OFFICES OF POLICY + WEINT HARDFORDOWN

\$00.286.2219 EXISTING PRESERVED OPEN SPACE

Conservation Priority



STATE ACTION STRATEGY

Support for permanent continuation as public or quasi-public open space, and discouragement of sale and structural development of such areas except as may be consistent with the open space functions served.

DEFINITIONAL CRITERIA

Existing Preserved Open Space represent areas in the state with the highest priority for conservation and permanent use as open space.

Lands classified as Existing Preserved Open Space include:

- Federal, state, and municipal parks, forests, and other selected open
- Major open space preserves in quasi-public ownership;
- Class I type water supply lands that are in state and water utility ownership.

PRESERVATION AREAS

Conservation

Priority

STATE ACTION STRATEGY

Foster the identification of significant resource, heritage, recreation, and hazardous areas of statewide significance and advocate their protection by public and quasi-public agencies in their planning and investment decisions. Avoid support for structural development except as directly consistent with the preservation values.

DEFINITIONAL CRITERIA

Preservation Areas are lands that do not reflect the level of permanence of Existing Preserved Open Space but which nevertheless represent significant resources that should be effectively managed in order to preserve the State's unique heritage.

Preservation Areas include:

- Class I type water supply lands, exclusive of state and water utility
- Floodways/wave hazard areas;
- Inland wetland soils;
- Tidal wetlands and other coastal resource areas;
- Open space areas including areas designated in local plans and approved by the local legislative body;
- Existing waterbodies;
- State Endangered, Threatened and Special Concern species and habitats; O Designated natural or archaeological areas of regional or statewide

Agricultural lands for which the development rights have been acquired.

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STATE PRESENTATION AREA. 1310

AFFIDAVIT OF JOSEPH J ABDELLA Jr



State of Connecticut

County of Litchfield

Joseph J Abdella Jr being duly sworn and deposes says:

- 1. My name is Joseph J Abdella Jr. I live at 29 Rabbit Hill Rd, New Preston, CT 06777, a short distance from the proposed cell tower site under docket 378 known as site "B".
- 2. I was approached by Sprint Telecom in the year 2000 and offered the opportunity to lease a parcel of my land to them for a cell tower, but since that time the only other cell tower corporation I can recall approaching me is HPC Development LLC out of Danbury Connecticut, in October of 2008. HPC sent me a letter to which I did not respond.
- 3. Neither SBA nor Optasite have been in contact with me regarding my property or parcel "B".

Jøseph J Abdella Jr

Sworn to me this and day of May, 2009

Notary Public



From: diane dupuis <dd9art@sbcglobal.net>

Subject: Rabbit Hill Rd/ Tanner Farm 422a land tower site proposal

Date: September 25, 2008 3:14:30 PM EDT

To: clarson@pullcom.com, cregulbuto@optasite.com

Cc: Mark Lyon <mark.lyon@washingtonct.org>, Susan Payne <sbfpayne@charter.net>, robert.marconi@po.state.ct.us, anthony.jannotta@po.state.ct.us, joseph dipple <joseph.dippel@ct.gov>

September 26, 2008
Dear Ms Larson and Mr Regulbuto.

To date we have not heard back from you regarding our letter sent via email on Sept 13th, 2008.

This letter delineated multiple questions and issues the town of Washington has regarding the above captioned proposed site which were raised at our meeting in Washington on Sept. 11th, including questions regarding the legality of siting a tower on land with development rights previously sold to the state of Connecticut.

We have just received updated propagation maps from your offices, which do not match those presented in your original application submitted to town. You have not, however, answered any of the other issues or concerns raised in meeting or our letter.

Again, we consider the application insufficient and ask that it be withdrawn for the above reasons and for those in our letter of September 13th 2008. Copy attached below.

May we please hear from you regarding those issues?

