

November 4, 2009

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

Members Present: Susan Payne, Linda Frank, Diane Dupuis, Phil Markert, Betsy Corrigan, Alt., Phil Dutton, Alt.

Absent: Kelly Boling, Ric Sonder, Alt., Dirk Sabin, Advisor

Staff Present: Shelley White

Susan Payne called the meeting to order at 5:00p.m.

Seated: Susan Payne, Linda Frank, Diane Dupuis, Phil Markert & Betsy Corrigan, Alt.

Consideration of the Minutes

The Minutes of the October 7, 2009 Conservation Commission Meeting were considered.

Corrections:

Under Cell Tower Update, 2nd sentence should read: She (Ms. Dupuis) stated that she was concerned with the lack of communication from the Board of Selectmen and the lack of posting the cell tower discussion on their agenda.

3rd sentence should read: Ms. Payne read an email that was sent to Derek Phelps of the Siting Council...

8th sentence should read: She stated that the Town's available coverage couldn't be gauged if the available services are not up and operational.

Motion:

to accept the October 7, 2009 Regular Meeting Minutes of the Conservation Commission as corrected, by Ms. Dupuis, seconded by Ms. Corrigan, passed by 5-0 vote.

108 New Milford Turnpike Update

Ms. Payne stated that there was a newspaper article that stated the Town of Washington has purchased this property. She wanted to clarify the Town has not purchased the property but they are under contract and that the remediation is scheduled for the week of November 9th.

Subcommittee Reports

Cell Tower Update:

Ms. Payne stated that an application for a proposed cell tower site at 49 Couch Road. . Selectman Lyon will be meeting with SBA's Attorney, Carrie Larson Friday at 9:30 on November 13 and Ms. Dupuis is planning on attending. Ms. Payne stated that it was quite a challenge working with Ms. Larson with the previous application on the Tanner Farm property and that "she was very manipulative and we (the Conservation Commission) thought she was not forthright." Ms. Dupuis distributed a map titled Preliminary Viewshed Analysis, Proposed SBA Towers II, LLC. Telecommunications Facility, Warren, 49 Couch Road, Warren Connecticut (on file in the Land Use Office). Ms. Dupuis stated that this Couch Road application is a continuation of the application from the Tanner Farm site. She explained that the viewshed with this site is worse. Ms. Dupuis stated that there are environmental issues and that Couch Road is a scenic road. She stated that there are legal issues in that the driveway (access to this property) crosses three easements, some of the property owners are not in agreement and were not notified of this tower site. She stated that another property owner was not in agreement of the driveway cut. Ms. Dupuis

stated that it is her opinion that the C.C. pass a resolution that until these legal issues are resolved that this application should not be allowed to proceed. She stated that this application would be brought to the attention of the Attorney Generals Office as it has the same legal issues as the application for the Tanner Farm cell tower application and more. Ms. Dupuis stated that she feels the Department of Agriculture will probably get involved because the proposed cell tower site is 100 feet off property that they own. There was a short discussion regarding coverage. Ms. Dupuis stated that, when asked, the telecommunication companies have not given definitive answers to the question of coverage

Motion:

to draft a letter to the Board of Selectman, SBA, AT&T, Verizon, the Attorney General & Governor Rell on behalf of the Conservation Commission, rejecting the SBA application to site a cell tower located at 49 Couch Road as it violates property owners rights and until outstanding legal issues among property owners are resolved,
by Ms. Dupuis, seconded by Ms. Frank, passed by 5-0 vote.

Motion:

to have Phil Markert draft a letter, on behalf of the Conservation Commission, to the Connecticut Siting Counsel addressing the legal issues regarding the SBA application for siting a cell tower at 49 Couch Road, noting the letter from AT&T regarding their non operational status on the Washington Tower previously approved in 2007 and reinforcing the Board of Selectmen's letter to Derek Phelps of the C.S.C requesting that they provide assistance in developing a telecommunication assessment coverage plan within the town of Washington,
by Mr. Markert, seconded by Ms. Dupuis, passed by 5-0 vote.

Archaeological Resource Protection Map:

Ms. Corrigan stated that State Archaeologist, Nick Bellantoni was finished with the Archaeological Sensitivity Map. Ms. Corrigan volunteered to schedule a time to have Dr. Bellantoni come and present the map to the land use commissions.

Best Development Practices Brochure:

Mr. Dutton distributed a draft of Best Development Practices: Stone Walls. He suggested that the members of the C.C. take it home and provide feedback. There was a discussion regarding public outreach that would provide guidance to property owners as well as builders and developers. There was a brief discussion regarding the process of revising zoning regulations.

Greenway Committee:

Ms. Payne stated the Greenway Committee would meet again in March of 2010.

Natural Diversity/Critical Habitat Resources Map Update:

Ms. Corrigan stated she would be meeting with Janet Hill, Land Use Administrator and Addie Roberts, Chairperson of the Planning Commission to discuss Natural Diversity/Critical Habitat Resources Map the week of November 9, 2009.

Conservation Design Subdivisions:

Mr. Markert suggested that the Arendt books be passed around the C.C. and regroup once people familiarize themselves with the concepts.

Other Business

Annual Report:

Ms. Payne asked the Conservation Commission if they had a chance to review the draft of the annual report she circulated. Ms. Corrigan submitted some additions.

Ms. Frank showed picture of the progress of the Town Beach Renovation.

Ms. Payne recommended that others look into the Pomperough River Watershed Coalition website. There is an interesting discussion regarding drought management.

Motion: to adjourn by Ms. Payne.

Ms. Payne adjourned the meeting at 6:40 pm

Submitted subject to approval,

Shelley White, Land Use Clerk