School for peak events, where up to 130 parking spaces are available for these events.

11) Any lights installed on these 4 poles be removed during the non-playing seasons (Board of Appeals condition)

SOIL REMEDIATION ISSUES:
The following is noted on the Board of Education website: In July 2011, during the course of excavation work for the Greenwich High School building project, unexpected soil conditions were discovered in the fields. Comprehensive air, water and soil sampling was conducted, revealing levels of contaminants in the soil above acceptable limits. Interim remediation strategies were implemented and the fields were cleared as safe for use. The Greenwich Public Schools/Board of Education and the Town of Greenwich are working in collaboration to address the environmental concerns of the GHS fields. Licensed environmental professionals have been contracted to plan for and implement a comprehensive Remedial Action Plan (RAP). The Town of Greenwich and State Departments of Health and Environmental Protection and the Federal EPA are also involved in consultation on the testing and remediation plans.

CONDITIONS FROM MISA THAT IMPACT THE STADIUM/TRAFFIC:
The following were conditions placed on the MISA project that should be considered as part of this project:

1) For the school year, the Student Activities Coordinator determines the schedule and then seeks approval from Assistant Headmaster and Headmaster. After that is set, requests are considered from outside groups such as Greenwich Symphony and other non-profits,
which is also at the ultimate discretion of the Headmaster. Unforeseen scheduling such as FCIAC play-off games that are not determined by GHS are at the discretion of the Superintendent of Schools. For the Summer months, an Advisory Committee comprised of 7 people including two residents from the GHS neighborhood, two RTM members chosen by the Moderator, two members chosen by the First Selectman, and the BOE Managing Director of Operations who acts as Chair. The plan of operation for events, parking and traffic provided by the applicant is as follows:

a) A single event coordinator would be designated to coordinate the scheduling of after school events at the High School. Criteria would be developed to help identify high traffic or problem events that may require limiting or excluding the use of the Campus by other groups. Issues such as overlap of events and combined total of participants/spectators would also be part of that consideration;

b) The School shall provide offsite parking for the large events that students must use to free up parking on site;

c) The School has agreed to not schedule athletics events simultaneous with Auditorium events except by express approval of the Superintendent of Schools;

d) The use of the auditorium by outside groups would be reviewed with awareness as to attendance, traffic and parking issues. The School has expressed that they have no issue with limited the occupancy of events to help mitigate such issues; and

e) The School will keep records on participation, traffic and parking problems to evaluate past events to evaluate the effectiveness of established practices and identify best practices or potential changes to avoid repeating past failures. The Traffic Consultant must evaluate all information and submit the following reports annually for a minimum of three years.

   i. Monitoring the implementation of on-site student pick up and elimination of illegal parking.

   ii. The Traffic Impact Studies from Frederick P. Clark Associates, Inc. shall be updated.


The school shall adopt centrally located appropriate software which would allow more efficient monitoring of events and potential conflicts.

DEPT COMMENTS:
Conservation – None provided
DPW Engineering – See attached
DPW Sewer – See attached
ZEO – See attached
BETA traffic consultant – see attached
STIPULATION AND ORDER OF JUDGMENT

This Stipulation and Order of Judgment ("Stipulation and Order") is entered into by and between William Effros ("Effros") and the Board of Education of the Town of Greenwich ("BOE"); the Town of Greenwich Public Schools ("Public Schools"); the Town of Greenwich (the "Town"); the Representative Town Meeting of the Town of Greenwich ("RTM"); the Planning & Zoning Commission of the Town of Greenwich ("P&Z"); and the Planning and Zoning Board of Appeals of the Town of Greenwich ("ZBA"). The parties other than Effros collectively are referred to herein as the "Defendants."
I. Recitals

1. Effros is a resident of the Town of Greenwich, Connecticut, and the owner of property located at 41 Old Church Road in the Town of Greenwich, Connecticut.

2. The Town and the BOE are the owners of and/or are responsible for property located at 10 Hillside Road, Greenwich, the location of Greenwich High School (the "High School Property"), which is situated in the RA-1 and R-20 zones adjacent to Effros' property.

3. On June 29, 2000, the BOE submitted to the P&Z a municipal improvement application dated May 18, 2000 (the "Application"). In its Application, the Board sought approval for the following project concerning the athletic field used, in part, for football games on the High School Property (the "Athletic Field"): INSTALL LIGHTING AT CARDINAL STADIUM FOR NIGHT EVENTS AND RELATED LIGHTING ON WALKWAYS. FOUR (4) 90-FT POLES WITH FIFTEEN (15) TO SEVENTEEN (17) FIXTURES EACH HAVING 1500 WATTS.

4. On October 24, 2000, the P&Z denied the BOE's Application.

5. The BOE filed a timely appeal from P&Z's denial of its Application to the RTM.

6. On December 11, 2000, the RTM reversed the P&Z's denial of the Application.
7. By application filed on or about October 25, 2001, the BOE sought (a) to appeal from the decision of the Zoning Enforcement Officer ("ZEO") that light poles were structures and hence subject to the provisions of the Zoning Regulations of the Town of Greenwich ("GZR") regulating the height of accessory structures in the R-20 and RA-1 residence zones (the zones in which the Property is situated), and (b) in the alternative, approval from the ZBA for a variance of the GZR; a use variance; and a variance of height regulations for the installation of outdoor stadium lighting poles (including four 70-foot poles) for night events at the Athletic Field.

8. Following a public hearing on December 12, 2001, the ZBA sustained the decision of the ZEO and continued the public hearing to January 9, 2001, at which time the ZBA considered the BOE's application for the variance relating to outdoor stadium lighting poles.

9. Following the conclusion of the continued public hearing on January 9, 2002, the ZBA granted the BOE's application for a variance with conditions.

10. On June 20, 2002, the P&Z approved the Application, subject to certain conditions specified in the approval.

11. Effros has filed the following civil actions (collectively referred to herein as the "Effros Actions") in the Connecticut Superior Court, Judicial District of Stamford/Norwalk at Stamford, against some or all of the Defendants:
(a) an action against the RTM, the Town and the BOE bearing docket number CV-01-0186121-S (the “First Appeal”);

(b) an action against the ZBA, the Town and the BOE bearing docket number CV-02-0187823-S (the “Second Appeal”); and

(c) an action against P&Z, the Town and the BOE under docket number CV-02-0190416 S (the “Third Appeal”).

12. The parties hereto, each desirous of resolving the controversies between them, and avoiding the cost and uncertainty of further litigation, have reached a global and comprehensive settlement of the Effros Actions and wish to embody said agreement in a writing and to have judgment enter in each of the Effros Actions in accordance with this Stipulation and Order.
II. Terms

In consideration of the foregoing Recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, with the intent to be legally bound, agree as follows:

1. The following terms will have the following meanings as used herein:
   
   (a) "Ancillary Approval" means the variance granted by ZBA as to the height of the light poles, the regulated activity permit issued by the Inland Wetlands and Watercourses Commission of the Town of Greenwich, or any other approval obtained in connection with the installation of lights, or the operation of a stadium for night-time/lighted events, at the Athletic Field specifically, or on the High School Property generally.
   
   (b) "P&Z Approval" means the approval of the P&Z dated June 20, 2002 and effective June 28, 2002, a copy of which is annexed hereto as Exhibit 1.
   
