

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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May 24, 2013

Patricia Allyn Mechare
First Selectman
Town of Canaan
P.O. Box 47
Falls Village, CT 06031

RE: **DOCKET NO. 409A** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 8 Barnes Road, Canaan (Falls Village), Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions, revised tower site location and modified facility.

Dear First Selectman Mechare:

The Connecticut Siting Council is in receipt of your recent correspondence concerning Docket No. 409A.

Before making its final decision on an application, the Council will carefully consider all the facts of the record. The record is developed by the Council; the applicant, parties and intervenors in the proceeding; and members of the public who speak at the hearing or submit written statements to the Council. The Council is guided by its jurisdiction under Connecticut State Law and endeavors to hold all proceedings fairly and open to the public.

Please note you can view the documents in this proceeding on our website www.ct.gov/csc through the link Pending Proceedings. You may also keep apprised of Council events on the website calendar and agenda.

Thank you for your interest and concern in this very important matter. Your letter will be entered in the public comment file related to this proceeding.

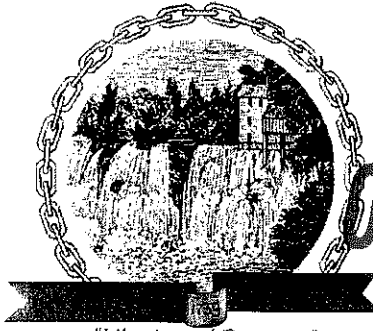
Very truly yours,

Melanie A. Bachman
Acting Executive Director

MAB/cm

c: Parties and Intervenors

Town of Canaan
108 Main Street
P.O. Box 47
Falls Village, CT 06031-0047



"Liberty and Property"

AN EQUAL OPPORTUNITY EMPLOYER,
PROVIDER AND HOUSING ADVOCATE

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**CONNECTICUT
SITING COUNCIL**

State of Connecticut
Connecticut Siting Council
Attention: Robert Stein, Chairman
Ten Franklin Square
New Britain, Connecticut 06051

REFERENCE: Docket No. 409A - Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 8 Barnes Road, Canaan (Falls Village) Connecticut

Dear Chairman Stein and Members of the Siting Council:

The Canaan Board of Selectmen at its regular meeting of May 13, 2013 by unanimous vote opposed the application for the proposed A T & T cell tower to be located at 8 Barnes Road. The reasons for our decision are based on long established Town of Canaan Planning and Zoning Regulations. The regulations cited are as follows:

Section 4.3 Steep Slope Overlay Zone,
Subsection (D) Uses, enumeration (1)
Permitted Uses and Activities and
Section 9.2 Telecommunication Tower
Guidelines, sub-section (3) Resource
Protection Guidelines, bullet-point (d)

Please find attached the two sections of the Planning and Zoning Regulations noted for your perusal as well as a copy of the motion of objection passed at the Board of Selectmen's regular meeting on May 13, 2013. In addition to our objections based on the Town's Zoning regulations, the location of this communication tower is counter to the Town's recently revised plan of Conservation and Development.

Further, nothing has changed with the tower relocation that improves access by the fire department and ambulance service. The same difficulties remain.

Thank you in advance for your kind consideration of our concerns regarding the placement of this tower. For the Board of Selectmen I remain...

Respectfully,

Patricia Allyn Mechare
First Selectman

May 21, 2013

cc: Charles H. Lewis, Selectman, Greg D. Marlowe, Selectman, Ellery W. Sinclair,
Inland/Wetlands/Conservation Commission Chair

TOWN OF CANAAN BOARD OF SELECTMEN
REGULAR MEETING
MONDAY, MAY 13, 2013 @ 7:30 p.m.
TOWN HALL, 108 MAIN STREET, FALLS VILLAGE, CT 06031

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Present: First Selectman, Patricia Allyn Mechare and Selectmen, Charles H. Lewis and Greg Marlowe. Also Present: Ellery Sinclair and Susan Kelsey, Inland/Wetlands Commission. Also Present: Patrick Sullivan, Reporter (The Lakeville Journal).

