

January 15, 2003

Present: Susan Payne, Chairperson, Ruth Alex, Elizabeth Corrigan

Alternates: Kelly Boling, Linda Frank, Dirk Sabin

Guest: Candace Korzenko, Inland/Wetland Commission, Rabbit Hill Road area residents

Members are asked to call Susan Payne at home (868-9348) if they are unable to attend a meeting.

Susan Payne called the meeting to order at 7:00pm.

Kelly Boling and Dirk Sabin were seated as alternates.

MOTION: Approval of the minutes of the December 18, 2002 meeting of the Washington Conservation Commission, Kelly Boling made a motion to approve the minutes of the December 18th meeting, Ruth Alex seconded the motion and it passed unanimously.

MOTION: Dirk Sabin made a motion to elect Susan Payne as Chairperson and Ruth Alex as Vice-Chairperson, Kelly Boling seconded this motion and it passed unanimously.

Referrals from other Commissions:

Cell Tower Update - Rabbit Hill Assoc.

Zoning Commission - AT&T application - 911 Rabbit Hill Road, Warren

Susan Payne referenced the "Cell Tower Subcommittee" report when reviewing the three pending applications for cell towers that impact the town of Washington. She informed members that there would be a balloon test at the Sprint site in New Milford at 399 Chestnut Land Road on Sunday January 19th from 10:00am till 4:00pm. Susan encouraged members to take a look and picture if possible. In regards to the proposed AT&T site at the New Preston Congregational Church the first step is a public hearing on January 27th with the Zoning Commission to amend the regulations. There has been some discussion of an alternate site located on town land at the New Preston Firehouse. And lastly the proposed AT&T site in Warren near Rabbit Hill Road in the Woodville section of Washington. Area residents have concerns on the health and ecological impact of this proposed tower. Ms. Payne asked members for comments or questions on the "Cell Tower Subcommittee" report. She would like the Conservation Commission to endorse this document, to be forwarded to the Zoning Commission.

MOTION: Dirk Sabin made a motion to endorse the "Cell Tower Sub-Committee's Report", this motion was seconded by Ruth Alex and passed unanimously.

Susan read a letter dated December 31, 2002 from Christopher Herrman and Joseph Lorino stating their concerns about the proposed cell tower for Rabbit Hill. (letter filed with secretary's minute) Ms. Payne asked that this letter be forwarded to the Zoning Commission. At this point Susan Payne opened the floor to the public. Jean Chapin circulated a letter addressed to the Conservation Commission, asking to amend the "Cell Tower Subcommittee Report" there was misconception that this report was a draft. Susan Payne clarified that the "Cell Tower Subcommittee Report" was a final report. Ms. Chapin read her letter dated January 16, 2003. (letter filed with secretary's minutes) Susan Payne stated that the Cell Tower Subcommittee has been meeting since August of 2002 and there has been a lot of publicity about this subcommittee. Alan Chapin praised the work done by the Cell Tower Subcommittee, adding that the Rabbit Hill Road application came to Warren in late November arousing interest and concern among area residents. Ms. Payne explained that concern about cell towers has been before the public since the

proposal on Route 109, in New Milford in the summer of 2002. Mr. Chapin asked if Washington has held a cell tower forum opened to the public. Ms. Payne doesn't believe there has been a forum but suggested Mr. Chapin speak to the selectmen. Ellen Tracy a resident of Rabbit Hill Road stated that she has been involved with the cell tower subcommittee through Randy Bernard; she is discouraged that the Conservation Commission endorsed the cell tower subcommittee report. Ms. Tracy felt there should have been time for public input before the report was finalized. Ms. Tracy is concerned that the report states not much time was spent on health issues. She feels that the industries views on health risks have been accepted and she feels these views are bias. Ellen Tracy also feels that the statement in this report about there being no interest in Washington other than the Route 202 corridor is wrong based on information she heard at the Siting Council Forum in New Milford at which Sprint stated there was interest at the intersections of Route 109 and 47. Ms. Tracy sees the goals of the Conservation Commission as dealing with land use/environment protection, but states that recent data shows concern for human and habitat risks. Candace Korzenko spoke as a member of the Cell Tower Subcommittee stating that the report reflects the charge of the subcommittee adding that the FCC regulations do not allow for concerns of health issues. Ms. Korzenko feels that the report was not meant to be an end all but suggestions that other commissions could use. There was continued discussion on the charge, suggestions and work of the Cell Tower Subcommittee. Diane Dupuis spoke about concerns for the environment, making references to information in the Natural Resource Report. Ms. Dupuis stated that the proposed cell tower on Rabbit Hill is located in a critical habitat area with slopes greater than 25%, near a large aquifer, a red flag zone. She added that people need to protect this area and submitted a four page letter dated January 6, 2003. (letter filed with secretary's minutes) John Hart a resident whose house is 700' from the proposed Rabbit Hill cell tower stated that he spoke with Bob Fairbairn, the consultant hired by the Cell Tower Subcommittee, and asked Mr. Fairbairn what could be done. Mr. Fairbairn was quoted as saying "the town should take an aggressive stand against the proposed cell tower and come up with an alternative plan". Mr. Hart asked if the Conservation Commission would be willing to pass along comments with the Cell Tower Subcommittee Report. Susan Payne said they would consider it. Mr. Hart went on to speak about the nuclear age, effects of radiation and the relatively new age of cell towers and their effects on people. Mr. Chapin interjected his comments on dealing with the continual changes in federal laws. Mr. Chapin stated his view that the role of the Conservation Commission is to make recommendations on thoughts of protection in the area of conservation issues to other town entities. He asked that the Conservation Commission accept the comments and recommendations heard from residents at this meeting tonight and pass them on. John DeFeo spoke of his frustration of not being able to argue the health and safety of his children. Mr. DeFeo spoke of scientific evidence from Blake Leavitt, a consultant in Warren, that cell towers kill migratory birds. Diane Dupuis stated that Warren has requested a delay in siting the tower until spring to study migratory birds and spring count. Kelly Boling is personally frustrated by the fact that the telecommunication industry has created a legal framework so that local government can not confront these issues from a health perspective. He feels the commission should consider writing to Washington D.C. Kelly also feels the town could minimize the health impact by providing alternative locations in less densely populated areas, a cell tower over lay zone. Regarding the Rabbit Hill site a letter specifically addressing the critical habitat and ecological issues should be sent to the Zoning Commission and Selectmen. Linda Frank stated that she always felt her main concern was the visual aspect, but now feels this should be at the bottom of the list. Cell towers will not be part of the view for ever because of ever changing technology. Linda feels the health issues are critical; it would make common sense to locate cell towers in less populated areas. Ruth Alex stated that it's sad you can argue over the health of a hawk but not your children. Betsy is bothered by people not having a voice, corporate America is making our decisions. Betsy feels the whole issue is not right and she sides with the Rabbit Hill residents. Dirk Sabin started by stating that cell service is important to he and his business, despite his usage he doesn't know the health effects. Mr. Sabin feels that the Conservation Commission would be remiss if they did not forward a letter to all relevant parties addressing the residents concerns. Pam Osborne, secretary will write a draft memo using Dirk's notes and other members comments. She will email it to members and they are asked to forward comments to Susan Payne who will do a rewrite of the draft. After rewritten the