   (c) "Applicable Requirements" means the terms, provisions, conditions, caveats, restrictions, guidelines, and limitations of the P&Z Approval, as well as all other applicable legal requirements, whether existing in the Town of Greenwich now or in the future (including, but not limited
to, any ordinances of the Town of Greenwich), whichever is more restrictive (that is, whichever permits the least light or sound).

(d) "the Lights" means outdoor lighting consisting of four light poles with affixed lighting fixtures not to exceed 70 feet in height above the elevation of the Athletic Field as it exists as of the date of this Stipulation and Order, all as set forth in the P&Z Approval.

(e) "Confirmatory Report" means a report based upon observation, testing, and/or measurement of actual conditions concerning the installation or use of the Lights.

2. The BOE agrees that installation and use of the Lights will be in strict accordance with, and strictly subject to all of the terms, conditions, provisions, caveats, restrictions, limitations, and requirements of, the P&Z Approval and the Ancillary Approvals.

3. Notwithstanding any other provision of this Stipulation and Order, the BOE shall comply with the sound and light standards set forth in the P&Z Approval, regardless of any future change in the light or noise standards, ordinances or regulations adopted by the Town that would have the effect of allowing an increase in light or sound above levels set forth in the Applicable Requirements.
4. Any Confirmatory Report permitted or required in accordance with the terms of this Stipulation and Order shall be prepared by a professional engineer licensed by the State of Connecticut in the requisite sub-specialty (e.g., lighting, sound).

5. Within 30 days of the completed installation of the Lights Defendants shall provide Effros with a Confirmatory Report (the "Initial Confirmatory Report") establishing compliance with the Applicable Requirements. The BOE shall provide reasonable prior notice to Effros of the date and time on which the data for any Confirmatory Report will be gathered and will permit him to attend. If the Defendants are unable to provide the required Initial Confirmatory Report establishing compliance with the Applicable Requirements, then the Defendants agree not to use the Lights until such time as the Confirmatory Report establishing compliance with the Applicable Requirements is provided to Effros. The BOE agrees that the Lights will be lowered if not brought into compliance with the Applicable Standards within 90 days of the completed installation thereof.

6. If Effros determines that the installation or use of the Lights is not in strict compliance with the Applicable Requirements, Effros shall provide to the BOE written notice specifically identifying the areas and items of non-compliance. Upon receipt of such notice, the BOE shall take reasonable steps to investigate the non-compliance by obtaining an appropriate Confirmatory Report establishing
compliance with the Applicable Requirements (a) prior to the next use of the Lights, if possible, or (b) within 14 days after the next use of the Lights. The BOE shall provide Effros with a copy of any Confirmatory Report immediately upon receipt. If the Confirmatory Report confirms that use of the Lights is not in compliance with the Applicable Requirements, then the BOE shall immediately cease using the Lights until such time as the BOE has demonstrated that it can operate the Lights in compliance with the Applicable Requirements based on an evening test.

7. In the event Effros has a reasonable objection to the data collection methodology or the conclusions drawn from such data with respect to a given Confirmatory Report, he shall be permitted to gather data to make his own report to rebut the applicable Confirmatory Report, and in the event the parties cannot reconcile their respective reports, they will submit the dispute to the Superior Court for resolution under the terms of this Stipulated Judgment. In the event the BOE is unable to obtain a Confirmatory Report establishing compliance with the Applicable Requirements within 12 months of the completion of the installation of the Lights, BOE will cause the Lights to be removed.

8. The Town agrees to request that the First Selectman appoint Effros to the Monitoring Committee established pursuant to the P&Z Approval and will use reasonable efforts to accomplish the same, provided that Effros acknowledges that such appointment is at the discretion of the First Selectman.
9. This Court shall retain jurisdiction over this matter to enforce the terms of this Stipulation and Order. If any of the Defendants fails to comply with any of the terms and provisions of this Stipulation and Order, Effros may seek entry of an order of contempt compelling the Defendants to do so.

10. The terms and provisions of this Stipulation and Order shall be binding upon and inure to the benefit of the parties hereto and their heirs, administrators, successors and assigns.

11. This Stipulation and Order shall resolve any and all disputes or claims which may exist between the parties hereto and subject to the order of injunction herein entered. No costs shall be assessed against any party.

12. The waiver of either party of a breach or any provision of this Stipulation and Order will not operate or be construed as a waiver of any subsequent breach.

13. The attorneys executing this Stipulation and Order confirm that they have been authorized by their respective clients to execute this Stipulation and Order on their clients' behalves, and that their respective clients accept, agree with, and intend to be bound by the terms and provisions of this Stipulation and Order.
Dated: 2-22-03

PLAINTIFF
WILLIAM EFFROS

By: Douglas J. Varga

Zeldes, Needle & Cooper, P.C.
1000 Lafayette Boulevard
P. O. Box 1740
Bridgeport, CT 06601-1740
(203) 333-9441
Juris No. 69695

Dated: 7/22/03

DEFENDANTS
BOARD OF EDUCATION OF THE TOWN
OF GREENWICH; THE TOWN OF
GREENWICH PUBLIC SCHOOLS; THE
TOWN OF GREENWICH; THE
REPRESENTATIVE TOWN MEETING OF
THE TOWN OF GREENWICH; THE
PLANNING & ZONING COMMISSION OF
THE TOWN OF GREENWICH; AND THE
PLANNING AND ZONING BOARD OF
APPEALS OF THE TOWN OF
GREENWICH

By: Haden P. Gersh

Town of Greenwich Law Department
Town Hall
101 Field Point Road
Greenwich, CT 06836-2540
(203) 622-7874
Juris No. 25945

Dated: 7-22-03

SO ORDERED:

[Signature]

Judge of the Superior Court
CERTIFIED MAIL

June 28, 2002

Dr. Roger J. Lulow, Superintendent of Schools
Board of Education
Havemeyer Building
290 Greenwich Avenue
Greenwich, CT 06830

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P.O. Box 549
Riverside, CT 06878

Re: Greenwich High School Stadium Lights: application FSP #2278 for a final site plan to install four 70’ poles to provide stadium lighting and additional lighting on the bridges, pathways and behind the bleachers on the 54.87 acre property located at 10 Hillside Road in the RA-1 and R-20 zones.

Dear Gentlemen:

At a regular meeting of the Planning and Zoning Commission held on Thursday June 20, 2002 and upon a motion to approve the final site plan made by Mr. Maitland and seconded by Mr. Heimbuch, the following resolution was unanimously adopted: (Voting on this item, Mesdames Stone, Siefert and Colombo and Messrs Heimbuch and Maitland)

Whereas the Commission held a regular meeting on June 11, 2002 and took all testimony on this item as required by law; and

Whereas on October 24, 2000 the Planning and Zoning Commission denied the Municipal Improvement #485 and Site Plan #2135 for the stadium lights on four 90 foot high poles by a vote of two against and three in favor as noted in the attached letter. The application did not receive the required four affirmative votes to approve and was therefore not approved. Denial of the Municipal Improvement was appealed to the RTM
which granted the Municipal Improvement in December 2000 to install light poles and lights, approved the acceptance of the gift of $120,000 for purchase, installation and maintenance of the stadium lights and stated that site plan review by the Commission was necessary; and