I. CALL TO ORDER: Regular Meeting called to order at 8:19 p.m. by First Selectman, Patricia Allyn Mechare.

II. PUBLIC COMMENT (limit of two minutes): None

III. APPROVAL OF PENDING MINUTES:

-Regular Meeting of April 8, 2013: On a MOTION by Lewis, seconded by Marlowe, it was moved to accept, as presented, the minutes of the 4/8/13 Regular Meeting; unanimous.

IV. TREASURER AND TAX COLLECTOR REPORTS (April, 2013): On a MOTION by Marlowe, seconded by Lewis, it was moved to receive, as presented, the (April, 2013) Treasurer's Report and the Tax Collector's Report; unanimous.

AGENDA ADDITIONS AND CHANGE OF ORDER (agreed to by consensus):

AGENDA ADDITIONS: New Business/e. Tax Refund Request/Jason Young; New Business/f. discussion regarding possible Ordinance proposed by Tax Collector and change of Office hours for the Tax Collector; New Business/g. Communication from Jocelyn Ayer regarding funding for Regional Housing Rehab Loan program; CHANGE OR ORDER: New Business/d. Ellery Sinclair/Barnes Road Cell Tower moved to be the next order of business and New Business/f. discussion regarding possible ordinance proposed by Tax Collector and change of Office hours for the Tax Collector, also moved to the top of the agenda.

NEW BUSINESS/d. Ellery Sinclair/Barnes Road Cell Tower: Ellery Sinclair and Susan Kelsey addressed the BOS regarding the AT&T cell tower application for the Barnes Road location, requesting a letter from the BOS to the Siting Council acknowledging support of the position of the Inland/Wetlands Commission in the matter. Sinclair and Kelsey advised on a communication from the State of Connecticut/Council On Environmental Quality (Karl J. Wagener, Ex. Dir.) d: April 25, 2013 to the Connecticut Siting Council setting forth comments of concern. Discussion regarding concerns for site ridge-line, road grade and environmental impact. Sinclair also advised on interest in the matter by Senator Chris Murphy and advised that the letter of support would be provided to Murphy. Sinclair further advised that an RF Engineer had been hired by the Inland/Wetlands Commission and would provide testimony to the Siting Council. MOTION by Lewis, seconded by Marlowe to provide a letter from the BOS to the Siting Council acknowledging support of the position of the Inland/Wetlands Commission in opposition to the AT&T Cobble Hill Tower revised proposal/docket 409A; unanimous. (cc of letter to: Chris Murphy, Roberta Willis, Clark Chapin, Inland/Wetlands Commission, Planning & Zoning Commission.)

- b. All permits involving installation of subsurface sewage systems shall be reviewed using the Soil Conservation Service interpretation of the soils and slopes involved in order to identify those specific areas where existing minimum lot sizes are most likely to be inadequate to support a permanent subsoil sewage system or where special design engineering of the system may be required by the State Health Code.
- c. Clearing of land (other than immediate areas required for building construction or clearing for agricultural use) shall be reviewed by a certified State Forester.
- d. Permits involving commercial or industrial construction shall be reviewed to assure building location, site layout, landscaping and screening will be compatible with the rural and natural character of the Corridor area.
- e. Mineral Exploration and Excavation permits shall be reviewed according to the criteria described for the Inner Corridor.
- f. Use of insecticides, herbicides and fertilizers shall be prohibited except as recommended according to the standards established by the County Extension Service.

4.2. Floodplain Overlay Zone

A. Purpose

The Floodplain Overlay Zone is intended to provide a reasonable degree of notification to persons regarding the location of property which may be subject to the effects of flooding.

B. Standards

- 1. Use and activities allowed in the underlying zone are permitted in the Floodplain Overlay Zone to the same extent provided that such uses and activities shall also comply with the requirements of "An Ordinance Concerning Flood Hazards" as adopted at a Town Meeting on March 11, 1988 and August 24, 1988 and as may be subsequently amended.