Sincerely, Mark Lyon, First Selectman, Town of Washington Diane Dupuis, Chair Cell Tower Committee

copy of previous email:

From: dd9art@sbcglobal.net

Subject: letter re 422a tower application email letter

Date: September 13, 2008 12:21:23 PM EDT

To: clarson@pullcom.com, crequibuto@optasite.com

Cc: robert.marconi@po.state.ct.us, anthony.jannotta@po.state.ct.us, joseph.dippel@ct.gov, sbfpayne@charter.net

Reply-To: dd9art@sbcglobal.net, mark.lyon@washingtonct.org

Ms. Carrie L Larson, Pullman & Comley LLC Mr. Charles S Regulbuto, Director of Northeast Development Optasite Via email 9.13.08

Re: Tanner Farm Tower Site Proposal

Rabbit Hill Road Warren Ct

Dear Ms. Larson and Mr. Regulbuto,

As we discussed at our meeting on Thursday afternoon, we do not consider the siting of a tower on the Tanner Farm to be a legal siting. This is a commercial venture on restricted farmland previously sold to the state for development rights. Only noncommercial, agricultural ventures are allowed on this type of property. A copy of the email received from the

Commissioner of the Connecticut Department of Agriculture confirming our understanding was presented to you

at that meeting:

We also advised that we considered Optasite's application insufficient and discussed with you the many areas of inaccuracy and incompletion contained in your initial report to the town (propagation maps, sight lines, scenic roads and other environmental and technical aspects to name a few). We asked that you resubmit a full and proper application should you feel you wish to continue with this application.

In addition, we advised you that the town of Washington is on record as being opposed to a site in this residential area.

An application was made in November of 2002 by ATT for a tower approximately 400 feet away and at an elevation 110 feet lower than this application site. That site was strongly objected to by the people of town of Washington, its Selectmen, its land use boards, the Steep Rock Land Trust, and other town environmental agencies.

Since 2003 the town of Washington has worked diligently to protect its natural resources in this area, adding protections at the local and state level. This proposed tower would sit in an environmentally sensitive area above our largest aquifer and effect multiple scenic view sheds, including property bought by the Town of Washington, the State of Connecticut and Steep Rock Land Trust, the 238 acre Macrocostas Preserve. In addition to being situated among historic housing, scenic roads, critical habitats and key areas for recreation, this proposed tower would be in an area of moderate to high archaeological importance.

All letters of our original objections were submitted to the Siting Council in 2003 and are on record there. That 2003 application was made by ATT, who you represent in this application. At our town meeting in 2003, and recorded for the record, when queried about the viability of the Tanner Farm, ATT's representative, Ms. Gaudet, replied "the Tanner property was protected farmland and so was unavailable under the terms of the state protection program."

Since that time, nothing has changed in either the state or Siting Council regulations.

We ask that you take into consideration the town of Washington's objections and the legalities of siting on protected farmland and withdraw your application for a site on Rabbit Hill Road.

Sincerely,

Mark Lyon First Selectman Town of Washington

[&]quot;Similar requests have previously been reviewed with the Office of the Attorney General.

The construction of the structure and related outbuildings on such development rights restricted farmlands has been deemed to be a prohibited, commercial, non-agricultural use. '

Diane Dupuis Chair Cell Tower Committee

cc Mr. Joseph Dipple, Dept of Agriculture Mr. Anthony Jannotta, Attorney General's Office Mr. Robert Marconi, CT Siting Council

From: "Larson, Carrie L." < CLarson@PULLCOM.COM> Subject: RE: rabbit hill tower warren ct alternate site etc

Date: November 14, 2008 10:28:17 AM EST

To: "diane dupuis" <DD9ART@sbcglobal.net>, "Chuck Reguibuto" <CRegulbuto@sbasite.com>

Cc: "Mark Lyon" <mark.lyon@washingtonct.org>

Ms. Dupois-

Optasite is more than happy to respond to the requests/comments delineated below, as we have responded to all comments submitted by the Town. However, the First Selectman has not indicated to us that you are the designee for the Town of Washington for this application, pursuant to C.G.S. section 16-50l, as you have cited below. Therefore, requests for information should come through the First Selectman until we receive an indication otherwise. I apologize for any

From: diane dupuis [mailto:DD9ART@sbcglobal.net] Sent: Thursday, November 13, 2008 11:52 AM

To: Chuck Regulbuto

Cc: Larson, Carrie L.; Mark Lyon; Susan Payne; anthony.jannotta@po.state.ct.us; Robert Michalik; Andrew Sen. Roraback

