



Town of Warren

*7 Sackett Hill Rd
Warren CT 06754
860-868-7881*

April 29, 2009

Mr. S. Derek Phelps
Connecticut Siting Council
Ten Franklin Square
New Britain CT 06051

RE: Docket 378: Warren, Connecticut
Town of Warren
Pre-Hearing Interrogatories, Set One

Dear Mr. Phelps:

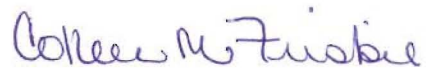
In response to your request:

1. The Town of Warren is interested in placing emergency service antennas on either site. Even though there is no immediate need, we feel this would benefit our Emergency Response Team, Ambulance and Volunteer Fire Departments in the future. Our Fire Department President, Jim Schultz, has been communicating with Hollis Redding, SBA Network Services, and also with the Warren Fire Chief, John Meeker regarding this matter. I have attached copies of the email correspondences for your reference.
2. Mr. Craig Nelson has stated that site A has storm water problems. The specific problem is excessive run off and erosion due to the steep grade of the land. I have attached the engineers report regarding this matter.
3. We do not have any town or state designated scenic roads in Warren.
4. We did take minutes of the September 26, 2008 informational session and have attached them for your information.
5. The Town of Warren did not file a second public meeting for either Site A or B prior to the filing of the application with the Council on February 27, 2009.

6. Mr. Jack Travers, the First Selectman for the Town of Warren, did attend the balloon float conducted on November 20, 2008. His personal opinion, when comparing sites, is that site A is less conspicuous than site B.

If there is anything else you need from us, please let me know at 860-868-7881 ext 103 or my email is cfrisbie@warrenct.org.

Sincerely,

A handwritten signature in blue ink that reads "Colleen M. Frisbie". The signature is written in a cursive, flowing style.

Colleen Frisbie
Administrative Assistant
Selectman's Office



P.O. Box 9
Winchester Center, CT 06094
(860) 738-8580
rea.jimrotondo@sbcglobal.net

September 17, 2008

Town of Warren
7 Sackett Hill Road
Warren, CT 06754
Attn: Mr. Jack Travers, First Selectman

***RE: Proposed Telecommunications Facility
Optasite Towers LLC
Lewis A. & Truda A. Tanner Property
Rabbit Hill Road***

Subject: Plan Review

Dear Mr. Travers,

At your request I have performed a plan/document review for the above referenced project. The document reviewed consisted of a partial plan view (8 ½" x 11") of the proposed site construction provided by your office. Reference is made to current town regulations and standards including the driveway specification.

In addition, I made an on-site visit to the proposed project site on September 16, 2008.

I offer the following comments:

- 1.) The proposed driveway is approximately 490 feet in length. It appears that the first 20' of the road slope is in the range of 15%. The driveway then travels relatively parallel to existing contours for a distance of approximately 160'. The driveway then makes a relatively sharp left turn and travels perpendicular to the contours up to the proposed monopole site. This remaining 310' section of driveway appears to be at an 18% slope. The proposed driveway is specified as gravel.
- 2.) The beginning portion of the driveway prior to the bend is located in an existing field. The remaining portion of the driveway is located on a wooded hill.
- 3.) During the on-site visit, it was observed that the existing field was wet with what appeared to be some small intermittent watercourses observed on the north end of the field. The wooded area contained some major rock outcrops and it appears probable that there may be significant ledge near grade.

- 4.) The proposed driveway grade (18% +/-) in the wooded area exceeds the 15% maximum allowed in accordance with the town driveway specification. In addition, the 5% maximum grade allowed for the first 20' section from the road is also exceeded.
- 5.) The driveway ordinance specifies that driveways with grades exceeding 10% shall be paved. The site plan calls for a gravel driveway.
- 6.) It appears that runoff from the driveway as currently designed could pose a major problem. A comprehensive drainage plan needs to be evaluated and addressed.
- 7.) I recommend that alternate access points to the property further North on Rabbit Hill Road be investigated and evaluated. Starting at a higher elevation on Rabbit Hill Road may provide an advantage that may make it possible to reduce the maximum driveway grade and overall runoff impact.

