

April 15, 2009

Special Meeting

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

Members Present: Susan Payne, Kelly Boling, Linda Frank, Phillip Markert, Diane Dupuis, Ric Sonder, Alt.,

Absent: Betsy Corrigan, Alt., Phil Dutton, Alt., Dirk Sabin, Advisor

Staff Present: Shelley White

Susan Payne called the meeting to order at 5:04 p.m.

Seated: Susan Payne, Diane Dupuis, Kelly Boling, Phil Markert, Linda Frank

Discussion of whether the Conservation Commission should become a party to Docket 378 at the Connecticut Siting Council, and application to site one of two telecommunication towers on Rabbit Hill Road in Warren, CT.

Ms. Payne turned the meeting over to Ms. Dupuis, Chairman of the Cell Tower Committee. Ms. Dupuis explained the reason for this special meeting was to propose to the Conservation Commission that they become a party to Docket 378 at the Connecticut Siting Council. Ms. Dupuis stated the Cell Tower Committee, as well as members of the Conservation Commission have been working on this application since September of 2008. Ms Dupuis stated there are records of communication from herself, Ms. Payne, & Selectman Lyon to the Connecticut Siting Council, the Department of Agriculture, Lawyers representing SBA and the Attorney General's Office. She stated that Site A is located on 422A Farmland on which development rights had already been purchased using taxpayers money to preserve farmland. Ms. Dupuis stated that SBA believes it can locate a tower on preserved land as long as it does not take up space on arable farmland but that this would be a test case and the Department of Agriculture does not believe this is a legal siting. Ms. Dupuis brought to the attention of the commission members the inconsistencies of the report filed with SBA's application. Ms. Dupuis stated that an application for Site B was submitted to the Siting Council. The Conservation Commission was allowed less than 10 days to review an incomplete application and denied an extension to review a full application before it was presented to the Siting Council. Ms. Dupuis stated the Conservation Commission is not the only state agency or commission that feels the Connecticut Siting Council is not fulfilling the mission 'to balance the need for telecommunications', and the environmental qualities in Connecticut. Mr. Markert stated the Siting Council was 'established to advocate for the people.' Ms. Payne stated they are appointed and not elected. Mr. Markert stated that 'if they are not advocating for the people then they are not fulfilling their function.' Ms. Payne stated she had been advised that it would be important for the CC to become a party to this docket so that they may bring this and other environmental, archeological, scenic and biologic issues out in the open. Mr. Boling stated if the Conservation Commission becomes a party to Docket 378 they could bring these inconsistencies to the Siting Council. Mr. Markert stated he did not see a down side to becoming a party. Ms. Dupuis stated it is important for the public to know that if this site is approved there is no limit to the size of this tower. The application states the tower would be 150 ft. tall but certain companies will sign on if the tower's height were increased. The CC continued to discuss the ambiguities and inconsistencies of the application.

Action on a motion to become a party to Docket 378 at the Connecticut Siting Council.

Motion: to authorize

1) The request that The Conservation Commission become a party to Docket 378 at the Connecticut

Siting Council

2) The Conservation Commission and its members to proceed with filing testimony outlined in the Resolution to the Connecticut Siting Council

3) To proceed to file any and all exhibits necessary to provide information to the Connecticut Siting Council to do its job to protect the environment

by Kelly Boling, seconded by Phil Markert, passed unanimously.

Shelley White

Land Use Clerk