

# January 5, 2011

5:00 p.m. Land Use Mtg. Room

**Members Present:** Susan Payne, Phil Markert, Kelly Boling, Linda Frank, Diane Dupuis, Betsy Corrigan, Alt., Phil Dutton, Alt., Randy Bernard, Alt.

**Staff Present:** Shelley White

**Others:** Mr. Charles, Mr. Joyce, Mr. Zamudio, Mr. Vilbois, Ms. Odom, Ms. Dorton, Mr. Coakley, Ms. Devlin, Mr. & Mrs. Afiouni, Mr. & Mrs. Pollock

Chairman Susan Payne called the meeting to order at 5:05 p.m.

Ms. Payne introduced Mr. Randy Bernard as an Alternate for the Conservation Commission.

Mr. Bernard gave a brief history of his experience.

Seated: Susan Payne, Kelly Boling, Phil Markert, Linda Frank, Diane Dupuis

## **Consideration of the Minutes**

The Minutes of the December 1, 2010 Conservation Commission Meeting were considered.

Motion:

to accept the December 1, 2010 Regular Meeting Minutes of the Conservation Commission as submitted, by Ms. Frank, seconded by Mr. Dupuis, passed by 5-0 vote.

## **Election of Officers**

Motion:

to re-elect Susan Payne as Chairman and Kelly Boling as Vice Chairman by Ms. Frank, seconded by Mr. Markert, passed by 5-0 vote.

## **Cell Tower Update**

Mr. Markert stated that Dick Comi of Municipal Solutions Consultants would be in town tomorrow and will make a site visit to the proposed cell tower site at 10 Blackville Road. Mr. Comi will be helping the Town negotiate the lease at the meeting tomorrow (1/6/11). The Town has a list of criteria that they would like included in the lease. The lease will have to be presented at a Town meeting before it is approved. There was a brief discussion regarding cell phone coverage.

Ms. Dupuis stated that she has a copy of the application from AT&T for a proposed tower at 17 Warren Road. She stated there was a balloon float test and that the proposed tower would be 180 feet tall at a 900-foot elevation, so there will not be a backdrop to the tower. Ms. Dupuis noted that the tower would be in the middle of a very dense neighborhood, with the closest house being approximately 362 feet away from the tower and approximately 1200 ft. behind the Washington Montessori School. She stated that this proposed site is in the middle of an environmentally sensitive area. Ms. Dupuis stated that AT&T would like to have the Town Meeting sometime this month (January) so they could submit the application to the Connecticut Siting Council in February/March. The Commission looked at the map titled Abutters Map, by CHA sheet CO1, dated 9/12/10. Ms. Dupuis stated that the access road would have to go through a swampy area, which would disturb the habitat of local species including the Wood Turtle. Mr. Markert

stated that it is within the 1500-foot setback of a school. The Commission discussed whether or not AT&T or the Siting Council would be required to get approval from the Inland Wetlands Commission. The Commission looked at a contour map. Mr. Bernard stated that the access road would be very steep.

Mr. Coakley of Valley Road stated that the residents have formed a neighborhood committee. He stated that he and his neighbors are not opposed to cell tower technology but they feel this is a poor choice of location to erect a cell tower in the middle of a residential area and about 1,000 feet from a school. He stated that when he saw the balloon test he was shocked to see how tall the proposed tower would be. He stated that he and his wife moved to the area for its beauty, which he feels is one of the Town of Washington's greatest resources. He stated that he could get service from Verizon all the way up Route 202 and why couldn't AT&T co-locate on the existing towers along Route 202 and why should AT&T have their own tower. Mr. Coakley stated that he feels that this would be a terrible precedent for the Town of Washington to set. Ms. Dupuis stated that AT&T is on the Gooseboro cell tower, which is a low tower but they are not on the tower in Marbledale even though they are approved to co-locate on that tower. Mr. Zamudio of Valley Road stated that he noticed that the proposed AT&T tower has multiple antennas and he feels that AT&T doesn't want to just increase their coverage in the area but would like to profit from having their own cell tower. He stated that this would be at the expense of the community and the bird habitats in the area.

Mr. Afiouni of Warren Road was present with his wife and children. He stated that they are opposed to this proposed tower because it is in a residential neighborhood. He stated that his family are full time residents and feel fortunate to live in Washington because it is such a beautiful area. Mr. Afiouni stated that he feels that the tower would "ruin the integrity and rural character of this quintessential New England town."

Mr. Vilbois of Litchfield Turnpike stated that he lives approximately one mile from the Washington Montessori School and has a five year old child that attends the school. He stated that they moved to Washington because they thought it was such a beautiful town. He stated he has a pond in his backyard and has seen turtles laying eggs in the sandy soils that surround the pond. Ms. Corrigan stated that the Wood Turtles are State listed and the problem is that only adult turtles are found and that the young turtles or the nesting sites are being impacted. Ms. Dupuis stated that the neighbors should document the wildlife they see to help their argument. She stated that Bald and Golden Eagles have been spotted there and the area is a very important habitat.

Mr. Vilbois stated that he receives calls on his cell phone and he has service with Verizon. He stated that he was concerned for all the children at the Montessori School. Mr. Vilbois stated that he is from France. He stated that he knows the Siting Council will not take health concerns into account but recently in France they do take health concerns into account because there is research that shows that cell towers could affect the health of people that live near them. Ms. Dupuis stated that the Siting Council will not listen to health issues but the people need to keep talking about them.

Mr. Dutton stated that research has shown that cell phone use is a safety issue and that is worse than driving under the influence.