Based upon my review, I recommend that the town require an engineered driveway plan be submitted for review and approval.

Some of the issues that will need to be addressed in the design plan should include, but are not limited to:

- The proposed plan and profile of the driveway including intersection details with Rabbit Hill Road
- Proper drainage design plan and details
- Driveway construction details including standard cross-section
The current town ordinance requires:
 - *Driveway geometry and construction shall be designed appropriately to accommodate emergency equipment*
- Sedimentation & Erosion Control Plan with related details
- Turnaround and pullout analysis and design details

Should you have any questions, please don't hesitate to call. I can be reached by phone @ 860-738-8580 or e-mail @ REA.jimrotondo@sbcglobal.net.

Sincerely,



James A. Rotondo, PE
President

Colleen Frisbie

From: Schultz Communications [schultzcomm@optonline.net]
Sent: Monday, April 27, 2009 6:00 PM
To: Colleen Frisbie
Subject: Fw: Warren- Rabbit Hill Road proposed communication tower for WVFD use

----- Original Message -----

From: Hollis Redding
To: Schultz Communications
Cc: Jack Travers ; John Meeker ; Chuck Regulbuto
Sent: Tuesday, February 24, 2009 10:02 PM
Subject: RE: Warren- Rabbit Hill Road proposed communication tower for WVFD use

Hi Jim-

Thanks for your email. I'm glad that the Warren Volunteer FD may have use for SBA's proposed tower in Warren. The WVFD can reserve space on the tower for its future use. I'll be sure to make a note in the file.

Please feel free to call me with any questions. Thanks. Hollis

Hollis M. Redding
SBA Network Services, Inc.
One Research Drive
Suite 200 C
Westborough, MA 01581
203.464.3623

From: Schultz Communications [schultzcomm@optonline.net]
Sent: Tuesday, February 24, 2009 9:30 AM
To: Hollis Redding
Cc: Jack Travers; John Meeker
Subject: Re: Warren- Rabbit Hill Road proposed communication tower for WVFD use

Dear Hollis,

Chief Meeker forwarded this communication to me for consideration as I am the Communications manager and President of our Fire and Ambulance corps.

Thank you for your offer of space at the top of you proposed communication tower on Rabbit Hill Road in our town.

While we have no immediate need for additional tower sites, who knows what the future may bring? It is indeed possible that we may need to increase our coverage in that part of town at some point.

We would like to accept your offer, but at this time have no plans on installing equipment, may we just reserve a space for possible use at a later date?

Thank you,

Jim Schultz
President,
Warren Volunteer Fire Co. Inc.

----- Original Message -----

From: John & Debbie
To: Jim Schultz ; Schultz Communications
Cc: Jack Travers
Sent: Wednesday, February 18, 2009 6:18 AM
Subject: Fw: Warren- Rabbit Hill Road proposed communication tower for WVFD use

FYI
John

----- Original Message -----

From: Hollis Redding
To: themeeekers@optonline.net
Sent: Tuesday, February 17, 2009 9:15 AM
Subject: FW: Warren- Rabbit Hill Road proposed communication tower for WVFD use

Chief Meeker-

Thanks for returning my call regarding SBA's proposed cell tower application in the Town of Warren, CT. SBA plans on filing an application with the CT Siting Council ("CSC") seeking approval to construct a new telecommunications tower at one of 2 locations on Rabbit Hill Rd, Warren.

The first location is a proposed 160' monopole and the second location is a proposed 150' monopole. SBA would construct the monopole at one of these locations if approved by the CSC.

SBA is offering to the Warren Volunteer Fire Department space at the top of either tower, once approved, at no cost to the Town. The WVFD would be responsible for its own equipment and installation. SBA will also provide to the WVFD, ground space within the fenced in lease area, for the WVFD's communication equipment.

Please let me know if the WVFD has need of either of the proposed tower locations. We plan on filing the application with the CSC at the end of the month. Please let me know if you need any other information from me.