Whereas the Board of Education has returned to the Commission with an altered site plan showing four 70 feet high poles, each with a retractable light carriage holding ten 1500 watt flood light fixtures with a glare reducing shield, and these four retractable carriages and light fixtures will be removed completely from the poles at the end of each of the athletic seasons, and also proposed is some new lighting on walkways, bridges and pathways, and floodlights behind the bleachers added for pedestrian safety and security, and a 2-year warranty for annual maintenance of the four poles is guaranteed; and

Whereas the IWWCA Agency has granted approval of the underground electrical conduits including the crossing of a brook, and the Board of Appeals (#8697) has granted variances of height for the four 70 foot poles as structures, provided they have retractable light carriages and these carriages with lights will be removed from these four poles during the non-playing seasons; and

Whereas the Commission notes that this final application has been submitted as required by the conditions of the approval by the Board of Appeals, which granted the variances of height for the four 70 foot poles with conditions, and the RTM, which approved the Municipal Improvement for lights for the stadium night time games with limits; and the Commission further notes that the Board of Education has submitted a list of conditions that will govern the number, type and hours of use of these lights and sports activities annually as follows: Guidelines for controlling lighting at Cardinal Stadium:

1) No more than a total of 10 lighted athletic events, i.e. ¾ boys football, 1 boys and 1 girls soccer, 2 girls lacrosse, 1 boys lacrosse and 1 girls track event, limited to regularly scheduled Greenwich High School athletic events (Board of Appeals condition).

2) This limit includes any state playoff games (Board of Appeals condition).

3) Games to begin no later than 7:30 PM (Board of Appeals condition).

4) Practices would be in addition to the games; for a total of 6 night practices permitted per year, will begin no later than 7:00 PM and not last more than 1 hour. (Board of Appeals condition).

5) The use of the stadium lights for other events outside the purview of the GHS Athletic Department would not be permitted.

6) All illumination supported by the subject poles to be extinguished as reasonably soon as safety standards permit following the completion of the athletic event, (Board of Appeals condition).

7) Additionally, the Board of Education has included an explanation of accountability and responsibility for implementation and procedures for the Headmistress/master of the High School and Superintendent of Schools for enforcement of these guidelines.

8) The language of the contract for maintenance of these lights, the insurance and bonding requirements be reviewed and approved by the Law Department.
9) The conditions and guidelines are proposed to be written into any site plan for permit issuance to guarantee their enforceability.

10) The Chief of Police has stated that the Police Department will work with the High School to handle crowd control, traffic, noise, parking and the Board of Education has committed to providing shuttle service to and from Central Middle School for peak events, where up to 130 parking spaces are available for these events.

11) Any lights installed on these 4 poles be removed during the non-playing seasons (Board of Appeals condition); and

Whereas the Commission notes that the Superintendent of Schools, speaking as the representative of the applicant, the Board of Education has stated to the Commission that the Board will participate on a committee to be established which would review any activities and complaints at least once a year that may not be in accord with all the approvals granted and said committee will comprise two neighbors appointed by the Board of Selectmen, Town Traffic Engineer, the Town Planner, Board of Education member or Superintendent of Schools, Headmaster/mistress of Greenwich High School, and further, the Board of Education and Superintendent have made representations in writing, entitled, “Narrative Description of final site plan application of the Greenwich Board of Education for the installation of the light poles at Cardinal Field at Greenwich High School, 10 Hillside Road and in another written report, “Controlling lighting at Cardinal Stadium Guidelines” which detail the operation of the lights and games; and

Whereas the Commission notes that a Verified Pleading under Section 22A-19 of the CGS was filed by an abutting neighbor at 41 Old Church Road, contending that these four 70 foot poles and associated lighting will have an adverse environmental impact upon the natural resources of the State by unreasonably polluting impairing or destroying the public trust in air, water and other natural resources and the Commission finds that the project will not have the effect claimed and that there is no feasible, reasonable alternative to the proposed plan given the nature of the improvements, analysis of the plans and limitations imposed, and further, the Commission finds that such a limited use of lights for a few hours per year does not unreasonably pollute, impair or destroy the public trust in the air, water and other natural resources of the State, does not violate the public health, safety or welfare of its residents, and the Commission finds that the actual lights will be removed at the end of each athletic season and are retractable and therefore will not be a source of continuous and excessive light and noise at night for the adjoining neighbors or on the fauna and flora within or adjacent to the High School field, since there will be only 10 events and 6 practices utilizing these lights on an annual basis; and

Whereas the Commission finds that with the appropriate approvals from the RTM and Board of Appeals and commitments by the Board of Education and Greenwich High School, this final site plan can be approved as consistent with the 1998 Town Plan of Conservation and Development, and the site plan standards of 6-15 have been met as shown on the plans, and further, the lighting details and statements provides for compliance with the lighting regulations of Sections 6-151-153 with the combination of proposed lighting on the four poles, and bleacher floodlights and walking path lights, and applicant will submit such a final plan from a lighting engineer using the proposed 10
lights on each pole (40 in total) as shown on the submitted GE brochure, and said light fixtures will be removed (since they are retractable) at the end of the season, and will therefore not impact the adjoining neighbors, and the additional parking and shuttle service at Central Middle School (130 parking spaces) will reduce overflow parking onto residential streets; and

THEREFORE BE IT RESOLVED, that FSP #2278, as submitted by Anthony D’Andrea, authorized agent on behalf of the Town of Greenwich Board of Education, record owner, for a final site plan to install four 70 foot high poles to provide stadium lighting on the field, and additional lighting for bridges, pathways and behind the bleachers at Greenwich High School per Sections 6-14 and 6-15 of the Building Zone Regulations on a 5.48 acre property located at 10 Hillside Road in the RA-1 and R-20 zones as shown on Field Lighting Site Plan dated last revised 05/08/02 by CT Engineer Patrick F. Lynch, of O'Dea, Lynch and Abbatiata Consulting Engineers, based on a topographic map of Greenwich High School property by Rocco D'Andrea Inc. dated August 30, 1995 is hereby approved with modifications.

The modifications are as follows and will be addressed at the time 3 sets of detailed final site plans and architectural drawings for the lighting structures are submitted to Planning and Zoning for signoff prior to any building or electrical permit issuance for the installation of the poles and lighting:

1. The chief Building Official (Bill Marr) has stated that for a building permit, all structural information and professional engineering calculations must be submitted to demonstrate compliance with Connecticut State Building Code for wind and seismic loadings. An electrical permit is required, which also will require plans and fixture cuts of lighting that will be reviewed by Planning and Zoning for compliance with the Trespass Lighting Regulations.

2. A new Committee be created and have its first meeting prior to the start of the 2002-03 football season. This monitoring Committee will comprise the Town Traffic Engineer, Town Planner, two neighbors appointed by the Board of Selectmen, Board of Education member or Superintendent of Schools, and Headmaster/mistress. This committee will meet at least annually to review the proposed plans for nighttime games and practices for each sport and address any concerns or complaints from the public. The Town Planner shall serve as the Chair of the Committee and shall advise the members of the committee of the time and place of said meeting and post notice in the Town Clerk’s office. Any complaints will be directed in writing to the Town Planner and Superintendent of Schools.

