

March 7, 2007

Present: Susan Payne, Kelly Boling, Joe Gitterman

Alternate: Diane Dupuis

Guests: Ira Shapiro, Blake Levitt

Susan Payne, Chairperson called the meeting to order at 5:00pm.

Alternate Diane Dupuis was seated.

Minutes of February 7, 2007: Susan Payne began by adding the following to page 1, under Minutes of January 3, 2007, the last line should read: *Development to Conserve Land and Natural Resources.* "Diane Dupuis added the following to page 1, under Cell Tower Update: line four to read, *Route 202. In order to clarify the misconception that one tower on Route 202 would provide coverage to the town Ms. Dupuis did a mock up of locations for five more towers she believes will be*, line ten to read *towers will be built, they are both in the view shed of Route 202, but they are not in an official municipal historical*, line nineteen to read *voice objections to the siting of the cell tower in the scenic view shed and suggest other minimums.* Susan Payne corrected spelling on page 2, under Allen Aragi-subdivision @ 9 Wilbur Road, line 6 and line 8, replace boarder with *border*, Kelly Boling added the following to page 3, paragraph three to read *Kelly Boling recused himself and left the room at 6:45pm as he felt he had a conflict with the last agenda item because he advised people about the property.* Pam Osborne corrected the following on page 3, under Young Elliot's Farm LLC, 110 Calhoun Street, line seven to read, *Members felt that they wanted to see the northwest side of parcel A preserved as well as along.*

Motion: Joe Gitterman made a motion to accept the minutes as amended from the February 7, 2007 meeting of the Washington Conservation Commission, Kelly Boling seconded the motion which passed unanimously.

Commission Goals for 2007

Route 202 Enhancements: Kelly Boling emailed members a draft of "Route 202 Corridor Enhancements". Susan Payne noted that members should also refer to Section 4 Enhance Village Centers of the 2003 Plan of Conservation and Development for information.

TDR's (Transfer of Development Rights): Susan Payne came across a document that Kelly Boling did in 2002 on Transfer of Development Rights, she will forward it to Kelly.

Municipal Tax Abatement for Conservation Easement: Susan Payne reported that the Open Space Sub Committee will be picking this subject up again.

Conservation or Cluster Development: Information is being collected from neighboring towns about regulations on conservation/cluster development.

At 5:15pm Kelly Boling recused himself and left the room because he has advised people on the property to be discussed next.

Referral: Young Elliot's Farm LLC: The Planning Commission has asked the Conservation Commission to comment on the proposed set aside for Young Elliot's Farm LLC. Members looked at the proposed conservation restrictions for the property. There were two different copies of the proposed

restrictions. Because of the discrepancy in having two different documents Susan Payne wanted to be sure that under section B #4 that the wording be "specific **native** habitat vegetation" and under section B #2 wording changed to include under ground utilities in the right to construct, repair and maintain. Ms. Payne was concerned with section B #3 the right to repair and construct stonewalls and fences, her concern was that the repair and construction be in keeping with the historic nature of the district. Members referred to the maps in locating the proposed easement areas. The Planning Commission has scheduled a public hearing for April 3rd. Ms. Payne noted that the plan is to maintain and renovate the existing barn and farmhouse on a 14.39 acre parcel and a proposed building site which cannot be seen from the road on the 24.83 acre parcel. Diane Dupuis restated the Conservation Commissions opinion not to use wetlands as easement area because the wetlands are already protected. Joe Gitterman questioned section B #7 about the right to cut and remove trees and other forest vegetation. His concern is that it gives them the right to essentially clear cut all trees and vegetation. Ira Shapiro explained that he wanted the right to trim tree branches, he went on to state that he intends to maintain the agricultural aspects of the property. Joe Gitterman stated that he is concerned with future owner's rights and conservation of the land in the future, maintaining the natural habitat. Joe went on to say that conservation means more than restricting building. Susan Payne suggested adding wording to include planned management. Ira Shapiro addressed the issue of restricting the wetlands, by referencing the zoning regulations and the increased amount of land that needs to be eased when using wetland soils. Ms. Dupuis restated the view that from a conservation perspective the wetlands are already protected, members were in agreement. Susan Payne will draft a letter with recommendation for the Planning Commission and circulate it to members for feedback it will be ready before the April 3rd Planning Commission meeting.

