

**TOWN OF FARMINGTON, CT.  
OFFICE OF THE TOWN MANAGER  
TOWN COUNCIL MEETING**

**EXHIBIT NO.  
EDELSON 1**

**DATE:** April 10, 2001  
(Council Members are asked to call the Acting Town Manager's office if they are unable to attend the meeting.)

**TIME:** 6:30 P.M. NOTE TIME CHANGE.

**PLACE:** Council Chambers

**AGENDA**

- A. Call to Order.
- B. Pledge of Allegiance.
- C. Presentations and Recognitions. None
- D. Public Hearing.
  - 1. Proposal to Acquire the Following Parcel of Land as Open Space/  
Agricultural Use:  
Town Farm Road 108 acres for \$2,500,000
  - 2. To Establish the Highway Bounds for Judson Lane from its Present  
Terminus to Meadow Road.
- E. New Items.
- F. Public Comments - Anyone from the Audience who wishes to address the  
Town Council may do so at this time.
- G. Reading of Minutes.
  - 1. March 23, 2001 Special Town Council Meeting
  - 2. March 27, 2001 Town Council Meeting
  - 3. March 30, 2001 Special Town Council Meeting
- H. Reading of Communications and Written Appeals.
  - 1. None
- I. Report of Committees.
  - 1. UCONN Committees
  - 2. Police and Community Center Building Committee
  - 3. 5-6 Upper Elementary School
  - 4. Fire Stations Building Committee
- J. Report of the Council Chair and Liaisons

- K. Report of Acting Town Manager – Westfarms Mall, Blighted Buildings
- L. Appointments.
  - 1. Greater Hartford Transit District (Wontorek)
- M. Old Business
  - 1. None.
- N. New Business.
  - 1. To Approve the Call of the Annual Town Meeting of April 23, 2001 and the Special Town Meeting of April 26, 2001.
  - 2. To Authorize the Acting Town Manager to execute a Grant Agreement under the Open Space and Watershed Land Acquisition Program with the State of Connecticut.
  - 3. To Award Bid #580 Mower/Five Gang in the Amount of \$29,876 to Sawtelle Brothers.
  - 4. To Approve Property Tax Refunds.
  - 5. To Approve the Highway Bounds for Judson Lane From its Existing Terminus to its Intersection with Meadow Road.
  - 6. That the Town Council recommend the purchase of 184, 189 Town Farm Road to the TPZ for a report under Section 8-24 of the Connecticut State Statutes.
- O. Executive Session - Land Acquisition, Personnel
- P. Adjournment.

**LEGAL NOTICE  
TOWN OF FARMINGTON  
PUBLIC HEARING**

A Public Hearing will be held at 6:30 p.m. on Tuesday, April 10, 2001 on the Town Council's proposal to acquire the following parcels of land as open space/ agricultural use:

184, 199 Town Farm Road, 108.03 acres for \$2,500,000

The Public Hearing will be held in the Council Chambers of the Town Hall, 1 Monteith Drive, Farmington.

Dated at Farmington, Connecticut this 5th day of April, 2001.

Kathleen A. Eagen  
Acting Town Manager

**MOTION:**

**Agenda Item N-6**

That the Town Council recommend the purchase of 184, 189 Town Farm Road 108.03 acres for open space/agricultural use to the Town Plan and Zoning Commission for a report under Section 8-24 of the Connecticut State Statutes.

**MINUTES OF THE REGULAR MEETING OF THE  
FARMINGTON TOWN COUNCIL HELD  
APRIL 10, 2001**

**EXHIBIT NO.  
EDELSON 2**

**Present:**

Arline B. Whitaker, Chair  
Bruce A. Chudwick (arrived 7:05 PM)  
Robert DiPietro  
Bernard B. Erickson  
Michael M. Meade  
Nicholas S. Scata (arrived 6:35 PM)  
William A. Wadsworth

Kathleen Eagen, Acting Town Manager  
Paula B. Ray, Clerk

**A. Call to Order**

The Chair called the meeting to order 6:30 PM.