3. The following notes be added to the final revised sets of plans:
   a) No more than a total of 10 athletic events; i.e. ¾ boys football, 1 boys and 1 girls soccer, 2 girls lacrosse, 1 boys lacrosse and 1 girls track event, limited to regularly scheduled Greenwich High School athletic events (Board of Appeals condition).
   b) This limit includes any state playoff games (Board of Appeals condition).
   c) Games to begin no later than 7:30 PM (Board of Appeals condition).
d) Practices would be in addition to the games for a total of 6 night practices per year that will begin not later than 7:00 PM and not last more than 1 hour. (Board of Appeals condition).

c) Use of the stadium lights for other events outside the purview of the GHS Athletic Department would not be permitted.

d) All illumination supported by the subject poles be extinguished as reasonably soon as safety standards permit following the completion of the athletic event (Board of Appeals condition).

e) The Board of Education is accountable and responsible for implementation and procedures for the Headmistress/master and Superintendent of Schools for enforcement of these guidelines.

f) The contract for the lights must be approved by the Law Department, in addition to the insurance and bonding requirements.

g) The Chief of Police has stated that the Police Department will work with the High School to handle crowd control, traffic, parking and the Board of Education has committed to providing shuttle service to and from Central Middle School where there 130 spaces are available for these events.

h) The retractable stadium lights/fixtures shall be removed from the poles immediately after the last night game of an athletic season and shall not be installed until just prior to the first night activity of the next athletic event season.

4. In order to plan effectively and safely for crowd control and parking locations, a traffic management plan will be submitted by the Board of Education/High School indicating prior to the season which games will be held at night under the lights and which parking areas will be used and managed for shuttling attendees. This should be addressed for each type of athletic event. The stadium has a seating capacity of 2500 but can accommodate up to 3500, and the high school has parking for 700 vehicles.

5. A light illumination plan, based on a nighttime test, be submitted by a professional lighting engineer registered in Connecticut, that indicates the amount of actual foot-candles along property lines. Said plan must meet the residential zone requirements of Section 6-153 for 0.10 foot-candles at the perimeter of the property. Specifics of the additional auxiliary lighting should be explained and shown on the final plan. This plan will be based on a combination of stadium lights, bleacher lights and 12-foot high pathway lights to the parking lot from the stadium.


7. Applicant must address the noise level and compliance with the Noise Ordinance specifically relating to the sound system and location of speakers.

8. A note be added to the plan that the Board of Education agrees to return to the RTM first if any conditions regarding the lights, number of games, etc., change (since the RTM approved the MI), prior to returning to the Planning and Zoning Commission for a revised site plan.

9. Light projections do not take into account vegetation and other factors that lessen actual light, and additional shielding could be required to reduce the lighting at
the edges of the property, and the State of Connecticut could require corrected shielding if there is too much glare along the Post Road.

10. Design details for the retractable light carriages must be submitted along with a narrative describing their erection and lowering.

11. Board of Appeals conditions requires that the lights will be removed from these four poles during the non-playing seasons.

12. A test be conducted by a Connecticut registered Engineer specializing in lighting, and an as-built plan of lighting be submitted after ALL lighting is installed and submitted to Planning and Zoning and Building Department. The actual footcandles shall be recorded at the west and south property lines to ensure actual installation does not exceed the standards of Section 6-153.

13. No activity in the High School shall be scheduled the same night as the stadium lights are used for night athletic games.

14. Any change in the plans for relocation or height of poles, size or number of lights, etc. shall be resubmitted to Planning and Zoning and other appropriate Boards and Agencies as required.

If you have any questions, please call our office.

Very truly yours,

Diane W. Fox
Town Planner/Zoning Enforcement Coordinator

c.c. Bill Marr, Jim Maloney, Gerald Dunn, William Studwell, Peter Robinson, Haden Garrish, John Wetmore, Caroline Baisley, Garo Garabedian, Peter Robbins, Mrs. Sandra Waters Board of Education Chairman, Dr. Herbert F. Pandiscio Acting Superintendent of Schools, Dr. Elaine Bessette Headmistress of GHS
November 1, 2000

Mr. Rodger Ludlow,
Superintendent of Schools, and
Member of the Board of Education
Havemeyer Building
Greenwich Ct. 06830

RE: MI#485 and FSP#2135 - application of Board of Education for a Municipal Improvement and Site Plan to install light poles at Cardinal Stadium at Greenwich High School at 10 Hillside Road in the RA-1/R20 zones.

Dear Mr. Ludlow and Board Members:

At a regular meeting of the Planning and Zoning Commission held on October 24, 2000, a motion to approve the Municipal Improvement and Final Site Plan for installation of a night lighting system on four 90' high poles at Cardinal Stadium at Greenwich High School was made by Mrs. Colombo and seconded by Mr. Maitland. (Voting in favor: Mrs. Colombo, Mr. Maitland and Mr. Heimbuch; Voting against: Mrs. Siefert and Mr. LeBien). The application was denied due to failure to obtain the four affirmative votes that are required for approval. (Regular member Peter Joyce recused himself).

Those who voted in favor of the Municipal Improvement and Site Plan application cited the following reasons:

1) The Board of Education has reviewed and considered all the issues and has stated that the use of lights for a limited number of night games will enhance the educational experience of students, and the Board did not find any particular issues of security; further the Board of Education is community wide in its decision making.

2) Chapter 10 in the Plan of Conservation and Development states that a goal is to provide adequate public facilities, and school lighting is in keeping with that goal.

3) The topography of the field is lower than the adjoining residences along Old Church Road and there will be minimal lighting impacts upon those residences.

4) The noise impacts will conform to the Health Department requirements because crowd noise and broadcast levels are not a sustained noise source, but rather a sporadic noise at intervals.
5) Three years ago when there was an experiment with one night game with lights, approximately 3500 people attended, in excess of seated capacity, and no one objected at that time. No one has stated at any of P&Z meetings and nothing was in the report of the Police Chief to indicate that evening (3 years ago) that there was any more vandalism, or that there were any problems with noise, lighting, or vandalism with that one time event.

6) Although the lighting plan submitted shows areas that exceed the allowable levels, engineering analysis states that after 10 hours of use lights levels would be significantly lower; light projections do not take into account vegetation and other factors that lessen actual light, and additional shielding could be required to reduce the lighting at the edges of the property, and the State of Connecticut could require corrected shielding if there is too much light along the Post Road.

7) Board of Education could allow parking at another facility and shuttle people back and forth if there is insufficient parking.

Those who voted to deny the Municipal Improvement and Site Plan application cited the following reasons:

1) The Plan of Conservation and Development as adopted by the RTM provides, "The Town Charter requires the Commission to review and approve any municipal improvement proposed by another town agency with a finding that the proposal is consistent with the Plan of Conservation and Development and benefits the public." Therefore, the issue before the Commission is whether the proposal is consistent with the POCD and benefits the public and meets site plan standards.

2) The two provisions of the POCD, which are particularly relevant, are Section 10.1, which states "Educating our children must continue to be a top priority" and Chapter 3, which states as a Goal, "Preservation of the Town’spredominately residential character and its neighborhoods…" 

3) Athletics are an essential component of a good education. Greenwich High School has for many years provided excellent athletics without stadium lights. It has demonstrated that it does not need stadium lights to provide excellent athletics and excellent education.

4) One member in opposition agrees with the proponents that stadium lights would add a desirable dimension to GHS athletics. But, that is not the issue before the Commission. The issue is consistency with the POCD and benefit to the public and compliance with site plan standards.