Subject: Re: rabbit hill tower warren ct alternate site etc

dear chuck

may we please have a proper technical application on optasite's proposed alternate site on the tanner farm on rabbit hill road in warren?

we were not informed that you were coming to our conservation meeting november 5th and so members of the public were not notified to attend the informational meeting to ask questions about either the site proposed on deed restricted 422a farmland or this new alternative site.

in september, at the warren town meeting, i spoke with your atty, ms larson, and asked when we might have a reply to our letter of 9/13 which was resent 9/25.

she told me it would be forth coming and asked as to an informational meeting. I told her our conservation meeting was october 1st, just as i had told you both

when optasite asked to come to our next conservation meeting at our meeting with mark lyon on september 11th. i then requested that optisite bring experts to this next conservation meeting who could answer technical questions as they were not present at the warren meeting.

apparently i misunderstood from ms larson that optasite would be coming, because no one showed even though the town's people and commissioners

were present. due to this possible verbal miscommunication, selectman lyon put the next request in writing to ms larson regarding our november conservation meeting.

we never heard back from optisite and i assumed you were not coming as the "deadline" of 60 days mentioned in ms larson's letter of october 21st had passed.

so one meeting no show, the next present without notice.

as cell tower committee chair, i need to be able to discuss this new siting alternative on the tanner homestead with our town's people.

when i asked you to confirm there was a new site, which we had heard rumors of, you confirmed you had a new site, but provided no handouts and no technical information.

you then produced a color blocked map, which was not accurately drawn, to suggest where the tower may be on the 6 acre envelope retained by the tanners.

our commissioners asked questions regarding propagation from this site which you were unable to provide. where is this located? how close to the road? where

in the envelope? what is its proximity to other houses? there are many questions for this location which would be answered in a proper report.

siting council regulations require sites and alternatives to be discussed with the town's first selectmen so that we can disseminate

the information to the town, have input and make an informed decision to the siting council at the time you make an application. Pre-Application Process (General Statutes § 16-50l (e))

"....at least 60 days prior to the filing of any application with the Council, the applicant shall consult with the municipality in which the facility may be located and with any other municipality required to be served with a copy of the application under subdivision (1) of subsection (b) of this section [any adjoining municipality having a boundary not more than 2500 feet from such facility] concerning the proposed and alternative sites of the facility.....Such consultation with the municipality shall include, but not be limited to, good faith efforts to meet with the chief elected official of the municipality. At the time of the consultation, the applicant shall provide the chief elected official with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility. The municipality may conduct public hearings and meetings as it deems necessary for it to advise the applicant of its recommendations concerning the proposed facility. Within 60 days of the initial consultation, the municipality shall issue its recommendations to the applicant. No later than 15 days after submitting the application to the Council, the applicant shall provide to the Council all materials provided to the municipality and a summary of the consultations with the municipality including all recommendations issued by the municipality."

please provide an application on this new siting so that we <u>can</u> make an informed decision. this location is approximately 800 ft away from your first proposed site on 422a farmland and it will sit at a much higher elevation directly on the ridge line.

this alternative site is still located on rabbit hill road, a road declared scenic in two towns, surrounded by scenic roads and preserved farmland.

this location would sit on the ridge line and flyway, behind historic homes, in an area where there are state listed species and be omni present in an area declared scenic.

it would sit as a beacon in this wildlife corridor and would not be the sight one wishes to see when traveling to the pinacle, a tourist destination with magnificent

view sheds in our macricostas preserve just down the road on 202. As you know, this stretch of rt 202 is in the process to be named scenic by the state of connecticut.

as i said in our meeting, rabbit hill is a location objected to by both towns of warren and washington in two town meetings and our objections, for the above reasons, stand

and will be on the record for the siting council. we still wish to make an informed decision on this new application so please provide the proper technical reports so we may judge this application on its own merits.

thank you for your assistance in this matter,

diane

diane dupuis chair cell tower committee washington ct

On Nov 7, 2008, at 11:01 AM, Chuck Regulbuto wrote:

Here you go.