**B. Pledge of Allegiance**

The Pledge of Allegiance was recited.

**C. Presentations and Recognitions**

NONE

**D. Public Hearing**

1. Proposal to Acquire the Following Parcel of Land as Open Space/  
Agricultural Use:  
Town Farm Road 108 acres for \$2,500,000

The Chair called the hearing to order at 6:35 PM under the Legal Notice recorded with these minutes marked Agenda Item D-1. Mr. Wadsworth reviewed the proposal to buy 108 acres on Town Farm Rd for open space. He explained the intent of the Town of Farmington is to allow the dairy farm to continue operations by reserving 29 acres for its use and setting aside 79 acres of the purchase for open space. Peter Van Beckum, President of the Farmington Land Trust read into the record the letter recorded with these minutes marked Agenda Item D-1a in support of the proposal. John Hickey, Chair of the Conservation Commission read into the record the letter recorded with these minutes marked Agenda Item D-1b in support of the proposal. Mr. Wadsworth read into the record the letter recorded with these minutes marked Agenda Item D-1c from the Farmington Historical Society in favor of the proposal. Helen Caia of 29 Bonnie Drive spoke in favor of the proposal. Peter Van Beckum of 116 West Avon Rd. spoke in favor of the project and distributed an article in favor of Open Space purchases by Lauren Brown. The Chair declared the hearing closed at 7:02 PM.

5. To Approve the Highway Bounds for Judson Lane From its Existing Terminus to its Intersection with Meadow Road.

Motion was made and seconded (Scata/Wadsworth) to accept the motion recorded with these minutes marked Agenda Item N-5.

Adopted unanimously.

6. That the Town Council recommend the purchase of 184, 189 Town Farm Road to the TPZ for a report under Section 8-24 of the Connecticut State Statutes.

Motion was made and seconded (Wadsworth/DiPietro) to refer to the Town Plan and Zoning Commission for review pursuant to Section 8-24 of the Connecticut General Statutes, a proposal to purchase 108.03 acres of property known as 184 and 199 Town Farm Road for open space and agricultural use.

Adopted unanimously.

7. To Approve a Recommended Budget for Fiscal Year 2001-2002.

Motion was made and seconded (Chudwick/DiPietro) to approve a recommended 2001-2002 budget of \$62,547,884.00.

Adopted unanimously.

8. To Request Assistance for Legislation Regarding the Possible Purchase of the Unionville Water Company

The Chair stepped down and Mr. Chudwick assumed the Chair.

Motion was made and seconded (Scata/DiPietro) to accept the motion recorded with these minutes marked Agenda Item N-8.

Motion failed.

Voting yes were Chudwick and Scata.

Voting no were DiPietro, Erickson and Meade.

Mr. Wadsworth and Mrs. Whitaker abstained.

Mr. Chudwick stepped down and Mrs. Whitaker assumed the Chair.

**TOWN OF FARMINGTON, CT.  
OFFICE OF THE TOWN MANAGER  
TOWN COUNCIL MEETING**

**EXHIBIT NO.  
EDELSON 3**

DATE: April 24, 2001  
(Council Members are asked to call the Town Manager's office if they  
are unable to attend the meeting.)  
TIME: 7:00 P.M.  
PLACE: COUNCIL CHAMBERS.

**AGENDA**

- A. Call to Order.
- B. Pledge of Allegiance.
- C. Presentations and Recognitions.
- D. New Items.
- F. Public Comments - Anyone from the Audience who wishes to address the  
Town Council may do so at this time.
- G. Reading of Minutes.
  - 1. March 14, 2001 Special Town Council Meeting (Revised)
  - 2. March 15, 2001 Special Town Council Meeting (Revised)
  - 3. March 19, 2001 Special Town Council Meeting (Revised)
  - 4. March 20, 2001 Special Town Council Meeting
  - 5. April 9, 2001 Special Town Council Meeting
  - 6. April 10, 2001 Special Town Council Meeting
  - 7. April 10, 2001 Regular Town Council Meeting
  - 8. April 17, 2001 Special Town Council Meeting
- H. Reading of Communications and Written Appeals.
  - 1. None
- I. Report of Committees.
  - 1. UCONN Committees
  - 2. Police and Community Center Building Committee
  - 3. 5-6 Upper Elementary School
  - 4. Fire Stations Building Committee
- J. Report of the Council Chair and Liaisons
- K. Report of Town Manager –Blighted Building Report, WPCP Compost  
Correspondence, Fire Stations Buildings, Scenic Roads, Political Signs,  
Quarterly Reports, Goal Reports, Follow-up/Assignments