5) The basic problem is the fact that GHS is surrounded on all sides by residential neighborhoods. The question is the effect of the proposal on these neighborhoods.

6) The proposed lighting plan is for 10 scheduled athletic events, namely four football games, two soccer games, one for boys and one for girls, two girls’ lacrosse games, one boys lacrosse game and one girls track meet. In addition there would be 6 night practice sessions.

7) On nights which have scheduled events, from about 6:30 to 11:00 p.m., there will be substantial disturbance of adjoining neighborhoods consisting of traffic, cars
seeking parking, crowd movement and noise and glow of lights from the stadium. This will be particularly true for football and soccer games. The disturbance from the other events will probably be less but still exist.

8) One member in opposition is skeptical, but assumes for purposes of this decision that it is true as promised that no sound from the PA system announcing the games will be heard beyond the field area and that neither neighbors nor cars on the Post Road will see stadium lights or bleacher lights. But, both members agree that crowd cheering and marching band noise will be heard. The combined bleacher lights, stadium lights, parking lot lights, floodlights and walkway lights will create a sky glow, which will spill over into adjoining neighborhoods and onto the Post Road.

9) Presumably the 6 practice sessions will attract no traffic or crowds and will generate no noise audible beyond the field area. However, the lights will be turned on and there will be sky glow spillover. We note that the Board of Education guidelines do not contain a categorical promise not to increase the number of practice sessions. We believe that from time to time there will be a strong temptation to extend the promised one-hour limit for practice sessions.

10) Each of the four light poles will be 90 feet high with an 18 feet long horizontal arm for installation of the cluster of 15 to 17 lights. In addition to the lights, sound system equipment will be attached to the poles, which will rise 45 feet above the Post Road. The poles and the light and sound equipment would be visible day and night and would represent a drastic change in the visual appearance of the area, especially to the immediately adjacent one acre, half acre and quarter acre lots and residences on Old Church, Milbrook and Hillside Road.

11) The POCD and the Open Space Plan cited this area of the Post Road as a green oasis between commercial development in downtown Greenwich and Cos Cob and is extremely important in terms of the ambiance of the town and the desirability of avoiding strip development. The lights on the field would be immediately adjoining a National Historic District on the westerly property line and this area needs to be protected.

12) We note that the Chairman of the Board of Education stated at our public meeting on October 3, 2000, “I want to comment that sports stadiums evolve. What was considered usual and customary in 1970 when the school was built is not usual and customary today.” We think the Chairman’s comment is correct. However, it has disturbing implications for the adjoining neighborhoods. As the use of a stadium with lights evolves what will be considered in the future to be usual and customary?

13) With respect to the site plan application, there are several standards of Section 6-15 of the Building Zone Regulations which are not met: 6-15(a)(1) – Conformity with the Plan of Conservation and Development, 6-15(a)(2)(d) – Seating capacity on site is 2,500 and it is projected that major football events like playoff games will attract up to 3,500 spectators. There are under 700 parking spaces on site with approximately 85 more on Hillside Road. There is inadequate on-site parking – nearby residential areas will be adversely affected by traffic and parking, 6-15(a)(2)(g) – The town traffic engineer expressed concern about safety in relation to the impact of lights on Post Road drivers, especially with expected
increase in Post Road traffic. He notes an I-95 transportation crisis as cars and trucks seek to avoid tie-ups and exit in Greenwich to travel the Post Road as a bypass route, 6-15(3)(d) – The intrusion of proposed lighting into the scenic view of the High School’s green space does not preserve natural attributes of the site, 6-15(4)(a) – The proposed lights are not in harmony with existing neighborhood appearance.

14) For the above reasons we believe the proposed stadium lights will have a material adverse effect on the adjoining neighborhoods and therefore their installation is materially inconsistent with the POCD and is not a benefit to the public, is not in compliance with site plan standards and should not be approved.

Very Truly yours,

Diane W. Fox
Town Planner/Zoning Enforcement Coordinator
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Town Planner/Zoning Enforcement Coordinator  
November 1, 2000  

Mr. Rodger Ludlow,  
Superintendent of Schools, and  
Member of the Board of Education  
Havemeyer Building  
Greenwich Ct. 06830  

RE: MI#485 and FSP#2135 - application of Board of Education for a Municipal Improvement and Site Plan to install light poles at Cardinal Stadium at Greenwich High School at 10 Hillside Road in the RA-1/R20 zones.

Dear Mr. Ludlow and Board Members:

At a regular meeting of the Planning and Zoning Commission held on October 24, 2000, a motion to approve the Municipal Improvement and Final Site Plan for installation of a night lighting system on four 90’ high poles at Cardinal Stadium at Greenwich High School was made by Mrs. Colombo and seconded by Mr. Maitland. (Voting in favor: Mrs. Colombo, Mr. Maitland and Mr. Heimbuch; Voting against: Mrs. Siefert and Mr. LeBien). The application was denied due to failure to obtain the four affirmative votes that are required for approval. (Regular member Peter Joyce recused himself).

Those who voted in favor of the Municipal Improvement and Site Plan application cited the following reasons:

1) The Board of Education has reviewed and considered all the issues and has stated that the use of lights for a limited number of night games will enhance the educational experience of students, and the Board did not find any particular issues of security; further the Board of Education is community wide in its decision making.

2) Chapter 10 in the Plan of Conservation and Development states that a goal is to provide adequate public facilities, and school lighting is in keeping with that goal.

3) The topography of the field is lower than the adjoining residences along Old Church Road and there will be minimal lighting impacts upon those residences.

4) The noise impacts will conform to the Health Department requirements because crowd noise and broadcast levels are not a sustained noise source, but rather a sporadic noise at intervals.
seeking parking, crowd movement and noise and glow of lights from the stadium. This will be particularly true for football and soccer games. The disturbance from the other events will probably be less but still exist.

8) One member in opposition is skeptical, but assumes for purposes of this decision that it is true as promised that no sound from the PA system announcing the games will be heard beyond the field area and that neither neighbors nor cars on the Post Road will see stadium lights or bleacher lights. But, both members agree that crowd cheering and marching band noise will be heard. The combined bleacher lights, stadium lights, parking lot lights, floodlights and walkway lights will create a sky glow, which will spill over into adjoining neighborhoods and onto the Post Road.

9) Presumably the 6 practice sessions will attract no traffic or crowds and will generate no noise audible beyond the field area. However, the lights will be turned on and there will be sky glow spillover. We note that the Board of Education guidelines do not contain a categorical promise not to increase the number of practice sessions. We believe that from time to time there will be a strong temptation to extend the promised one-hour limit for practice sessions.

10) Each of the four light poles will be 90 feet high with an 18 feet long horizontal arm for installation of the cluster of 15 to 17 lights. In addition to the lights, sound system equipment will be attached to the poles, which will rise 45 feet above the Post Road. The poles and the light and sound equipment would be visible day and night and would represent a drastic change in the visual appearance of the area, especially to the immediately adjacent one acre, half acre and quarter acre lots and residences on Old Church, Milbrook and Hillside Road.

11) The POCD and the Open Space Plan cited this area of the Post Road as a green oasis between commercial development in downtown Greenwich and Cos Cob and is extremely important in terms of the ambiance of the town and the desirability of avoiding strip development. The lights on the field would be immediately adjoining a National Historic District on the westerly property line and this area needs to be protected.