4.3. Steep Slope Overlay Zone

A. Purpose

The purpose of this Section is to carefully monitor development in areas of steep slopes in order to determine whether public services (such as fire, ambulance, and public works) can be reasonably provided, to minimize soil erosion and sedimentation, and to minimize adverse visual impacts on the rural character of the community. It is not the intent of this Section to prohibit or preclude development in designated areas. Rather, this Section is intended to establish a process whereby property owner's interests in capitalizing on scenic views or other assets can be balanced with the community's desire to provide a reasonable level of services and to protect environmentally sensitive steep slopes and hillsides from inappropriate development. The uses and standards of this Section are similar to the uses and standards which have been utilized in the Housatonic River Overlay Zone since the 1980s.

B. Philosophy

- 1. The extensive and essentially undisturbed slopes and ridges are a defining feature of Ca-naan (Falls Village).

2. Experience in other communities has shown that, if these resources are not protected, insensitive development of steep slopes can adversely affect the availability of public services, harm important natural resources, and detract from community character.
3. Because of their steepness and prominent visibility, the areas within the Steep Slope Overlay Zone need stricter standards to protect them from excessive or inappropriate development.
4. These standards should strike an appropriate balance between the use of private property and the Commission's responsibility to protect the public health, safety and welfare, the integrity of the steep slopes, and the scenic views within the community.

C. Delineation

1. The Steep Slope Overlay Zone, as delineated on the Zoning Map, shall be superimposed on underlying zoning districts and the standards in this Section shall apply in addition to the requirements of an underlying zoning district.
2. If there is a conflict between the provisions listed below and the underlying district or other Regulations, the more restrictive provisions shall apply.

D. Uses

1. Permitted Uses and Activities

The following shall be permitted uses within the Overlay Zone subject to the requirements of these Regulations in the underlying zone:

- a. Open space uses which do not require moving, removing or otherwise altering the position of the earth, stone, sand, gravel, or water.
- b. Game management, fishing, hunting (where permitted), camping and picnicking, hiking, and other passive recreational activities.
- c. Maintenance, repair, or reconstruction of existing public ways or bridges.

2. Special Permit Uses and Activities

Other uses shall only be allowed within the Steep Slope Overlay Zone as a Special Permit and only to the extent permitted in the underlying zone. This procedural requirement is intended to ensure that activities are conducted in ways that avoid or minimize adverse impacts in these significant natural and aesthetic resource areas.

E. Special Permit Considerations

In deciding upon a Special Permit application in the Steep Slope Overlay Zone, the Commission shall, in addition to the criteria specified in Section 7.2.D.5, consider the following:

1. The extent to which public services (such as fire, ambulance, and public works) can be provided at all times and in all seasons to current and future owners of the property.
2. The extent to which any proposed activity will cause erosion or slipping of soil, or cause sediment to be discharged including whether:

- a. the stability of soils will be adequate to support any proposed construction, landscaping, agricultural use, or similar activities.
 - b. the natural stability of the soil on the site has been used to determine the proper placement of structures and other development within the steep slope area.
 - c. all construction shall be accomplished in conformance with the erosion prevention provisions of the Connecticut Guidelines for Erosion and Sediment Control, as amended.
 - d. such operation will occur with an acceptable conservation plan, so that it will not leave an objectionable scar on the landscape.
3. The extent to which existing vegetation will help to retain the stability of the slopes and soils including whether:
 - a. plant life located on the slopes outside of the minimum area that needs to be disturbed for carrying on approved development will be retained.
 - b. plants or other acceptable ground cover will be re-established in the disturbed area immediately upon completion of development activities to maintain the natural scenic characteristics of any steep slope.
 4. The extent to which storm water drainage will be designed and located to ensure slope stability and not:
 - a. cause erosion or siltation,
 - b. contribute to slope failure,
 - c. pollute groundwater, or
 - d. cause damage to, or flooding of, property.
 5. The extent to which care will be taken to protect scenic views, scenic vistas, scenic roads, and unique aesthetic features such as prominent ridgelines, from damage, obstruction or other degradation.
 6. The extent to which there is an alternative location for the proposed development on that portion of the site not containing steep slopes or an alternative location on that portion of the site having fewer impacts on sensitive resources.

