

October 1, 2008

5:00 p.m.

Members Present: Susan Payne, Kelly Boling, Diane Dupuis

Guests: Ann Compton, Ellen Tracey, Henry Dutton, John DeFeo

Staff Present: Shelley White

Susan Payne called the meeting to order at 5:05 p.m. and seated members Kelly Boling, Diane Dupuis and herself.

Consideration of the Minutes:

The September 3, 2008 Regular Meeting Minutes were accepted as amended.

Motion: to accept the September 3, 2008 Regular Meeting Minutes of the Conservation Commission by Diane Dupuis, seconded by passed 3-0.

Referrals or New Projects:

Ms. Payne informed the Commission that there will be no site visit to the Guerts property on June Road because Inland Wetlands had made its decision. The Commission discussed whether or not there was a public access trail to The Pinnacle and if people are trespassing on private property if they hike the trail from June Road. Ms. Payne offered to look into this issue and get back to the Commission.

Cell Tower Update:

Diane Dupuis introduced the application, received on August 25 from Optasite, requesting to install a cell tower on Rabbit Hill on the Tanner Farm in Warren. The proposed tower site is within 250 ft. of the Washington Town Line. Ms. Dupuis reminded the Commission and the public that another cell tower had been applied for in 2002-2003 in a similar site about 400 ft. below where the current tower is proposed. Ms. Dupuis attended a Warren Town meeting in which the public's concerns and questions were addressed regarding the location of the proposed cell tower. Ms. Dupuis stated that a great deal of the public's questions went unanswered from Optasite as they had a lack of representation. Mr. Boling questioned why this proposed site was on land that is preserved using public funds. Ms. Dupuis stated that the opposing counsel is aware of this and basically this will be a test case if this goes through. Ms. Dupuis stated that another factor is who should receive the money from the contract for the cell tower if it should pass: the Tanners or the public? She has been in contact with the Attorney General's Office, which will be involved if this does become a test case. Ms. Dupuis stated that all roads surrounding this property are designated scenic roads and this cell tower would be a 'beacon' above Meeker Swamp. Mr. Boling asked what the Conservation Commission should do. Ms. Dupuis asked that the C.C. hear what the public has to say. In addition, a report should be sent to the representatives of Optasite. Ms. Dupuis and First Selectman Mark Lyon have met with the lawyers and engineers representing Optasite and have stated the opposition of the Town of Washington and that this site has been opposed since the request for a cell tower in 2003, the proposed site is against regulations and both towns are strongly opposed to the proposed site. Ms. Dupuis stated that there have been discussions of moving the tower to another part of the property and the only site that does not go against regulations would be on the Tanner property where the house and barn are located.

Mr. Henry Dutton stated that he was at the Warren Town Meeting and wanted it to be noted that public attendance was historically extensive. He stated that the attitude of the people and the First Selectman was that they would have a town meeting to vote for funds to hire a lawyer if needed. Mr. Dutton asked if

Optasite are required to contact all adjoining property owners. Ms. Dupuis said that until the application goes to the Siting Council they are not required

Mrs. Ellen Tracey stated that the representatives of Optasite have found a clause that states that they are able to site things on non-tillable land. The Tanner family stands to receive a lot of money for the monthly lease of the site. Ms. Tracey stated there was a discussion at the Warren meeting of property rights and they cannot be sold twice. She also stated that this cell tower will not benefit the Town of Warren and it will only serve a couple of miles of Route 202. Ms. Tracey went to a forum in Litchfield at the education center. RF Engineers reported that there was no way that this area would be able to receive a 100% coverage. Ms. Tracey feels that Optasite is selfish in wanting to pinpoint this area.

Ms. Dupuis stated that there are too many families around this site. She stated that they were not allowed to talk about the health concerns at the Warren Town Meeting but they are free to talk about it in the forum of the Conservation Commission Meeting. Ms. Dupuis said one of the many reasons they asked Optasite to withdraw the application is because the amended propagation map shows that there is not going to be substantial coverage on Route 202.

Ms. Tracey stated that the tower would be approximately at the same height as her house. It will be approximately 150 ft. above her family's property. She has researched and attended forums on the issue and has learned the ramifications of being at such a close level of exposure could pose health problems to her family as well as the surrounding families.

Ms. Dupuis stated that it is necessary to send all objections from the past and present to Optasite formally. She would also like to inform them that if they are going to move the site anywhere else on the Tanner Property that the towns need to know. Ms. Tracey stated that she was under the impression that Optasite had to provide a couple of proposed locations for the tower and they do not. Ms. Dupuis said that is true and is not sure why this application does not have more than one proposed site. Mr. Dutton stated at the Warren Town Meeting the public asked why there was not a RF Engineer present to discuss the potential of putting more towers along RT. 202. He explained that they do not want more they just wanted to force the issue of alternative sites. He stated that there were not any answers from the opposing side.

John Defeo questioned how many years need to pass before we can discuss the health issues. He stated that he was under the impression that discussion of health issues were not allowed because there was not enough research to support that there would be health problems due to exposure of the cell towers. Ms. Payne stated that the Europeans have a great deal of scientific data that show the health issues due to cell phone use and cell tower exposure. Mr. Boling and Ms. Payne said that the public would need to work with the congressional level of government to force the health issue as the consideration of health issues and tower site proposals is prohibited by existing legislation. Ms. Tracey stated that the University of Pittsburgh has done a study that recommends that no one under the age of sixteen uses a cell phone.

Commissioners and public continued to discuss alternate sites. Mr. Defeo stated that people should be the main consideration when siting a cell tower, then the other factors. Ms. Dupuis stated that all of Connecticut's representatives are aware of this and are very concerned. Mr. Defeo stated that he remembered a clause from the previous application that stated that the siting of any cell tower would have to meet the regulations of both towns regarding setbacks. Ms. Dupuis said that is why the Commission is involved because they are within the setbacks of both the Town of Washington and the Town of Warren.

5:33 Guests exit.

Scenic Road:

Mr. Boling said that he would check on the time period for approval of a Designated Scenic Road for Route 202 application.

Management and Monitoring of Town Properties:

Ms. Payne stated it was brought to the Commission's attention that the neighboring property owners were still mowing and parking horse trailers on the Wettergren Nature Preserve, on Lower Church Hill Road. She recommends that the Commission write a letter to the neighbors and ask them to stop and let the area grow back to its natural state. Ms. Linda Frank had previously suggested that a native plant could be sown and allowed to grow and take over the area. Mr. Boling noted that it is important to have this documented so that the neighbors cannot take it by adverse possession. Ms. Payne offered to send the letter of notification to the neighbors.

Other Business:

Ms. Payne stated it has been suggested that the Town of Washington consider applying for a WHIP Grant. It is a USDA program for restoration of farmland and habitats, etc. There is a huge infestation of Japanese knotweed on the Washington Primary School site. Ms. Payne offered to talk with Betsy Kathleen Johnson of the USDA.

Old Business:

Mr. Boling reported on the Conservation Easement Model. He has talked to Mark Picton who stated that he has passed it on to the Inland Wetlands Commission and there hasn't been any response or feedback and for Mr. Boling to go ahead. Mr. Boling stated that he would wait feedback and stressed the importance of taking the time to get this right.

Other Business:

Ms. Payne stated that there is a program on Thursday, October 9, 2008 that is about Habitat Based Management in Bantam from 3:30-5:30. On Saturday, October 25th there is a program on Common Sense Lake Protection.

On Tuesday, October 21, there will be Freedom Of Information training at 7 pm at Bryan Memorial Town Hall.

Susan Payne adjourned the meeting at 5:50 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Shelley White
Land Use Clerk