memo will be circulated to all relevant parties.

Planning Subdivision Regs & Set-Asides:

Dirk Sabin explained that there are two set aside options. The first one being a fee-in-lieu, there is a defined value regulated by state statutes. The second one is open space set aside, the amount of set aside takes into consideration density, and Planning uses the Natural Resource Report as a guide to open space. Kelly Boling asked where the fee-in-lieu goes. Ruth Alex answered that the town needs to set up a fund. The applicant is the one who chooses the set-aside option. There was further discussion on set-asides, easements and the referral of these to the Conservation Commission.

How to accept land as the Town of Washington: Ruth Alex is still waiting for information from Atty. David Miles. She will start to contact area towns for information on how they accept parcels. The state statutes seem to contradict each other in that the selectmen can accept land on behalf of the town but in order for the Conservation Commission to accept the land it needs to go to a town meeting.

Land Management Discussion: none

Canoe Brook Status Report: Linda Frank reported that there is a long wish list for the grant money and Canoe Brook is on that list. Dirk Sabin reported that the Washington Environmental Council is working on a biofiltration system for the plaza runoff into Canoe Brook.

Subcommittee Reports:

a. Scenic Road: no report

b. Greenway: Minutes from the January 7, 2003 were submitted.

c. Flora/Fauna: Betsy Corrigan reported that her committee is tentatively meeting on January 21st at 4:00pm, at Steep Rock. Betsy circulated a partial plants list (170 species) for the Meeker Swamp area. There were no endangered or state listed species on this list. Betsy also reported that through the Northwest Conservation District she will be assisting on a biodiversity study of Litchfield County and (8) surrounding towns. Mike Clements at the Northwest Conservation District is the contact person for this study. She will be looking for support on this important project as the time nears. The flora/fauna subcommittee continues to work on invasive species.

d. Water Resources: no report

Kirby Brook evaluation

e. New-appoint committee to create Land Use Info/Welcome Pamphlet - identify committee members: Dirk Sabin will represent the Planning Commission.

Land Use/Town Info Pamphlets from other Town of Washington

Other Business:

MOTION: Betsy Corrigan made a motion to change the meeting time of the Washington Conservation Commission to 5:00pm, Susan Payne seconded the motion and it passed unanimously.

Kelly Boling reported that the Road Discontinuation Committee had its first meeting. They discussed

retaining the rights to use the abandoned roads as future Greenways. Ruth Alex brought up the issue of the towns liability in retaining use of these areas. Kelly stated that state statues protect the town. Members felt it would behoove the town to reserve these rights even if there were no immediate plans to use a particular area. Members passed the following motion and Susan Payne will also write a memo to the committee.

MOTION: Ruth Alex made the motion that the Washington Conservation Commission feels the Town of Washington should retain the rights for bridle, foot and bicycle paths for any town roads that are abandoned by the town, Betsy Corrigan seconded the motion and it passed unanimously.

The Chairman, Susan Payne reminded members of the following important dates: January 21st Planning Commission special meeting on the Town Plan of Conservation and Development.

January 27th Zoning Commission meeting - Cell Tower Application

February 21st Steep Rock meeting - Report of Meeker Swamp from the Yale School of Forestry.

Meeting adjourned at 9:20pm.

Next scheduled meeting of the Washington Conservation Commission is 5:00pm February 5, 2003.

Submitted subject to approval,

Pamela L Osborne, Secretary