Thanks for your time. Hollis

Hollis M. Redding
SBA Network Services, Inc.
One Research Drive
Suite 200C
Westborough, MA 01581
203.464.3623

Town of Warren
Special Selectmen's Meeting Minutes
September 26, 2008
Warren Town Hall, Dining Room
7 Sackett Hill Road

The meeting was called to order at 7:30 PM by Jack Travers, First Selectman. The meeting is to be for information and public comment only on the cell tower proposed by Optasite on land owned by Luke and Truda Tanner on Rabbit Hill Rd. Optasite will be given time for a short presentation, then comments will be heard. A report to Optasite and the CT Siting Council will be prepared, and written comments will be accepted until next Tuesday, September 30, 2008 at 5:00 PM. Mr. Travers asked that speakers remain civil and refrain from personal remarks and that comments on health issues will not be allowed as that is not the purpose of the meeting.

Carrie Larson from Pullman & Conley, representing Optasite presented the proposal as well as Rod Bascome, project engineer of Cliff Harbor & Associates. Mr. Bascome explained that a 160 foot tall monopole would be built for AT&T with spots for other carriers. An access road 10' wide and 490' long of crushed gravel would be built to the site. The site would consist of a 60' X 60' compound with a secure 8' high fence. Power and telephone would be needed off the pole at the road and would go underground to the site. The tower would accommodate all carriers licensed with the State of CT and space would be offered to the town free of charge for emergency services.

Mr. Travers noted that the plan goes against the Warren Zoning Regulations and has a letter from the town engineer on the driveway plan for the record. The public was invited to speak.

Margaret Dutton-Rabbit Hill Rd. asked if copies of the map were available as the one presented was hard to see.

Bruce Coleman-Rabbit Hill Rd. asked why this is important. The town is making efforts to develop a Town Plan and regulations. He asked if we are not going to follow the town plan what good is it? Fact sheet handed out. He felt the proposal goes against the town plan for siting of cell towers and scenic areas and will not even provide much coverage for Warren. Most of the coverage would be for Washington and the route 202 corridor, and the town of Washington is against it. He noted that it is against the town's zoning regulations for setbacks and height and also that there are legal issues as the owners of the property have sold the development rights to the state resulting in them no longer having the right to develop for commercial or industrial use. Report is incomplete and inaccurate. Propagation map (computer generated depiction of coverage), first map area was larger than current map. All uncertain, violates Warrens rule, application is incomplete and not in best interest of the town of Warren.

John Hart-Rabbit Hill Rd. Q. How much emergency coverage would Warren actually get?

A: Jack-hasn't been considered, our emergency coverage is pretty good as it is.

Ms. Larson-Optasite offers service free of charge, coverage depends on equipment used by emergency services.

Q: Why was site moved from silo area originally proposed to current proposed site?

A: Wooded area is not tillable, tower would be less visible.

Q: Mr. Coleman-Can it be in silo?

A: Silo not tall enough, wouldn't get coverage to rte 202.

Mr. Hart expressed his opposition to the proposed tower.

John Coleman-Rabbit Hill Rd. noted that the silo would be further from rte 202 so the tower would have to be higher to get the coverage for that area.

John Flynn-Rabbit Hill Rd. felt little to be gained by residents of Warren, only AT&T and owners of land.

Bruce Coleman-Q: Why can this legally be constructed on this property when development rights have been sold to State of CT?

A: Ms. Larson-Tanners still own the property, CT General Statutes say Siting Council can approve this, despite the restrictions it is permitted.

Ellen Tracy-Q:Are there any other towers in the state located on land where the development rights have been sold?

A: Not that they know of.

Mr. Coleman asked to read from Section 1650P3G of CT Public Utilities Environmental Standards Act. Ms. Larson corrected – section 1650P(a)3(G).

Mr. Coleman "The Siting Council shall not grant....."

Does this not mean that the "grantors acknowledge that the parties intend by this conveyance to prohibit the division or subdivision of the premises for any purpose and to prohibit the development of the premises for residential, commercial and/or industrial purposes." Any legal authority to support your position that this section overrides the sale of development rights?

Ms. Larson-refer to section 1650(W).

Mr. Coleman-we are talking about superseding the sale of development rights, once sold can't resell.