Please note my new email address
cregulbuto@sbasite.com

Chuck Regulbuto

Project Director New Tower Builds SBA Network Services, Inc. One Research Parkway Suite 200C Westborough, MA 01581 860.394.7021

BRYAN MEMORIAL TOWN HALL POST OFFICE BOX 383 WASHINGTON DEPOT, CONNECTICUT 06794

The Connecticut Siting Council Ten Franklin Square New Britain, CT 06051 February 27, 2009

Via Fax and Certified Mail

Re: Rabbit Hill Road, Warren New Tower Proposal

Dear Council Members,

Enclosed please find correspondence between the towns of Washington and Warren and the attorney for Optasite/SBA requesting, per Ct State Statute 16-50 L subsection E, both a full technical report and the 60 day time period to examine said report and application on the above captioned proposal. Both towns consider the second site to be a new application. The first location on 422a farmland sits mid way up hill in a wooded area. The second location is on top of the ridgeline on an open farm site, next to a young family in completely different topography, vistas, neighborhood and environmental areas.

We respectfully request a full and accurate application complete with site evaluation, accurate propagation maps, accurate neighborhood maps, accurate environmental reports, and full RF report along with the 60 day time period granted by the above quoted state statutes so that we may evaluate and consider the appropriateness of this new location. We believe these are our rights under Connecticut state statutes and to deny these rights would be a violation of due process granted by the 14th amendment to our Constitution.

The Siting Council expect towns and interveners to participate fully in the process of responsible tower siting. When applicants do not provide accurate information in the pre application stage and towns receive notification of a new site less than two weeks before submission to the Siting Council, that process is corrupted and denies the towns, their selectmen and their commissions the ability to fully examine and discuss this application on its merits and liabilities. We respectfully request the Council grant the 60 day time period for this new site on Rabbit Hill Road in Warren and to deny this application from SBA until said application and time period have been completed.

Thank you.

Diane Dupuis, Chair Cell Tower Committee, Town of Washington

Mark Lyon, First Selectman, Town of Washington

CC: Carrie Larson for SBA

BRYAN MEMORIAL TOWN HALL, POST OFFICE BOX 383 WASHINGTON DEPOT, CONNECTICUT 06794

Ms. Carrie Larson Pullman & Comley Ilc 90 State House Square Hartford, CT 06103-3702 February 26, 2009 MD CERTIFIED MAIL

Re: Rabbit Hill Road Warren, Proposed Towers

Dear Ms. Larson:

I am in receipt of your letter dated February 20th, 2009. This letter contains a number of inaccuracies and misstatements, which need to be addressed immediately for the record.

As you well know, as Chair of the Cell Tower Committee, on September 26th at the Warren Town Hall I did personally invite you to our Conservation meeting on the first Wednesday of October. You indicated you had been waiting for the date (though it is noticed each month) and led me to believe you would attend. I asked you to please bring an RF Engineer to the Washington meeting since one was not present to answer the public's questions that night in Warren.

Though the public was in attendance at our October meeting, you were not. Graciously conceding there may have been a miscommunication, our first selectman sent a formal letter to you to attend the November Conservation meeting. We never heard back from you. No member of the public was present at that meeting because **no one** knew you were coming. In fact, in front of our commissioners and on tape, for the record, Mr. Regulbuto of SBA chastised you by saying "I told you to tell them we were coming." as you packed up to leave the room. The possibility of a second site was only generally discussed with SBA acknowledging you had to find out if ATT could get the propagation they were looking for. We also suggested looking into the reservoir in Warren as an alternate site. Has there been any investigation of this alternative?

Now, as to the proper propagation maps indicating coverage on the Rt 202 corridor, which Mr. Regulbuto conceded at our September meeting are computer generated and subsequently provided on Sept. 18th, it is those same maps which depict existing coverage on Rt 202 that were again missing at the November meeting, but appeared out of your files when I requested our commissioners see the corrected maps. These are again missing in this new application. You have indicated that Verizon would be a party to site B and since Verizon built the tower on Rt 202 and are up and running I am sure they can

BRYAN MEMORIAL TOWN HALL POST OFFICE BOX 383 WASHINGTON DEPOT, CONNECTICUT 06794

provide the accurate RF coverage maps we have requested if you feel you don't want to provide the ATT maps. In fact we formally request Verizon's propagation maps.

