

November 5, 2008

5:00 p.m.

Members Present: Susan Payne, Linda Frank, Phil Markert, Kelly Boling, Joe Gitterman, Diane Dupuis, Ric Sonders, Phil Dutton

Guests: Chris Charles, Rod Bascon, Engineer, Atty. Carrie Larson, Chuck Regulfuto, Representative for Optasite

Staff Present: Shelley White Susan Payne called the meeting to order at 5:02 p.m. and seated members Kelly Boling, Linda Frank, Phil Markert, Joe Gitterman, and herself.

Consideration of the Minutes:

The October 1, 2008 Regular Meeting Minutes were accepted with the following amendments:

Page Line Should Read:

- | | | |
|---|-------|---|
| 1 | 23 | ...Dupuis attended a Warren Town meeting in which the public's concerns and questions |
| 2 | 1 | ...General's Office, which will be involved if this does become a test case. Ms. Dupuis... |
| 3 | 12 | ...great deal of scientific data that show the health issues due to cell phone use and cell... |
| 3 | 13-14 | 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 federal legislation. |
| 3 | 34-35 | Ms. Payne stated that Linda Frank had suggested that a native plant be sown and allowed to grow and take over the area. |
| 3 | 35-36 | Mr. Boling noted that it is important to document this communication so that neighbors cannot take the portion of the property they are using by adverse possession. |
| 3 | 30 | Ms. Payne stated it was brought to the Commission's attention that the neighboring... |
| 4 | 1-2 | Ms. Payne stated it has been suggested that the Town of Washington consider applying for a Whip Grant. |

Motion:to accept the October 1, 2008 Regular Meeting Minutes of the Conservation Commission as corrected by Kelly Boling, seconded by Linda Frank, passed 5-0.

Ms. Payne stated that she notified the neighbors of the Wettergren Nature Preserve and copied the Board of Selectmen.

Guests Representing Optasite:

Ms. Payne adjusted the agenda so that the representatives of Optasite could present their information to the Conservation Commission concerning the tower site proposal on Rabbit Hill. Atty. Carrie Larson, Rod Bascon, Engineer, and Chuck Ragulfuto were present to represent Optasite. Mr. Bascon presented a site access map, by Clough, Harbor & Associates, Site I.D. – CT.999-0052, Warren, Rabbit Hill Road, Warren, CT 06777. The Commissioners and the Representatives from Optasite discussed the map and the proposed tower site. Mr. Boling asked why the tower was being sited on property that has been preserved with public money. Mr. Boling stated that the proposed site is located in an area where public money was used to purchase development rights. Atty. Larson stated that the property rights were purchased by the State of Connecticut. Mr. Boling asked why the tower isn't being sited in an area where taxpayer's money was not used to prevent development. Atty. Larson stated that under the statutes they are permitted to site a tower on 'property that is subject to the development restrictions that this property is subject to.' Atty.

Larson stated the reason this site was chosen was to take advantage of the topography and the existing vegetation to naturally screen the tower. She told the Commission 'there are 6 acres of the subject parcel that are not subject to the development restriction, but there is no vegetation and it is further up the hill and more visible'. Ms. Dupuis asked for clarification that the site would not work for Optasite. Atty. Larson stated that was false. Ms. Frank asked whom the service would extend to. Mr. Regulfuto stated it would serve Route 202 and the surrounding area. Atty. Larson suggested the Commission refer to the propagation map. Ms. Dupuis asked if this was the amended propagation map. Ms. Dupuis stated that she has an amended propagation map that she did not have with her. It was noted that the Conservation Commission was not notified that the Optasite representatives would be attending this meeting. Mr. Gitterman asked what kind of coverage would be available if Optasite were to site the tower further up the hill. Mr. Regulfuto stated the RP engineers would have to answer the questions regarding placing the tower higher up on the hill and the type of coverage that would be received. Ms. Dupuis asked the Optasite representatives if they would be submitting to the town if they relocated the site further up the hill. Mr. Regulfuto stated that the alternate site they are considering is within 2500 feet of the Washington Town Line. The Commission and the representatives of Optasite examined the site exhibit map dated 9-22-08, titled Site Location and discussed the possible coverage of the alternate site. Atty. Larson stated that they would present both locations to the Siting Council and do a full visual analysis of the site and if there was going to be visual impact to scenic areas that they would mitigate. Ms. Payne asked if a balloon test has been done. Atty. Larson stated they had. Ms. Payne asked for confirmation that the public was not notified when this was done. Optasite reps confirmed. Ms. Payne stated that the Conservation Commission requests attendance at the balloon test. Mr. Bascon stated that the balloon test that had been done showed that the cell tower at the proposed site would be visible from Route 202 over the tree canopy. Ms. Dupuis stated the Conservation Commission's concern is that it would be a backdrop of historic homes and a designated scenic road. Atty. Larson stated that before Optasite files with the Siting Council they confer with the State Historic Preservation Office and do an inventory of scenic and historic resources in the area. These resources are documented and the S.H.P.O will not sign off on the project if it is going to have any impact on these resources. Ms. Dupuis asked the representatives if they are going to the Siting Council with these two sites. She asked if more information would be coming to the Conservation Commission regarding these sites. Atty. Larson replied "No, because they already filed their Tech Report for the first siting." Atty. Larson continued by saying the only reason they are considering the second location is a result of the comments made by the towns that is 'considered within the curfew of the first technical report we filed'. Mr. Gitterman asked if there was a preference to color. Mr. Regulfuto stated that it is normally brown but they would take preferences into consideration. Conversation continued regarding the least obtrusive color. Ms. Dupuis asked if Optasite had considered a location in the area of the Waterbury Reservoir. Mr. Regulfuto stated they could look into suggested sites but it would depend on coverage for networks. The representatives from Optasite and the Conservation Commission looked at the Topographical Map. Ms. Dupuis stated that AT&T has been receptive to how the towns feel about siting towers. She continued saying there are many factors that go against this site; located near one of the largest aquifers in the area, environmentally protected areas, scenic property, historical houses. Mr. Bascon presented a Two Mile View Shed Map. Mr. Sonders asked if Optasite was concerned with the slope of the access driveway. Mr. Bascon said the maximum slope used for driveways would be 18%. Mr. Sonders stated that his concern is the erosion. Mr. Bascon stated they consider erosion when they are engineering the driveways. Ms. Payne asked for the Optasite Representatives to inform the First Selectman's Office of when the next balloon test will be done.