12) We note that the Chairman of the Board of Education stated at our public meeting on October 3, 2000, “I want to comment that sports stadiums evolve. What was considered usual and customary in 1970 when the school was built is not usual and customary today.” We think the Chairman’s comment is correct. However, it has disturbing implications for the adjoining neighborhoods. As the use of a stadium with lights evolves what will be considered in the future to be usual and customary?

13) With respect to the site plan application, there are several standards of Section 6-15 of the Building Zone Regulations which are not met: 6-15(a)(1) – Conformity with the Plan of Conservation and Development, 6-15(a)(2)(d) – Seating capacity on site is 2,500 and it is projected that major football events like playoff games will attract up to 3,500 spectators. There are under 700 parking spaces on site with approximately 85 more on Hillside Road. There is inadequate on-site parking – nearby residential areas will be adversely affected by traffic and parking, 6-15(a)(2)(g) – The town traffic engineer expressed concern about safety in relation to the impact of lights on Post Road drivers, especially with expected
increase in Post Road traffic. He notes an I-95 transportation crisis as cars and trucks seek to avoid tie-ups and exit in Greenwich to travel the Post Road as a bypass route, 6-15(3)(d) – The intrusion of proposed lighting into the scenic view of the High School's green space does not preserve natural attributes of the site, 6-15(4)(a) – The proposed lights are not in harmony with existing neighborhood appearance.

14) For the above reasons we believe the proposed stadium lights will have a material adverse effect on the adjoining neighborhoods and therefore their installation is materially inconsistent with the POCD and is not a benefit to the public, is not in compliance with site plan standards and should not be approved.

Very Truly yours,

Laurel Bradley

Diane W. Fox
Town Planner/Zoning Enforcement Coordinator
STAFF BACKGROUND/OBSERVATIONS:

The Board of Education is requesting MI approval for installation of lighting at Cardinal Stadium for night events and related lighting on walkways to include four, 90 ft. poles with 15 to 17 fixtures each having 1,500 watts.

The Board of Education has indicated that there will be a limit of 10 athletic events per year (plus practices before the games) for fall and spring seasons for football, boys and girls soccer, boys and girls lacrosse and girls track. Some additional auxiliary lighting may also be needed, which is not explained.

The Board of Selectman has reviewed the application, has moved it on to P&Z for MI approval but has also requested a letter from the Board of Education outlining specific conditions, limitations on events etc., which is still to be submitted to the Selectmen and to P&Z. It is therefore recommended that this item be left open to the next P&Z meeting on Sept. 19 in order to obtain this material which is critical to know what conditions the Board of Education is self-imposing on the use of the lights for night time activities. The Commission will need to state reasons for not acting on this item in order to defer its decision until Sept. 19 to meet Sec. 99 of the Charter.

The Police Chief in a memo dated, July 25th has recommended that many issues be considered by the Commission in its review of the application. – see attached. It is to be noted that the Commission cannot condition the MI approval, but may impose conditions or modifications on the site plan. The Board of Education would have final responsibility for these conditions which presumably are spelled out in the letter to be submitted.

The adjoining neighbors on Hillside, Old Church Road and Millbrook and Mallard Drive have expressed concern over parking, traffic, security and lighting issues overflowing into their neighborhoods during these night-time events.

ISSUES TO BE ADDRESSED:

1. Limitation on crowd capacity/seating area and parking on site and not on nearby adjacent residential street areas of Hillside, Mallard and Old Church and Post Road be addressed by Board of Education. Who is held accountable?

2. Board of Education Procedures and accountability of who decides on selection of athletic events which are included in nighttime lit events.
3. Any restrictions (private deed or association) that run with the land that may or may not preclude evening activities.

4. Explanation of why 10 events (and not more or less number of events was not chosen.)

5. Amount of cut and excavation for the underground utilities for the 4 floodlights along the hillside between the Post Road and bleachers be submitted on a Soil/Erosion control plan.

6. A light illumination plan be submitted including amount of spill over effect on properties or roadways outside the property. Said plan must meet the residential zone requirements of Sec. 6-153.

7. The additional auxiliary lighting should be explained and shown on the final plan.

8. Information and comparisons with other Connecticut High School night games having night lighting, attendance numbers, usage, problems, numbers of events, etc. should be submitted and addressed by Board of Education.

9. Estimation of number of attendees at previous state final games that Greenwich teams have played in should be provided.

10. A traffic and parking management plan for parking and traffic flows be submitted.

11. A State DOT permit may be necessary, or at least be explored, for events exceeding a number of trips from a site onto the USRt. 1
Cardinal Stadium Lighting Proposal

Guidelines and Benefits

Guidelines

- The Greenwich Board of Education or its designated representatives, will have the sole authority to schedule evening athletic events that require the use of lights in Cardinal Stadium.

- Events will be limited to regularly scheduled Greenwich High School athletic events.

- There will be a maximum of ten (10) athletic events scheduled per year covering the fall and spring seasons and allowing for the scheduling of football (3/4), boys (1) and girls (1) soccer, girls lacrosse (2), boys lacrosse (1) and girls track (1).

- Practices may be held the night before a scheduled game, starting no later than 7:00 p.m. and lasting approximately one hour.

Benefits

- Improve and enhance school and community spirit.

- Provide a greater opportunity for GHS to showcase the talents of so many of our athletes.

- Increase parental involvement.

- Alleviate some scheduling problems with the SATs given on Saturdays.

- Provide more opportunities for GHS students to attend events (including other athletic events)

The use of Cardinal Stadium for events outside the purview of the GHS Athletic Department would not be recommended.
LIGHTING INFORMATION

1. The lights will be from four 90’ poles located outside of the track area.

2. Auxiliary lighting will be provided on the bridges, pathways, and behind the bleachers. Some additional auxiliary lighting may also be needed.

3. The proposal includes a 10-year warranty for annual maintenance. After the 10-year period based on today’s dollar cost, a new 10-year warranty could be purchased for $10,000 or the annual maintenance cost would run approximately $1,600 per year.

4. The cost of electricity depends on the method used to connect to the Utility’s power. The most expensive is a separate service and each of the game light bulbs would cost about $.22 per hour to operate or under $15/hour times up to 4 hours or $60/game. The pathway lighting is estimated to cost $.05 per hour to operate.

5. The poles are made of galvanized steel and have no exposed nuts and bolts that could be vandalized.
Memorandum

To: Ms. Katie Blankley, Planner
   Planning and Zoning Commission

Fr: Chief Peter J. Robbins
    Police Department

Re: Proposed Light Towers – Cardinal Stadium

July 25th, 2000

In response to your request for comment on the aforementioned, the following factors are worth the commission’s consideration:

- Even with tamper-proof hardware to deter vandalism, steps should be taken to ensure persons could not climb onto the towers themselves.

- It is imperative that the light towers be engineered and installed so that no seepage of extraneous light onto East Putnam Avenue traffic takes place. Should this occur, it could represent a safety hazard to vehicles traveling on the roadway.

- Staging night events at Cardinal Stadium represents a special police problem. Many more officers than are currently needed for daytime events would be required for events that take place during the evening hours. Pedestrian management, crowd control, security and vehicular traffic control are all more difficult in a condition of darkness. A cursory look at police manpower requirements for large draw evening events at Cardinal Stadium indicate a dozen or more officers and supervisors would be required.