At 5:55pm Diane Dupuis retrieved Kelly Boling.

Subcommittee Reports

Cell Tower Update: Diane Dupuis introduced Blake Levitt as a hired consultant. Ms. Levitt began by explaining that the Telecommunications Act of 1996 had a provision called Section 704 which removed the communities right to take the environmental effects of radio frequency radiation into consideration. Ms. Levitt stated that this act was to encourage the rapid deployment of wireless technology, six providers have access to rural areas, they have the legal right to build out their system, towns can not discriminate against providers. Blake explained radio frequency radiation and the electro magnetic spectrum. She went on to state that the FCC is not a health agency but have been given the final mandate for public health policies, the standards in place do not take any studies past 1985 into consideration, since 1985 there have been hundreds of studies. Ms. Levitt feels that the present situation does not protect public health at all and stated that people should be worried about the health and environmental effects of cell towers. Blake Levitt stated that the EPA (Environmental Protection Agency) should be putting up standards and doing research but lacks the funding to do so. Ms. Levitt thinks the Zoning Commission should be commenting. She went on to say that the siting council's main objective at present is to build out the cell tower system in the most environmentally friendly way they can; they feel that this is what is best for the state's citizens. Blake went on to explain how the siting council proceeds with applications. Joe Gitterman asked why the problem is different in America than in European countries. Ms. Levitt answered that no other country has anything like Section 704 of the Telecommunications Act which takes away consideration of health and environmental concerns when siting a cell tower. She went on to say that Europe is into the third and fourth generation of wireless build out and are seeing a lot of health effects. Blake went on to reference resolutions from conferences held in Italy and stated that a lot of information is out in Europe about the health concerns. Joe Gitterman asked about relevance of this information to the Conservation meeting. Ms. Levitt answered that there are two cell tower applications on the table in Washington and the Conservation Commission needs to decide what course they are going to take such as oppose, control etc. Mr. Gitterman asked what the Conservation Commission's responsibilities are? Ms. Levitt felt that the siting council would want to here from the commission about

view shed and environmental impact. Kelly Boling felt that the Conservation Commission could do one of two things: 1. oppose all cell towers to delay things until a better technology comes forward 2. approve the least awful tower proposal. There was continued discussion on technology in Europe. Susan Payne addressed Mr. Gitterman's question about the Conservation Commission discussing cell towers by stating that the commission has a Cell Tower Subcommittee which has been at work for quite sometime and should pass comment on to the siting council. Ms. Levitt referenced a case presently before the Supreme Court between the siting council and Fallsvillage which addresses concerns about the effects on wildlife; she feels the outcome of this case could empower this commission. Diane Dupuis would like to include a request that the siting council wait for the outcome of the Fallsvillage case to proceed and that the Conservation Commission hire an RF engineer to provide data. Blake feels the town should hire an attorney also. She has also suggested the town create a master plan; decide where they want cell towers. Blake feels the Zoning Commission should be commenting to the siting council as to where these applications fit with the zoning regulations and where they do not, the siting council encourages input from the towns. There was continued discussion and it was decided that Diane Dupuis will draft a letter and circulate it to Conservation Commission members for comments.

Flora & Fauna: Susan Payne reported that Betsy Corrigan will be doing an invasive plants walk for the 2007 Earth Day celebration.

Proposal for Rural Roadscape Zone Regulations: Kelly Boling noted that the Zoning Commission tabled this to next month's meeting.

Other Business

Joe Gitterman asked Susan Payne if they would be having regular Commission Chair meetings. Susan suggested meeting on a regular basis but got no feedback.

Susan Payne informed members that Chris Murphy will be having meetings with Land Trust to address open space and environmental concerns on March 10th and 17th.

Meeting adjourned at 7:15pm.

Submitted subject to approval,

Pamela L. Osborne, Secretary