5:32 pm Optasite Representatives exit.

Referrals or New Projects:

Mr. Chris Charles presented a proposal for a 4.5acre conservation easement on the Malkin property on Route 199. Mr. Boling recused himself. Mr. Charles presented a Conservation Easement Map Prepared for Jonathan Malkin by Open Space Equities LLC. in conjunction with Arthur H. Howland & Associates.

Ms. Payne asked what reserve rights the property owners would be interested in. Mr. Charles stated that they might keep horses there. Mr. Markert stated it was critical to have the specifics as to what reserve rights the Malkins have in mind for this easement. Ms. Payne pointed out that the frontage along Route 199 was heavily planted. Mr. Charles is willing to take the Conservation Commission out to the property to walk it. Ms. Payne asked the Commission if there was a general interest among them to bring this to the Town. The Commissioners agreed that it would be beneficial to bring it to the Town. Ms. Payne stated that it would protect water resources, is visible from the road, which is beneficial to the public, and has connectivity to Steep Rock. The Commission and Mr. Charles discussed the nature of the land and topography. Ms. Payne stated that the Commission would want any rights to be reviewed by the Commission. Ms. Frank asked for confirmation that there would only be horses and fences and not any buildings. Mr. Charles stated that is what he understands. Mr. Charles stated he would schedule a site visit for the Conservation Commission. Ms. Payne stated that time is important because there is only one more meeting of the Conservation Commission before the end of the year.

5:45 pm Chris Charles exits. Mr. Boling returns.

Ms. Payne presented a request from the Planning Commission asking the Conservation Commission to review and comment on the Reger/65 Gunn Hill Road/2 Lot Resubdivision. The letter from the Planning Commission, dated 10-7-08 states, "The applicant has requested a fee in lieu of open space based on the percentage of the land that would have been required as open space had he elected to preserve some of the property." Mr. Sonders asked if the Town could accept this fee. The Commission looked at the Zoning Location Survey, Prepared for Holly Reger by Robert L. Hock, dated August 14, 2006. Ms. Reger owns 21.6 acres and the Resubdivision will create a lot of 9 acres. The Commissioners questioned whether or not the Town has to accept a fee in lieu of the open space set aside and whether or not they should. Mr. Boling stated that a strip along the southern portion of lot 2 should be requested for an open space set aside so that if someone were to build on the lot the view shed of the lake would be protected. Mr. Boling suggested that the Conservation Commission recommend to the Planning Commission to reduce the set aside requirement that would protect the view and allow the property owner a little more flexibility. The C.C. agreed that they would accept a 200 foot buffer running along the southern border of lot 2 as an open space set aside.

6:00 pm

Ms. Payne presented another request from the Planning Commission to review and comment on the Subdivision Application Referral from BEC Holdings, LLC./204 Wykeham Road/2 Lot Subdivision. The C.C. examined the Proposed Site Development Plan titled Two-Lot Subdivision, Wykeham Road & Clark Road, Washington, CT, by Brian E. Neff, dated 10-7-08. They also examined the Property /Boundary Survey Subdivision Map prepared for BEC Holding, LLC, revision dated 10-7-08 by Michael T. Alex. Ms. Payne stated that the vernal pools and wetlands are already protected and if they are included in the set aside it would be monitored regularly. Ms. Payne recommends a 'drive by.' Mr. Dutton and Mr. Gitterman suggested that the C.C. encourage the property owner make the conservation easement larger. Ms. Payne suggested the C.C. reserve comment until the site inspection and that she will request that the C.C. is notified when the site visit is scheduled.

6:15 pm

Motion: to go into executive session to discuss real estate parcels for Open Space, by Linda Frank, seconded by Kelly Boling, passed by 5-0 vote. Ms. Dupuis abstained.

6:45 pm

Motion to come out of executive session.

Subcommittee Reports:

Cell Tower Update:

Ms. Payne asked Ms. Dupuis what the next step would be. Ms. Dupuis stated that she would draft a letter on behalf of the Cell Tower Committee to Optasite and cc their lawyer, detailing what was discussed at this meeting and the questions that the Conservation Commission has. She stated that she doesn't believe that Optasite is correct that they do not have to show alternate locations.

Scenic Road Designation:

Mr. Boling called the State of Connecticut and has not received a call back regarding the status of the Route 202 Scenic Road Designation.

Greenway:

Ms. Payne stated that Greenway did not meet on Monday. She added that David Thompson called her and told her that DEP has an Invasive Plants Program where municipalities can apply for funding to help control invasive plants. She stated that it was suggested that C.C. team up with Inlands/Wetlands and draw up a grant proposal. It was suggested that the Washington Primary School grounds would be looked at because of the invasion of Knotweed.

Conservation Easement Model:

Mr. Boling stated that the C.C. needs the input from Inland/Wetland Commission and has not heard from them yet.

Other Business:

Ms. Payne informed the Conservation Commission that UCONN will be having a program on November 29, 2008 on transfer of development rights.

Susan Payne adjourned the meeting at 7:05 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Shelley White
Land Use Clerk