

January 27, 2003

MEMBERS PRESENT: Mrs. Friedman, Mr. Fitzherbert, Mr. Martin, Mr. Owen, Ms. Page

ALTERNATES PRESENT: Mr. Abella, Brinton, Mr. Shapiro

STAFF PRESENT: Mrs. Hill, Mrs. Luckey, Mr. Wyant, Mr. Solley

ALSO PRESENT: Atty. Leary, Atty. Fisher, Mr. Julius, Ms. Gaudet, estimated 125 residents

AT&T Wireless PCS,LLC/Informational Public Hearing/Proposed Tower Facility/911 Rabbit Hill Road, Warren

Mr. Martin called the public hearing to order at 10:05 p.m. He explained the purpose of the hearing was to collect information on the proposed facility from the applicant and input from the public. He noted that by the end of the week the minutes of the hearing and all letters and documents in the file would be sent to AT&T, who would consider it all in its application to the Ct. Siting Council.

Atty. Fisher represented AT&T. He said AT&T was a federally licensed utility company providing wireless service to the community with minimal impacts. He noted the State had deemed this service a necessity and so the question was not, would it be deployed, but where would it be deployed. He said this service must be located where roads and people are located and the transmission sites must be within the community for which they provide service. He also noted according to its FCC license the company is obligated to build out its infrastructure with the goal of providing seamless service.

Atty. Fisher then explained the site selection process. He said AT&T has no power of eminent domain and the company has long term leases on most of the properties where its towers are located. He described the process the site acquisition real estate specialist goes through to find appropriate tower sites. First, use of existing structures in the search area is considered. If none are available, other issues such as local regulations, land use trends, and density are considered. Finding a willing property owner is also a necessity. When a particular site is chosen reviews on need for service in the area and environmental concerns are completed. He noted at this point in the process AT&T was not at the hearing to justify the need for the proposed tower, but to receive input from the public to take into consideration in its application to the Siting Council.

Ms. Gaudet said the site was at 911 Rabbit Hill Road in Warren on a 22 acre parcel through which runs the Washington-Warren town line. The 150 ft. tower with space for six carriers would be entirely located in Warren. A 100' X 100' parcel would be leased and an 80' X 80' fenced compound would be constructed around the tower. A 12' X 24' concrete equipment pad would also be constructed. Access would use an existing "path" off Rabbit Hill Road. She stated the tower would be 150 ft. tall because that was the minimum height required to cover the area site targets.

The following questions and comments were made by the public and Commissioners:

- Mrs. Korzenko asked what other sites had been investigated. Ms. Gaudet stated the search area had included Rabbit Hill Road and the area north of Rt. 202. The silo on the Tanner property in Warren had been considered, but from an RF perspective had not been tall enough for service on Rt. 202. Also construction of a tower on the Tanner property had been considered, but the portion of the

property closest to Rt. 202 where the tower would have to be situated was not available due to its inclusion in a state farmland preservation program. Another 33+ acre parcel had been investigated, but the owner was not interested.