- While state law (Conn. General Statute 7-284), empowers local Chiefs of Police to mandate the amount of police coverage required at sporting events and similar activities, actually providing that coverage
numerous times a year, may be problematic. Extra duty assignments completed by off-duty police personnel are filled on a strictly volunteer basis. To require officers to work on their days off raises obvious collective bargaining issues.

- Further complicating staffing issues is the fact that certain evening events at the stadium are planned for Friday and Saturday evenings. Not only are these periods of peak police activity for on-duty personnel, recruitment of volunteers to work during these times has been historically difficult.

- Since a staffed ambulance is usually on stand-by during athletic events, the Greenwich Emergency Medical Service (GEMS) should be contacted and asked about their ability to provide medical personnel and equipment during these times of peak activity.

- While the stadium itself may be lit, the surrounding areas, particularly the wooded area immediately east of the stadium, are an invitation for underage drinking and criminality. A requirement to strictly control access to this area during evening events would be beneficial.

- The quantity and type of “related lighting on walkways” is not specified. This should be clarified, as it is imperative that these walkways (from the rather remote stadium location to the school’s parking areas) must have adequate lighting to ensure public safety.

- Parking off of East Putnam Avenue in the unimproved “cutoff” area near the stadium could not be permitted during any evening events. Any plan should include provisions to prevent this activity.

- While neither in favor nor opposed to the addition of lighting at Cardinal Stadium, it would, with certainty, impose an additional and notable burden on the resources and personnel of the Greenwich Police Department.

Please feel free to contact Lt. Mark Kordick (622-8015) with any questions you may have.
July 25, 2000

Board of Selectmen
Town Hall
101 Field Point Road
Greenwich, Connecticut 06830

Dear Lolly, Peter & Dick:

I have been asked to clarify Point No. 4 of my July 18th letter to you.

The night practices which would be planned before a scheduled game, would be in addition to the ten scheduled games. There would be no spectators at these practices.

We do not intend to have any more than six night practices during the course of any one year.

Sincerely,

Roger J. Lulow
Superintendent of Schools

RJL/cmd
cc:   Board of Education
      □ Diane Fox, Town Planner
      □ Frederick P. Baker, Director of Operations
      □ Elaine B. Bessette, Headmistress, Greenwich High School
      □ Frederick W. Kreuter, Assistant Director, Facilities
July 18, 2000

Board of Selectmen
Town Hall
101 Field Point Road
Greenwich, Connecticut 06830

Dear Lolly, Peter & Dick:

In response to the questions raised on July 13th with respect to the guidelines proposed for lighting at Cardinal Stadium, I would like to provide the following responses.

1. Until such time as the Greenwich Board of Education would formally designate a representative, the Board would have the sole authority to schedule athletic events at Cardinal Stadium that would require use of the lights. At some point, the Board would probably designate an administrative representative. It is likely that either the Superintendent, Headmistress or Athletic Director, or a combination thereof, would be selected.

2. There will be no more than ten athletic events scheduled each year, including any state playoff games.

3. Games would be scheduled to begin no later than 7:30 p.m.

4. Practices would be scheduled under the lights for both night games and scheduled night away games. These practices would last no longer than one hour.
I hope that this information is helpful in your deliberations and if additional clarification is needed, please do not hesitate to let me know.

Sincerely,

Roger J. Lulow
Superintendent of Schools

RJL/cmd
cc:  Board of Education
     √ Diane Fox, Town Planner
     Frederick P. Baker, Director of Operations
     Elaine B. Bessette, Headmistress, Greenwich High School
     Frederick W. Kreuter, Assistant Director, Facilities
June 28, 2000

Ms. Diane Fox  
Planning and Zoning Commission  
Town of Greenwich  
101 Field Point Road  
Greenwich, CT 06836-2540

Subject: Greenwich High School/Topographic Map

Dear Ms. Fox:

Enclosed please find a Topographic Map of Greenwich High School along with the Municipal Improvement Application. These documents are provided for the installation of lighting at Cardinal Stadium for night events and related lighting on walkways to include four (4) 90-ft. poles with fifteen (15) to seventeen (17) fixtures each having 1500 watts.

Please let me know if you need anything further.

Sincerely,

Frederick W. Kreuter

FWK:als  
Enclosures
To: Diane Fox, Town Planner

Date: October 11, 2000

Re: Cardinal Stadium Lighting

As requested I will clarify the points made at our last meeting.

Noise: It would be desirable to have readings taken during a day game at the stadium. L10 readings of dBA (sound levels exceeded 10% of the time) should be taken at the nearest property line, which has been marked on the attached plan. The results could be compared with the Town requirement of 45 dBA at night and the federal criteria near highways, that is, not to exceed 67 dBA.

Glare: Our concern, and that of the police, is the possibility of glare affecting traffic on U.S. 1; specifically the effect of the northeast bank of lights on approaching eastbound traffic and the northwest bank on westbound traffic. The most convincing information might be a photograph taken at a facility having theses types of lights during a night game at a distance simulating the points A and B on the attached map.

Parking: Assuming a full capacity of 2500 on a Friday night at a football game, what on-site capacity is available after considering the parking required for simultaneous events in the school, continuing education, etc.?

CC: Louisa Stone
MEMO TO: Katie Blankley  
Planner

FROM: Garo B. Garabedian  
Traffic Engineer

DATE: October 3, 2000

SUBJECT: Greenwich High School  
Cardinal Stadium Lighting  
MI #485 and Site Plan #2135

This office has reviewed the items submitted with regard to the subject proposal and has the following comments:

1) A complete lighting plan must be submitted to this Office which clearly shows the lumen output for each of the subject light fixtures.

2) Since this facility abuts a State highway, US Route 1, the subject lighting plan will be forwarded to the Connecticut Department of Transportation, Division of Traffic Engineering, for their review and consideration.

GBG/mge

cc: M. J. Madrid, Commissioner
Memorandum

To: Ms. Katie Blankley, Planner
Planning and Zoning Commission

Fr: Chief Peter J. Robbins
Police Department

Re: Proposed Light Towers – Cardinal Stadium

July 25th, 2000

In response to your request for comment on the aforementioned, the following factors are worth the commission’s consideration:

- Even with tamper-proof hardware to deter vandalism, steps should be taken to ensure persons could not climb onto the towers themselves.

- It is imperative that the light towers be engineered and installed so that no seepage of extraneous light onto East Putnam Avenue traffic takes place. Should this occur, it could represent a safety hazard to vehicles traveling on the roadway.

- Staging night events at Cardinal Stadium represents a special police problem. Many more officers than are currently needed for daytime events would be required for events that take place during the evening hours. Pedestrian management, crowd control, security and vehicular traffic control are all more difficult in a condition of darkness. A cursory look at police manpower requirements for large draw evening events at Cardinal Stadium indicate a dozen or more officers and supervisors would be required.

- While state law (Conn. General Statute 7-284), empowers local Chiefs of Police to mandate the amount of police coverage required at sporting events and similar activities, actually providing that coverage
numerous times a year, may be problematic. Extra duty assignments completed by off-duty police personnel are filled on a strictly volunteer basis. To require officers to work on their days off raises obvious collective bargaining issues.

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- While neither in favor nor opposed to the addition of lighting at Cardinal Stadium, it would, with certainty, impose an additional and notable burden on the resources and personnel of the Greenwich Police Department.