Mr. Travers-up to Dept. of Agriculture, parties involved.

Virginia Doran-Lake Rd. Q: if tested who would pay legal bills, would town have to pay legal bills?

A: Mr. Travers-town would have to have funds approved at town meeting.

Marilyn Hendricks-Tanner Hill Rd. If during period of contract, if health hazards become apparent, will contract become void? No answer given.

Molly Flynn-Rabbit Hill Rd. Q: How much will coverage be increased?

A: Propagation map in technical report shows projected coverage.

Margaret Dunn-Q: Cell tower on rte 202 already, why can't it be used?

A: Towers cover a limited area, AT&T intends to use tower on New Milford/Washington line but it won't provide adequate coverage.

Ellen Tracy-Q: why not use repeaters on existing towers?

A: Ms. Larson-In order for repeaters to operate still need line of site to tower.
Discussion on repeaters.

Mr. Bascome-put these questions into report to Siting Council.

Ms. Larson-When application is submitted to Siting Council they will hold a public hearing.

Mr. Travers-Frustrating on town officials re: Siting council, have asked for master plan re: best coverage, have not received.

Mrs. Coleman-Has study been done as to coverage to rte 202 from silo.

Ms. Larson-Silo is not 160'. Mrs. Coleman-rebuild silo?

Mr. Bascome-if the tower is moved from proposed site it may have to be taller to get same coverage.

Hank Dutton-Rabbit Hill RD. Too bad RF engineer not here to answer these questions. When will be first time we can get answer from RF engineer to these questions?

Ms. Larson-If Siting Council holds public hearing RF engineer would be present, however they cannot just answer technical questions off the top of their heads.

Mr. Dutton-An engineer would be needed to tell us how many repeaters would be required to get coverage. Also cogent points in fact sheet regarding the regulations of the town. This proposal flies in the face of the regulations. Will the Siting Council or state honor any of our regulations?

A: Mr. Travers-Siting Council will take regulations into consideration but have the right to override the regulations.

Ellen Tracy-Spoke of the silo, could the silo be used although lower with additional tower on top? Was told five years ago that development rights prevented use of land for cell tower.

Mr. Coleman-Amendment to PA 7-222 "Council must consider town's location preferences as well as zoning regulations when evaluating an application". Optasite is ignoring our regulation, why can't they comply with the 1500' setback from closest residence and property and max height of antennae which is 150'?

Mr. Hart-Email to tower commissioner in Washington re: development rights.

Jack-We have copy of email.

Brian Whitlow-rents land silo is on. Silo has not been used for 20 years and is extremely unsound.

Mr. Coleman-Why is Optasite flagrantly disregarding our regulations re: setback and height?

Ms. Larson-Regulations of the town are not binding. The site was chosen to be unobtrusive.

Mrs. Dutton-Can tower be built taller than proposed?

Ms. Larson-Could not say what size tower would be needed in a different location.

Mrs. Flynn-Heard cell towers don't work in fog, it is very foggy up there.

Mr. Flynn-It seems aesthetics are taking precedence over health.

Mr. Travers-The Siting Council won't address health issues. This meeting is to view technical report and ask questions.

Mr. Coleman-In the report the parcel is 102 acres, the site is in one corner of that. If it is set back further it might comply with Warren's regulations. It seems they sited it where they did as it is more convenient.

Diane Dupuis-15 Rabbit Hill Rd., Washington-Even though tower is to be in the trees we will still see it, trees are not 150'.

Mr. Dutton-Is there a motion afoot to disavow even the Siting Council's ability to approve these towers?

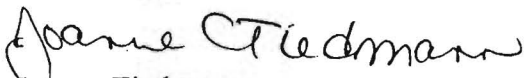
Ms. Larson-There is a proposal to set a timeline nationally for jurisdictions to make decisions on applications.

Mr. Coleman-recent Federal court ruling in the 9th circuit, reverse case saying cities and towns can regulate locations. The trend of the law is to allow local communities more control with siting.

Richard Morgan-Let's not be asleep on this one.

With no further comments or questions the meeting was adjourned at approximately 8:30PM.

Respectfully submitted,


Joanne Tiedmann