

December 7, 2010

7:30 p.m. Land Use Meeting Room

Members Present: Ms. Roberts, Mr. Rimsky, Ms. Jahnke, Ms. Gager, Mr. Frank

Alternates Present: Mr. Carey, Ms. Braverman, Mr. Fowlkes

Staff Present: Shelley White

Also Present: First Selectman Lyon, Mr. Talbot, Mr. Charles

Ms. Roberts called the Meeting to order at 7:35 pm.

Seated: Roberts, Jahnke, Rimsky, Gager, Frank

REGULAR MEETING

Consideration of the Minutes

The minutes of November 3, 2010 were considered.

Corrections:

Page 2: Under Referral from the Zoning Commission/Revision of the Zoning Regulations/Section 13.10.3: 1st sentence should read: Mrs. Roberts read the proposed language and Mr. Frank read Mr. Collum's 9/27/10 letter to the Zoning Commission ...

Motion:

to accept the November 3, 2010, Regular Meeting Minutes of the Planning Commission as amended, by Mr. Frank, seconded by Ms. Gager, passed by 5-0 vote.

Ms. Roberts read a letter from First Selectman, Mark Lyon, dated December 6, 2010 requesting an 8-24 Report from the Planning Commission.

Motion:

to add two items to the agenda: 1. Preliminary discussion of First Selectman Lyon's letter to the Planning Commission regarding the proposed cell tower lease at 10 Blackville Road, and 2. Discussion of Connecticut Economic Resource Center, Inc. (CERC), by Mr. Frank, seconded by Ms Gager, passed by 5-0 vote.

New Applications

There were no new applications.

Preliminary Discussion re: proposed cell tower lease on Town Property:

First Selectman Lyon stated that the Board of Selectmen and members of the Conservation Commission have been working with Verizon to negotiate a lease for a proposed cell tower at the Town Garage site at 10 Blackville Road. Mr. Lyon stated that the Town would be negotiating a list of points that they feel are important to the Town and should be included in the proposed lease as the Town has direct input as to what is to go into the lease. He stated that he has spoken to Atty. David Myles who advised on the commercial lease standpoint but advised Mr. Lyon that the Town should seek council from an additional attorney regarding issues that relate directly to cell towers. Mr. Lyon stated that this proposed cell tower would provide coverage in the Depot area along Route 47 and up to the Kimberly Farm tower in New Milford. He stated that the Town would receive income from Verizon who will lease space on the tower

to two other carriers. One of the points that the Town would like to have in the lease would be a height limit for the tower. The Telecommunication Company is required to do emission tests periodically and Mr. Lyon stated that the Town would like to include in the lease that Verizon must conform to the changes in current regulations, that there will be “no grandfathering in,” and that the Town would like to have a say as to when the emission tests are done and that the cost of the tests would be built into the lease. Verizon must submit the application to the Connecticut Siting Council. Mr. Lyon stated that the proposed tower would be built on Town property and therefore the Town is able to provide input and that this would not be the case if it were to be built on private property. Mr. Lyon stated that the residential setback is 750 ft. and there are going to be some residences that are within that setback and that the exact tower location has not been decided. He stated that the Town was advised to include a performance clause and the opportunity to reopen the lease. The Town could control the height of the lease by having the ability to open and close the lease. Mr. Lyon stated an RF Engineer was hired to do a study that contain figures that are based on distance from the tower and change in elevation. The residences that are within the setback are at a substantially lower elevation than the tower and therefore the emissions are less than they would be if they were at the same elevation. Mr. Lyon and the Commissioners looked at the propagation map submitted by Verizon.

Mr. Carey asked if there would be a provision in the lease that provides for the site to be taken apart if the tower was deactivated. First Selectman Lyon stated that the lease states that there would have to be restoration of the site.

Mr. Carey asked what the access was for power to the pad and site building. Mr. Lyon stated that the proposal shows the power located underground along the gravel driveway. He stated that one of the lease requirements would be that none of the paved surfaces be cut through.

Mr. Lyon stated that Litchfield County Dispatch has expressed interest in mounting their antennas on the tower and Verizon is willing to work with them. Ms. Roberts stated that residents have expressed concern that they would like to be able to call from their cell phones in emergency situations from places such as Steep Rock.

Mr. Frank asked what kind of concerns the Conservation Commission has. Mr. Lyon stated that some of the concerns they have expressed are viewshed impact, aesthetics and RF emissions. There was a brief discussion about the type of tower that would be erected. Mr. Lyon stated that as part of the lease, the Town would have the final approval of what the tower looks like.

Mr. Carey asked if the tower would have to have a light on top to meet FAA regulations. Mr. Lyon stated that he was not sure.

The Commission and the First Selectman discussed different types of antenna mounts.

Mr. Frank stated that under the State Statutes the Planning Commission is required to provide a report about a leasing of municipal property and that he feels it's premature to generate this report until the Town knows the terms of the lease. Mr. Lyon stated that the Town is at the point of finalizing the lease with Verizon and most likely the lease will not change. Ms. Gager suggested that a subcommittee is formed and does some research so that the Planning Commission would be able to agree to a report at the January 4, 2011 meeting. Mr. Lyon stated that he would like the Planning Commission to consider starting the report and he explained the time line that the Town and Verizon are to follow. He stated that the 8-24 Report would be necessary before there is a Town meeting.