For the record, site B is not on the same parcel of property as site A, which is on 422a Land. There great differences in elevation, viewsheds, topography, sits directly on the ridgeline, is 80 feet off a young family's new home, combined with inaccuracies and missing components to this application.

We assert our rights under Ct state statutes 16-50 l and our constitutional rights to due process to be provided with an accurate and full technical report and the time provided in these statutes to examine the proposal before us to enable us to present an accurate description of the new site to the public and their representatives before the hearing process begins at the Siting Council.

Our letter requesting same will follow directly to the Siting Council.

Sincerely, Diane Dupuis

Washington Conservation Commission

Cell Tower Subcommittee

The Washington Conservation Commission is charged with the review of this cell tower application.

Mark & Jyn First Selectman

BRYAN MEMORIAL TOWN HALL POST OFFICE BOX 383 WASHINGTON DEPOT, CONNECTICUT 06794

February 22, 2009

Attorney Carrie Larson Pullman and Comley 90 State House Square Hartford, CT 06103-3702

Re: New site location for an Optasite cell tower on top of Rabbit Hill, Warren, CT

Dear Ms. Larson,

Per your letter dated February 11, 2009 to First Selectman Mark Lyon of the Town of Washington, the Conservation Commission requests a 60-day review period (pursuant to CT State Statute 16-50L, subsection E) for your new cell tower site application, located over a thousand feet from the previous site application, both within 2,500 feet of the Washington Town Line.

This site was not proposed in your initial application, nor did the town of Washington suggest this site in another town.

You did not show up when invited to the October 2008 Conservation Commission meeting, although the public was invited and in attendance. Instead you and your engineers arrived, unconfirmed and unannounced, to our November meeting, to which the public had not been invited. You have continued to ignore our requests for information.

Since this is a critical scenic and agricultural area in a densely populated neighborhood straddling a town line, it is of the utmost importance to the safety, health and well-being of the residents that a full public hearing is scheduled, an environmental report is provided, proper and complete propagation maps are presented, and you and the engineers are present to respond to questions from the public.

Please work directly with our First Selectman Mark Lyon to fulfill this request.

Thank you,

Susan Payne,

Chairperson, Conservation Commission

CC: CT Siting Council, Ten Franklin Square, New Britain CT 06051 Mark Lyon, First Selectman, Town of Washington

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BRYAN MEMORIAL TOWN HALL POST OFFICE BOX 383 WASHINGTON DEPOT, CONNECTICUT 06794

Ms. Carrie Larson Pullman & Comley 90 State House Square

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Hartford, CT 06103-3702

VIA CERTIFIED MAIL

February 17, 2009

Re: Rabbit Hill Road, Warren, CT

Dear Ms. Larson,

We are in receipt today of your letter dated February 11, 2009, which includes site plans, and view shed and propagation maps for a new tower site on top of Rabbit Hill in Warren. This site was not proposed in our initial application process. This new tower is located over one thousand feet from the first tower proposal, sits at a much higher elevation, has completely different topography, habitat, view sheds and neighborhoods, in fact, this tower would be located within one hundred feet of a young family's home.

Contrary to information in your letter, the town of Washington did not propose this location.

Per the Ct State statues 16-50 L, subsection E, we consider this to be a new proposal and request the 60 day time period to review this application. That time period would allow our commission members and selectmen an opportunity for review and allow for our town to hold a town meeting so that we may issue our good faith recommendations as per the above referenced statutes.

With just a cursory view we noticed that the propagation map provided does not include the coverage from the new tower location on Rt. 202 of which ATT and Verizon are co-locators. You did send us an updated map per our request in September, but that map continues to be missing in each new presentation. Also, there is no site evaluation or environmental report and the report contains numerous other discrepancies.

In summation, we consider this site to be a completely new proposal, believe we are entitled to a 60 day review period and respectfully request same.