5. BASIC STANDARDS

5.1. *Landscaping and Buffers*

A. Purpose

This Section of the Regulations is intended to ensure that new uses are adequately and appropriately landscaped to protect natural and scenic resources and to blend with the rural character of the community.

B. Applicability

This Section of the Regulations shall apply whenever any proposed building, structure, or development activity requires the submission of a Site Plan application or a Special Permit application. However, these provisions shall never apply to the construction of a single-family dwelling or a two-family dwelling or to a farm or farming use.

- f. Names of adjoining property owners
5. Resource Information including:
 - a. Contours, include existing and proposed
 - b. Wetlands limits, if any
 - c. 100 year flood zone, or flood zone it occupies
 6. Zoning compliance information including:
 - a. Zone occupied
 - b. Location of setback lines
 - c. Distances from house to property lines
 7. Building data including:
 - a. Outline of building showing zoning compliance
 - b. Building area and usage of existing or proposed structures
 - c. Basement floor elevation
 - d. First floor elevation
 - e. Garage floor elevation

9.2. Telecommunication Tower Guidelines

1. Cooperation With Siting Council

The Planning and Zoning Commission understands that the authority to regulate new towers for wireless telecommunication services rests with the Connecticut Siting Council and the Commission pledges to work with the Connecticut Siting Council to guide the siting of new towers for wireless telecommunications in the Town of Canaan.

2. Locational Guidelines

The Commission requests that applicants and the Siting Council consider the following locational preferences for new towers:

- a. New towers should only be located to serve areas lacking adequate wireless telecommunication service as identified by the Connecticut Siting Council.
- b. Applications should include a review of alternate locations.
- c. Applications should include an analysis of whether there would be fewer visual and community impacts from:
 - i. fewer towers of sufficient height to allow for co-location of multiple carriers and greater coverage from each tower, or
 - ii. more towers of lower height to allow for greater capacity from each tower and less visual impact.
- d. Establish locations least disruptive to the public health, safety, and welfare of Canaan (Falls Village) and consistent with the Plan of Conservation and Development.

3. Resource Protection Guidelines

The Commission requests that applicants and the Siting Council consider the following resource protection preferences for new towers:

- a. The proposed location should preserve the integrity of environmentally sensitive areas including unique wildlife habitats, wetlands, historic, and archaeological resources.

- b. A location within or adjacent to any officially designated historic areas including the Canaan (Falls Village) Historic District and any resource on the National Register of Historic Places should be avoided.
- c. Protect the town's visual quality and minimize any adverse visual impacts through proper design, siting, and screening.
- d. There should be no detrimental impact to any scenic area, vista, ridgeline, wildlife corridor, or significant geologic or natural features within Canaan (Falls Village) including but not limited to:
 - i. Canaan Mountain and Cobble Hill,
 - ii. the Appalachian Trail,
 - iii. Robbin's Swamp,
 - iv. Housatonic River and the Great Falls.
- e. Views from any designated scenic roads should be protected.
- f. The use of public open space areas including parks and recreational facilities should not be compromised.

4. Design Guidelines

The Commission requests that applicants and the Siting Council consider the following design preferences for new towers:

- a. The use of stealth technologies should be encouraged.
- b. Tower locations should include an adequate fall zone that will protect public safety and potential damage to adjacent properties.
- c. Signage should not be permitted except what may be clearly necessary for public safety.
- d. Lighting should not be permitted except what may be clearly necessary for public safety.
- e. Site planning standards should include minimizing impervious surfaces, avoiding soil erosion and runoff problems, maintaining natural buffers, providing for security, and safe access management.

5. Maintenance Guidelines

The Commission requests that applicants and the Siting Council consider the following maintenance preferences for new towers:

- a. Provision should be made for removal of the tower and associated equipment if it becomes obsolete or is no longer being used for the siting of wireless telecommunication equipment.
- b. Provision should be made for the reduction of tower height and visibility if alternative technologies make proposed facilities outdated.

9.3. Amendment Dates

Section Number	Summary	Effective Date
All	Comprehensive Reorganization of Regulations	1/15/06
All	Comprehensive Reorganization of Regulations	2/1/10