- Mr. Martin noted he had received many letters voicing concerns about the proposed tower's fall zone, which would be in Washington, its proximity to homes in the area, the need to protect wildlife and habitat, and the protection of possible inland wetlands in the area. He asked if AT&T would be willing to conduct environmental studies in the spring and to consider recommendations for alternate sites that might be better suited. Ms. Gaudet responded alternate site suggestions would be investigated, but asked that owners of such sites be willing to cooperate and that site coordinates be provided. She said the wetlands on the property had been flagged and there were none along the proposed access road or compound area. Atty. Fisher said he had received correspondence about ecological impacts, but said the impact of the facility would be less than that from the construction of a single family dwelling. The main impact from a planning and zoning rationale, he said, was visibility. He noted the proposal included some sight line studies and that the Washington Conservation Commission had asked that additional views be done.
- Mrs. Luckey asked if a tower at Mt. Tom state park would be possible. Ms. Gaudet said this was quite a distance from the search area, but that she would run the propagation for this site. She noted the proposed tower site was 100 feet from the Washington boundary line and more than 450 feet to the Tanner property.
- Mr. Solley asked what the determining factor was in locating the tower on that particular property. Ms. Gaudet stated the 100' X 100' site was chosen in an attempt to minimize clearing and utilize the existing path. She said it also took advantage of the trees for natural screening. Mrs. Luckey noted the tower would be only 600 feet from homes on Rabbit Hill Road and asked if it could be moved to the NE to get it further away from these houses.
- Ms. Gaudet was asked for the elevation of the proposed site. She said it was 1068 at ground level.
- Ms. Levitt, a Warren resident, asked if each carrier would require its own equipment slab. Ms. Gaudet said they probably would. She then asked if AT&T had considered extending the height of the Tanner silo to meet its needs. Ms. Gaudet said this had not been discussed. Ms. Levitt noted that with the proposed tower height of 150 ft. and ground elevation of 1068, the top of the tower would be at the horizon of the top of Tanner Hill. She asked if it was normal for antennae to be placed at the ground level of the top of a hill. Ms. Gaudet responded the tower did not need to be any taller. Ms. Levitt noted the proposed tower would provide almost no coverage for the town of Warren. Atty. Fisher noted towers must be placed where needed regardless of town boundaries.
- Mr. Martin asked if the site would be better placed on the same parcel, but at the top of the hill, which would probably require a shorter tower and be able to be located further from the residences on Rabbit Hill Road. Ms. Gaudet said the site had been chosen due to ground related environmental effects and in order to minimize the visibility by placing it against the hillside. She also noted that higher is not always better.
- Mrs. Chapin asked if there was an A-2 survey of the property, noting there had been speculation that site was actually in Washington. She also asked how far above the trees the tower would extend. Ms. Gaudet conservatively estimated the tower would extend 100 feet above the trees. Mrs. Chapin asked how wide the tower was at the top. Ms. Gaudet said it was 1.5 ft. with a triangular platform. Atty.

Fisher noted that in assessing how much of the tower would be visible above the tree line, the elevation of the person looking at it and the topography in between had to be taken into consideration. Mrs. Chapin asked when a balloon would be flown. When Ms. Gaudet said that this is done as part of the Siting Council's process, usually on the day of its hearing, Mrs. Chapin asked if it could be done sooner. Mr. Martin agreed it would be a good idea to know as soon as possible what the visual impact would be and said the Commission would appreciate it if the test was done sooner. Ms. Gaudet said AT&T would be willing to do so, but noted weather conditions this time of year are a factor and asked that the Town take the responsibility for notifying the community. Mr. Martin said the Commission would do so if it was given two weeks notice.

- A resident asked if a lower tower was an option. Ms. Gaudet said it was not. Mr. Martin asked if there were fewer colocators, if it could be lower. Ms. Gaudet said AT&T required 150 feet.
- Mr. Martin asked if a "needle" type tower could be constructed. Mr. Julius noted some technical issues with equipment and antennae placement, but said this would have a lower profile and would be considered.
- Mrs. Avery noted the Washington Zoning Regulations state these facilities must be located at least 750 feet from dwelling, but this tower would be within 600 feet of the Hart residence. She asked why it did not have to comply with the Regulations. Mr. Martin noted in this case the Siting Council was the final authority, but the Zoning Commission would provide it with information regarding whether or not it complies with local regulations. Mrs. Avery asked if the Town would obtain legal counsel for representation in the Siting Council procedures. Mr. Martin said it would.
- Mrs. Friedman noted other companies would likely require 150 feet as well and so asked if potential colocators would find the height of the proposed tower inadequate. Ms. Gaudet said AT&T can speak only for its own needs. She said it was possible a potential colocator could make its needs known to the Siting Council or could apply for a taller design at a later date.
- Mr. Brinton asked if the Siting Council approves towers that are taller than applied for. Ms. Gaudet said she could not recall this happening, but said colocators have the opportunity to apply later for an increase in height. Atty. Fisher said the Council sometimes requires excess construction in case there is need for a higher tower in the future.
- Mrs. Page pointed out on the coverage map that even with the three proposed facility sites coverage along Rt. 202 was spotty. She asked if AT&T had plans to rectify that with additional tower sites. Mr. Julius responded the company strives for a continuous web of coverage, but that it is not perfect due to constraints caused by terrain and the regulatory process. He said no additional tower would be needed to fill in the small spots, noting that the map showed a conservative estimate of the coverage to be provided.
- Mr. Tagley stated Washington residents want to live in a rural atmosphere without having to look at cell towers. He asked if there was any criteria the Zoning Commission could use to defeat a proposal like this. Mr. Martin stated he was not sure Mr. Tagley's premise was correct. He noted that the majority of comments made tonight had indicated the general public valued distance from dwellings to be more important than visual impact. In terms of defeating a proposal, Mr. Martin thought the most effective way would be to convince the Siting Council there are alternate locations that meet the same objectives.