Mr. Joyce of Valley road stated that he felt the height and location of this proposed tower seems cruel and unusual. He stated that it would be gigantic and asked why AT&T needs to put the largest tower on top of the highest hill. He asked if this has happened in other towns. Ms. Payne stated that these large cell towers that have been proposed in surrounding areas and the one proposed on town property were voted down.

Mr. Zamudio asked if the Shepaug River would be in the fall zone of the proposed tower. Mr. Bernard

stated that he did not think that the Shepaug was within the fall zone. Mr. Coakley stated that the neighborhood committee has a website at [www.wvmatter.org](http://www.wvmatter.org). There is a link on this website that gives information on the characteristics of cell towers in the area. Mr. Coakley stated that this proposed tower would be one of the tallest in the area. Mr. Joyce stated that there should be two shorter towers and that this proposed tower would be ugly along the route 202 corridor. He stated that he has done some research and it seems that the neighbors can only complain amongst themselves because this proposed tower would be on private land.

Ms. Frank asked if the neighborhood committee has spoken to the property owner. Mr. Coakley stated that they are talking to the property owner and the property owner has expressed that he does need the income.

Ms. Payne stated that everyone should continue to speak up about the health issues that the Connecticut Siting Council and the FCC do not recognize. She stated that research that has been done in Europe shows that there is a mass of health issues. Ms. Payne stated that “as citizens we have to keep saying these things. We don’t want our property values damaged in Washington, there is a huge safety issue here, there are health issues here, there are environmental impacts, and we have to keep bringing these up.” She stated that people need to talk to Senator Roraback and State Representatives. Ms. Payne stated that the Conservation Commission is “not opposed to cell communications but they are opposed to the defacing of our landscape.” Ms. Frank stated that they are especially opposed to poorly placed cell towers that would be near families, homes and schools.

Mr. Alfiouni stated that he agreed with Mr. Coakley that this could set a precedent in the Town of Washington if AT&T is allowed to put up their own cell tower when they have the rights to co-locate on an existing tower that would provide coverage in the area. Ms. Dupuis stated that she has asked AT&T about co-locating on the tower in Marbledale and they would not provide an answer. She stated that this area of Connecticut is about education and tourism and these towers would affect both. Ms. Dupuis stated that these issues could be addressed at the Board of Selectmen Meeting tomorrow at 5:30pm. She stated that AT&T would be at the Town Meeting that has not been scheduled as of this date.

Mr. Coakley stated that the websites are [www.wvmatter.org](http://www.wvmatter.org) and [www.notower.com](http://www.notower.com). Mr. Alfiouni stated that people could go on the website and sign the petition. Ms. Dorton of Litchfield Turnpike stated that her front door is about 480 feet from the proposed tower and she works at the Washington Montessori School. She stated that she is concerned for herself and her neighbors about scenic and environmental issues but is most concerned with the health and property value issues. She stated the grade of the road that is proposed is about 20%, which is much more than what is allowed in Town and would be a safety issue. Ms. Devlin of Woodville Road has 10 acres across the street from the proposed tower. She stated that she has the same concerns as her neighbors. She stated that she saw two hawks circling the balloon the day of the float test. She stated that she is concerned about the impact that the proposed tower would have on the wildlife in the area. Ms. Devlin stated that she is also concerned about health issues and the property value of the surrounding area. Ms. Payne stated that the Conservation Commission will be a party to the application and the neighbors, as individuals should be interveners and let their voices be heard. The Commission and the neighbors discussed the Siting Council.

Mr. Pollack of Woodville Road stated that the proposed tower would “mar the view” and decrease the property value. He stated that the sunlight is blinding on the corner and the cell tower would make it worse.

5:50 pm Mr. Dutton leaves.

Mr. Alfiouni stated that technology changes rapidly and what happens if cell towers become obsolete and

they are located all over the landscape. Ms. Payne stated that the Town will be requesting a section in the lease for the cell tower at 10 Blackville Road that states that the owner of the cell tower would have to dismantle the tower and bring the location back to its original state if the cell tower becomes obsolete.

Mr. Vilbois stated that he would most likely take his child out of the Montessori school if the tower goes up and he does not think he would be the only parent to do this. He stated that that could put the school at financial risk.

## **Referrals / New Projects**

### Strawman LLC

Chris Charles was present to discuss the possibility of a Conservation Easement at 135 Bee Brook Road.

Mr. Boling and Ms. Corrigan recused themselves as both have worked with Straw Man LLC, the owner of the property.

Mr. Bernard is seated.

Mr. Charles stated that they could ease 3 acres instead of 5 acres. He stated that once the site development plan was finished they would know how much more could be eased. Mr. Markert stated that it was a beautiful piece of property. The Commission agreed that they would like to see a site development plan before they make any decisions. Mr. Charles asked why the Commission could not accept 3 acres now and take the easements in small increments as the project progresses. The Commission stated that they felt it would be premature to make a decision now and would like to see more of a final plan.

6:15 pm Mr. Charles leaves. Mr. Boling returns and is seated.

### Streetlights for Possible Decommissioning

The Commission agreed to have all their information in by February so that they would be able to make a recommendation to the Board of Selectmen.

## **Other Business**

Ms. Payne made the following announcements:

- The Greenway Committee met this month. She stated Mr. Brian Boyer would be working on the combining of the railroad beds to connect greenways between towns.
- She has received the DVD titled Full Signal and she would work the Gunn Memorial Library to schedule a viewing.
- The remediation of the former Texaco station was finished and there were monitoring wells installed on the property.
- All members of the Conservation Commission should go through the Natural Resource Inventory and bring recommendations to the February meeting.

The Commission briefly discussed the proposed cell tower at the Town Garage site.

Motion: to adjourn by Ms. Payne

Ms. Payne adjourned the meeting at 6:35 pm

Submitted subject to approval,  
Shelley White, Land Use Clerk,