Sincerely,

Diane Dupuis

Chair Cell Tower Committee

CC: Connecticut Siting Council

TIMES COLORANA OM



United States Department of Interior Fish and Wildlife Service Washington, DC 20240

September 14, 2000

To: Regional Directors From: Director /s/ Jamie Rappaport ClarkSubject: Service Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers

Service Interim Guidelines For Recommendations On

Communications Tower Siting, Construction, Operation, and Decommissioning

- Any company/applicant/licensee proposing to construct a new communications tower should be strongly encouraged to collocate the communications equipment on an existing communication tower or other structure (e.g., billboard, water tower, or building mount). Depending on tower load factors, from 6 to 10 providers may collocate on an existing tower.
- If collocation is not feasible and a new tower or towers are to be constructed, communications service providers should be strongly encouraged to construct towers no more than 199 feet above ground level (AGL), using construction techniques which do not require guy wires (e.g., use a lattice structure, monopole, etc.). Such towers should be unlighted if Federal Aviation Administration regulations permit.
- 3. If constructing multiple towers, providers should consider the cumulative impacts of all of those towers to migratory birds and threatened and endangered species as well as the impacts of each individual tower.
- If at all possible, new towers should be sited within existing "antenna farms" (clusters of towers). Towers should not be sited in or near wetlands, other known bird concentration areas (e.g., state or Federal refuges, staging areas, rookeries), in known migratory or daily movement flyways, or in habitat of threatened or endangered species. Towers should not be sited in areas with a high incidence of fog, mist, and low ceilings.

BRYAN MEMORIAL TOWN HALL POST OFFICE BOX 383 WASHINGTON DEPOT, CONNECTICUT 06794



Planning Commission

MEMO

To:

Board of Selectmen

Town Road Foreman

Tree Warden

From:

Janet M. Hill, Land Use Coordinator

Re:

Scenic Road Designation for Hinkle Road

For your records, please be advised that at its meeting held on Tuesday, September 5, 2006 the Washington Planning Commission took the following action:

MOTION: To approve the application for scenic road designation for Rabbit Hill Road.

You are hereby notified per Section IV.C.4 of the Scenic Road Ordinance. The Commission stated for the record that this road meets the criteria listed in the Ordinance when it determined that protection of Rabbit Hill Road was warranted.

If you have any questions, please do not hesitate to call me at 868-0844.

Dated 9/13/06

By Callet M. - Hill

Janet M. Hill, Land Use Coordinator

BRYAN MEMORIAL TOWN HALL POST OFFICE BOX 383 WASHINGTON DEPOT, CONNECTICUT 06794

Planning Commission

MEMO

To:

Board of Selectmen

Town Road Foreman

Tree Warden

From:

Janet M. Hill, Land Use Coordinator

Re:

Scenic Road Designation for Couch Road

For your records, please be advised that at its meeting held on Tuesday, February 6, 2007 the Washington Planning Commission took the following action:

MOTION: To approve the application for scenic road designation for Couch Road.

You are hereby notified per Section IV.C.4 of the Scenic Road Ordinance. The Commission stated for the record that this road meets the criteria listed in the Ordinance when it determined that protection of Couch Road was warranted.

If you have any questions, please do not hesitate to call me at 868-0844.

Dated 2/9/07

By Caust M. - Hill

Janet M. Hill, Land Use Coordinator

BRYAN MEMORIAL TOWN HALL POST OFFICE BOX 383 WASHINGTON DEPOT, CONNECTICUT 06794

Planning Commission

Voices P.O. Box 383 Southbury, Ct. 06488 Fax: 203-266-0199

Kindly publish the following legal notice in Voices on Wednesday, March 13, 2008. Bill to be sent to the First Selectman's Office, P.O. Box 383, Washington Depot, Ct. Please send an additional tear-sheet copy to the Land Use Office at the same address. Thank you.

LEGAL NOTICE Town of Washington

At its regularly scheduled meeting held on Tuesday, March 4, 2008 the Washington Planning Commission took the following

APPROVED: The application submitted by Mr. Bowles for a 2 lot subdivision at 52 Carmel Hill Road.

APPROVED: The application submitted by Ms. Feldman for scenic road designation for Whittlesey Road.

Dated 3/7/08

dauet m. - Hill By Janet M. Hill Land Use Coordinator