- Mr. Owen said he was not clear what the Town's interest in this matter should be. He said whatever location is chosen there will be residents who object, and so asked whether the Town must hire an attorney every time there is opposition to a proposed tower. He thought the Town should decide on a few ideal sites and then work with the companies to see they are utilized. Atty. Fisher noted AT&T is not trying to be adversarial and wants to achieve a good result for the community. Mr. Martin stated the Town's interest was to obtain input and pass it along to both the applicant and the Siting Council. Atty. Fisher noted the Town is not obligated to submit information to either party, but said Town officials had deemed the Zoning Commission as the board best suited to obtain input and forward it to AT&T and the Council. Mr. Martin noted conversely, if the Town does submit input, the applicant is obliged to consider it. Atty. Fisher said such input is received as part of the technical review process to improve the application.
- Mr. Martin and Mrs. Payne, Conservation Commission Chairman, stated the Conservation Commission's subcommittee would continue its study of alternative sites. Atty. Fisher said AT&T would be willing to accept some specific recommendations even after the 60 day comment period, but they would have to be submitted as soon as possible. He offered to help in the process, noting it was difficult to regulate an industry you don't understand. Mr. Martin said he would make the offer known to the committee.
- Mr. Chapin noted public comment throughout the evening clearly stated telecommunications facilities should be kept away from residences.
- Mr. Hart asked how far from Rabbit Hill Road the tower could be installed. Ms. Gaudet said she would take another look at the property based on the comments she heard.
- Ms. Page noted it appeared the tower site was chosen based on the location requiring the shortest driveway in order to keep down costs. She urged AT&T not to base its choice on cost only. Ms. Gaudet noted the Siting Council requires the applicant to take many factors into consideration, for example, how many trees will be cut. Atty. Fisher noted the ideas expressed at the hearing differed from the typical considerations of the Siting Council. He recommended that if the Town wished to stress ideas such as it is OK to cut more trees, have longer driveways, or make towers more visible if doing so will place them farther away from residences, then the Town must make the effort to explain this rationale to the Council.
- A resident asked if from an RF perspective there were better locations on the same property for the tower. Ms. Gaudet said AT&T had already agreed to take another look at the site.
- Ms. Dupuis asked if AT&T had completed any environmental studies, conducted a wildlife inventory, or had researched the impacts on habitat and wildlife. She noted the Natural Resource Inventory had labeled this a critical habitat area and that Steep Rock identified more than 100 endangered and special concern species that can be supported in this area and asked if the application could be delayed until late spring so these studies could be done. Ms. Gaudet said she had consulted with the DEP's diversity data base. Ms. Dupuis said the DEP data base was not up to date because she was told no official had been to inspect this area. Neighbors and recognized birding organizations have seen the endangered sharp shinned hawks and other threatened birds in the area. She said the DEP was willing to open a file on the area and would make confirmation in the nesting seasons if the application could be postponed. Ms. Dupuis also stated the tower would be located just above the Town's largest, most important aquifer and in a critical habitat at for amphibians at the headwaters of Meeker Swamp. She noted that towers cause an increase in lightning strikes, adding that since Washington had received

380 lightning strikes last summer, any potential increase concerned residents.

- Mr. Abdella noted the purpose of the tower was to serve Rt. 202, but there are widespread efforts to ban cell phone use while driving. Atty. Fisher stated it is not illegal to use a cell phone while driving and noted the new laws were to prohibit hand held cell phones while driving.
- Ms. Levitt asked if the company had considered alternate technologies and submitted printed information for the record.