Mr. Talbot asked if the proposed tower at 10 Blackville Road would communicate with the tower in Roxbury. Mr. Lyon explained how the towers get the signals from the mobile device and then the tower

carries that signal to the wire that is underground. Mr. Talbot asked if the towers would be necessary in five years given technological advances. Mr. Lyon stated that he believes they would be. Mr. Talbot asked if the proposed site at the Town Garage site was once part of Steep Rock property. Mr. Lyon stated that he was not sure but that it might be.

First Selectman Lyon distributed the Site Access Plan and Compound Plan, prepared for Cellco Partnership d/b/a Verizon Wireless, by Centeck Engineering, dated 4/13/10.

Mr. Frank and Mr. Carey were appointed as the subcommittee for the cell tower lease. The Planning Commission scheduled a site inspection visit for Friday December 17, 2010 at 12 pm and will meet at the Town Garage, 10 Blackville Road.

Other Business

Plan of Conservation and Development /Economic Development

Ms. Gager stated that she still needs a few more appointed members from the commissions. She stated that a January or February meeting would be scheduled. Ms. Jahnke and Ms. Braverman were appointed to the POCD Subcommittee and to work on the agenda for this meeting.

Mr. Carey stated that there are articles in the newspaper about towns having a difficult time getting questionnaires to residents. He stated that the Town of Bridgewater distributes questionnaires at the Bridgewater Market. Mr. Carey passed around a sample questionnaire for the members to look at the format. He stated that First Selectman Lyon informed him that a questionnaire for a town agency could be posted on the Town Website. Mr. Rimsky suggested putting it on the back of the Town Newsletter.

Mr. Talbot asked if the Planning Commission was focusing the revisions of the POCD on the Depot area. Ms. Gager stated that they would like to focus on the five village areas in Washington. Ms. Roberts stated that the PC has just begun working on the revision of the POCD, which is due in 2013. She stated that the Commission's main goal is to anticipate the future needs of the Town. Mr. Talbot stated that he feels it may be time to start considering an entire town build out in order to support the five town centers and at the same time, take measures to ensure that the town centers and the outlying areas do not become denser. He asked the PC to consider transfer of development rights into the village centers from the outlying properties. Mr. Rimsky stated that the existing geography could affect the density and use of some of the town centers. Mr. Talbot stated that all the floodplains do affect most of the village centers. He stated that each of the town centers could be enhanced and he feels the Town should consider what the population of Washington should be over the next 50 years. Mr. Talbot stated that there could be some type of Planning device that would allow for town centers to be developed and the outlying areas could remain open. Mr. Charles stated that Ms. Purnell calculated a preliminary build out when the Inventory of Natural Resources was done. He stated that the numbers should be refined with the information that is available now. He stated that the declining school population should be looked at. Ms. Roberts stated that there is more information available and this needs to be considered with the revisions of the POCD.

Planning Commission 2011 Calendar

Ms. Hill submitted the Planning Commission Meetings calendar for the year 2011 for consideration.

Motion:

to approve the annual calendar for the Planning Commission Meetings,
by Ms. Gager, seconded by Mr. Rimsky, passed by 5-0 vote.

Request for extension of time in which to file Laus mylar map on Land Records

Ms. Roberts read a letter from Arthur H. Howland and Associates, dated November 11, 2010, requesting an additional 90 extension to file the mylar map for the 2 Lot Subdivision at 22 Nichols Hill Road for their client Ms. Laus.

Motion:

to grant an additional extension of 90 days to Laus, to file the mylar for 2 lot subdivision at 22 Nichols Hill Road by April 30, 2011, by Ms. Gager, seconded
by Ms. Jahnke, passed by 5-0 vote.

Referrals from Zoning Commission

Revision of Zoning Regulation/Section 4.4.19 & 21.1.69/Addition of a) Youth Camp as a Use Permitted by Special Permit in the R-1 District and b) a Definition of Youth Camp:

The Planning Commissioners agreed to review this proposed revision at home and vote on it at the January 4, 2011 meeting at Bryan Memorial Town Hall at 7:30.

Connecticut Economic Resource Center

Ms. Gager stated that she went to the seminar held by CERC. She stated that this is a non-profit organization and they provide a number of services that could aid the Planning Commission in the revision of the POCD.

Board of Selectman Special Meeting

Mr. Carey stated that the minutes from the Board of Selectman Special Meeting are on the Town website. He stated that there was a good turn out from the Land Use Commissions.

The Planning Commission thanked Mr. Winston Fowlkes for his time on the Commission.

Adjournment

Motion:

to adjourn at 9:05 pm
by Ms. Gager, seconded by Mr. Frank.

Ms. Roberts adjourned the meeting.

Respectfully submitted,
Shelley White, Land Use Clerk