Please feel free to contact Lt. Mark Kordick (622-8015) with any questions you may have.
MEMORANDUM TO: Lyle Gibbons, Chair of Board of Education, Roger Ludlow Superintendent of Schools, Lolly Prince, First Selectman

FROM: Diane W. Fox, Town Planner/Zoning Enforcement Coordinator

DATE: August 3, 2000

RE: M# 485/SP# 2135 Installation of stadium lighting at Greenwich High School on property located at 10 Hillside Road in the RA-1 and R-20 zones; Postponement of Decision or Action

This is a notice per Sec. 6-100 (a) of the Charter, that at a regular meeting of the Planning and Zoning Commission held on August 1, 2000, the Commission postponed the decision on this MI/Site plan application to install stadium lighting at Greenwich High School at 10 Hillside Rd, until their next P&Z meeting on September 19, 2000.

The reason for the deferment is that the Commission requested the same letter from the Board of Education, scheduled to be submitted to the Board of Selectmen, regarding self-imposed restrictions of use of said lighted stadium. It is our understanding that this letter was requested by the Board of Selectmen as part of their meeting and resolution to move the item to P&Z for MI approval. As of August 1, the letter was not received by our office. Secondly the Commission wishes to provide the greatest number of the public with an opportunity after the summer vacation month of August and school is back in session to hear and participate in the P&Z meeting on this important issue.

If you have any questions, please feel free to contact me.
Mr. James Cuminale  
Chairman  
Board of Education  
Havemeyer Building  
290 Greenwich Avenue  
Greenwich, CT 06830  

Dear Mr. Cuminale:  

At their Regular Meeting on August 24, 1993, the Planning and Zoning Commission upon a motion made by Mrs. Siebert and seconded by Mr. Rustis, duly adopted the following resolution (Voting on this item: Nears, Joyce, Negland and Rustis and Redeemers Siefert and Grant).  

WHEREAS, the Commission finds that the present conceptual plan information submitted is insufficient to grant full municipal improvement for any building additions to the high school, and the Commission further finds that information on additional traffic, parking and wetlands and an engineering survey, floor plans and elevation drawings are required natural for the P&Z Commission and public to review prior to any full municipal improvement approval and preliminary site plan approval can be granted,  

THEREFORE BE IT RESOLVED, that conceptual only approval of Municipal Improvement #396 is granted to enable the Board of Education to pursue funds to develop studies for the GHS building rehabilitation and additions project, the size and scope of which will be reviewed by the Planning and Zoning Commission at the time of a full Municipal Improvement request and Site Plan Review hearing;  

The preliminary site plan #1633 submitted is not a complete application and is denied.  

Prior to any further submission for full municipal improvement approval and/or preliminary site plan review, the following issues must be addressed.  

1. Board of Appeals variance of FAR may be necessary.  
2. An engineer’s land surveyor’s survey with notes and bounds be submitted with the RA-1, R-20 zone and FAR information and buildings square footage shown thereon. All wetlands boundaries, significant trees and setbacks building and site coverage information be shown on said survey.
3. A professional parking needs and parking and traffic management study be submitted. Said study should use existing school year figures for staff, (including volunteers and administrators) student and visitor parking and traffic movement patterns and projections for the next 7 years annually and after the year 2000. Neighboring intersections (Post Road, Stamich Road, Fairfield Road, Indian Field Road) traffic information and LOS should be projected. Consideration for reducing the number of student parking permits in the future may be required due to the new clean air act prohibitions. Coordination with Town Traffic Engineer for study guidelines is essential.

4. Drainage summary reports be submitted as well as details of parking lots and any site improvements for DW Engineering Dept. review.

5. INWCA preliminary review and comments should be sought prior to any submission to P2.

6. Detailed floor plans, elevations, detailed site development plans showing building dimensions, setbacks, landscaped areas, site coverage, tree protection and soil erosion plans shall be submitted.

7. Architectural Review Committee review and input be obtained for preliminary design.

8. Conservation Director comments of 6-17-93 moso be addressed.

9. To assure that the public has had ample opportunity to be heard on all issues not related to Municipal Improvement and Site Plan Review, all public hearings on financial issues, curriculum and classroom needs, space allocation, student enrollment projections and alternative plans (i.e. conversion back to the 3 year high school and effects of State's legislation for proposed regional and local desegregation plans) should have been held and public input considered prior to any submission to the Planning and Zoning Commission.

If you have any questions, please feel free to call our office.

Very Truly Yours,

Diane W. Fox
Assistant Town Planner

cc: J. Whirtner J. Maloney R. Kandra
    J. Vecchiola B. Dixon J. Shaffer
    T. Messagney G. Garobedian
    D. Rogus H. Aurelia
    T. D'Andrea T. Baptist
    E. DeVita S. Deverri

SEP 02, 93 10:19 NO. 014 P. 03
State of Connecticut
Town of Greenwich
Planning and Zoning Commission

Notice is hereby given that the Planning and Zoning Commission at a meeting held on March 12, 1975 reviewed Site Plans 9203, 9204, 9205, and 9206 described below and adopted the following resolutions:

RESOLVED that Site Plan 9203 of Lane's Realty, Inc. dated August 21, 1974 is hereby approved with conditions.

RESOLVED that Site Plan 9204 of Greenwich Hills Buildings No. 9, 10 and 11 dated February 24, 1975 is hereby approved with conditions.

RESOLVED that Site Plan 9205 of New England Garden Center, II dated March 6, 1975 is hereby approved with conditions.

RESOLVED that Site Plan 9206 of Greenwich High School New Athletic Facility dated January 20, 1975 is hereby approved with conditions.

Edward V. Jones
Chairman

Raynor R. Johnson
Secretary

Dated March 14, 1975
at Greenwich, Connecticut
Dr. Wilfred C. Wolffer
Havemeyer Building
Greenwich Avenue
Greenwich, Conn. 06830

Dear Dr. Wolffer:

In accordance with Section 6-13-6-16.1 of the Building Zone Regulations, the Planning and Zoning Commission reviewed your site plan of Greenwich High School Storage Shed on Hillside Road at a regular meeting held on September 5, 1978.

It was decided to notify you of the following results:

The Commission approved the site plan as submitted.

Very truly yours,

James G. Sandy
Town Planner
For Publication: Monday, September 11, 1979
Greenwich Time

STATE OF CONNECTICUT
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

Notice is hereby given that the Planning and Zoning Commission at a meeting held on September 5, 1979 reviewed Site Plans #476, 477, 478 and Municipal Improvement #223 described below and adopted the following resolutions:

RESOLVED, that Site Plan #477 of Alterations and Additions, Ruster Brown Textiles, Inc. dated June 23, 1979 is hereby approved with conditions;

RESOLVED, that Site Plan #477 Proposed New Classroom Building of Eagle Hill School dated 8/7/79 is hereby approved with conditions;

RESOLVED, that Site Plan #478 of Greenwich High School Athletic Equipment Building dated June 26, 1979 is hereby approved;

RESOLVED, that the lease of the old Glenville Community Center to Junior Achievement as requested by Ruth L. Sims, First Selectman in letter dated August 1, 1979 is hereby approved.

Norman Heiman
Chairman

Humes M. Johnson
Secretary

dated September 7, 1979
at Greenwich, Connecticut