- Mr. J. Cook thought AT&T was taking a contradictory position by proposing a 60 foot tall facility in the New Preston church steeple, but insisting on a 150 ft. tall structure on Rabbit Hill Road. Atty. Fisher noted the company was trying to utilize an existing structure in New Preston and would achieve less coverage due to the lower height.
- Mr. Tracy asked why a tower could not be constructed at the silo site at the Tanner farm. Ms. Gaudet again stated the most appropriate area for a tower on the Tanner property was protected farmland and so was unavailable under the terms of the state protection program. Mr. Tracy said he wanted the tower to be located away from people's houses and so did not care if it was on state land.
- A resident noted how the Town's hilly terrain makes it difficult to achieve total coverage. She also questioned whether the companies were doing enough planning for the future to ensure the maximum coverage with the least amount of facilities throughout Town. She suggested the Town embrace satellite technology. Mr. Martin said the Siting Council would not consider such a suggestion. Atty. Fisher noted Congress had decided a terrestrial based system was needed by the public and so must be deployed. He noted satellite technology is not the same as wireless service.
- Mrs. Tracy read a letter voicing concerns from Mr. and Mrs. Day, property owners within 750 feet of the proposed site. She then said she was concerned about the health of her two small children and about the devaluation of her property, which could be up to 30% and which would occur once the tower was built. She told AT&T she did not agree with their position that the Town should find alternate sites to be considered; she said it was AT&T's responsibility to find alternate locations that were not in established neighborhoods. She said other options AT&T should consider were extensions on utility and telephone poles, Mt. Tom, larger tracts of land owned by the state, the lower silo at the Tanner farm, and repeaters. For the record, she submitted a letter she had written.
- Someone asked if AT&T's objective was to limit the number of towers erected. Atty. Fisher responded the objective was to limit the number in a way that would not prevent carriers from providing service.
- Someone asked if the New Preston firehouse was used as a tower site whether a lower tower would be needed on Rabbit Hill Road. Mr. Martin pointed out the Town's propagation study showed comparable coverage from the church steeple and firehouse locations. Atty. Fisher noted the Town had evaluated the coverage from a 100 ft. tower at the firehouse, but AT&T had not verified that a taller tower would not be required. He said the Town would have to submit the coordinates of the site so that it could be evaluated.

- Mr. Martin noted the Warren First Selectman had asked AT&T to delay its application until the spring and asked what the response would be. Atty. Fisher said he had not received any request from Warren, but would consider it if/when it is submitted. He again stated he did not think there would be a major impact on wildlife in the area, and therefore, he was not sure what wildlife studies would accomplish.
- Ms. Levitt asked how soon the application would be submitted to the Siting Council. Atty. Leary noted he had agreed in writing to extend the period in which to receive input to January 31st.
- Mr. Tracy read a letter he wrote to the Commission, which stated Rabbit Hill residents already have full AT&T wireless service and so the new tower is not needed. He listed many areas in Town where his AT&T cell phone already works. He voiced his opposition to all cell towers in residential neighborhoods and asked that alternate technologies and power sources be investigated. He also thought it was AT&T's responsibility, not the Town's, to find alternate sites in non residential areas. He noted there is a lot of open space in both Washington and Warren and suggested an appropriate tower location could be found there.
- Mrs. Chapin submitted a letter she wrote and one from Mrs. Sivick for the record.
- Mrs. Tracy asked if her letter would be forwarded to all Zoning Commission members, AT&T, and the Siting Council. Mr. Martin said it would. She then asked if the Zoning Commission did not amend its Regulations to allow a telecommunication facility in the New Preston Church steeple, would AT&T put the Rabbit Hill site on hold and complete a "build out" in a more logical fashion. Atty. Fisher argued AT&T already does its build outs in a logical fashion and said unless the Town had specific alternate sites to suggest, it had no other sites to consider that would provide equal service to the public. He indicated AT&T would move forward with this application.
- Mr. Chapin noted many alternatives had been suggested at the hearing including, lengthening the driveway to move the tower farther from Rabbit Hill Road and using Mt. Tom. He told AT&T it had to explore these and the other possibilities mentioned. Mr. Martin agreed the public should be assured its suggestions for alternatives would be considered in a good faith manner. Atty. Fisher noted that AT&T could not take into account every suggestion made by the public tonight. He would look to the Town of Washington to tell AT&T what alternatives it should consider.
- Ms. Levitt suggested AT&T approach Waterbury about leasing a site on water company land. This would provide coverage along both Rt. 341 and Rt. 202 and could be easily linked with Mohawk Mt. and Litchfield.

Mr. Martin thanked everyone for the comments made and adjourned the public hearing at 12:10 a.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, ZEO