- L. Appointments.
  - 1. Greater Hartford Transit District (Wontorek)
- M. Old Business
  - 1. None
- N. New Business.
  - 1. To Schedule a Public Hearing for 7:00 p.m. on May 8, 2001 to Consider Reducing the Length of Corporate Avenue from 1430 feet to 875 feet, from Executive Drive to its new Terminus.
  - 2. To Consider that the Town Council Accept the Donation of a Landscape Trailer for the Town of Farmington Fire Service.
  - 3. To Consider that the Town Council Accept Land to be Conveyed to the Town of Farmington from the State of Connecticut.
  - 4. To Authorize the Town Manager to Sign an Agreement between the Town of Farmington and Tomasso Brothers, Inc, for the Conveyance of Land.
  - 5. To Approve the Purchase of a Portion of 184 and 199 Town Farm Road for Open Space at a Purchase Price of \$1,900,000
  - 6. To Approve the Purchase of a Portion of 184 and 199 Town Farm Road for Agricultural Use at a Purchase Price of \$600,000.
  - 7. A Motion to Authorize the Town Manager to Sign a Multi-year Agreement with Sprint Spectrum for the Construction of the Communications Tower.
  - 8. To Consider and Take Action on a Resolution to Recognize the Community Service of Beatrice C. Stockwell, the Recipient of the Book of Golden Deeds Award by the Farmington Exchange Club .
  - 9. To Schedule a Public Hearing for 7:10 p.m. on May 8, 2001 To Consider the Preliminary Assessments for a Watermain Extension on Main Street From the Town of Plainville Town Line Northerly to Pequabuck Lane, approximately 1150 Linear Feet.
  - 10. To Approve Property Tax Refunds
  - 11. To Consider and Take Action to Name the New 5<sup>th</sup> and 6<sup>th</sup> Grade Upper Elementary School.
  - 12. To Authorize the Town Manager to Fill the Position of Assistant to Town Manager.
- O. Executive Session - None.
- P. Adjournment.



MOTION:

Agenda Item N-5

To Approve The Purchase Of a Portion of 184 And 199 Town Farm Road For Open Space (79 Acres) For A Purchase Price Of \$1,900,000 Subject To Receipt of an Acceptable Phase I Environmental Site Assessment Report For Both Properties; And Subject to Due Diligence, Including but Not Limited To Survey And Title Search; And To Authorize The Town Manager To Sign A Purchase Agreement For This Acquisition, and

To Authorize the Town Manager to Submit A Grant Application Under The State Open Space And Watershed Land Acquisition Grant Program For The Open Space Portion Of The Property (79 Acres) Prior To Completing The Purchase Of Each Parcel.

NOTE: Elizabeth Dolphin, Assistant Town Planner will be at the meeting to answer any questions.

**MOTION:**

**Agenda Item N-6**

To Approve The Purchase Of a Portion of 184 And 199 Town Farm Road For Agricultural Use (29 Acres) For A Purchase Price Of \$600,000 Subject To Receipt of an Acceptable Phase I Environmental Site Assessment Report For Both Properties; And Subject to Due Diligence, Including but Not Limited To Survey And Title Search; And To Authorize The Town Manager To Sign A Purchase Agreement For This Acquisition.



JOEY LEE MIRANDA

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January 29, 2008

**Via Certified Mail Return Receipt Requested**

Susan R. Edelson  
11 Belgravia Terrace  
Farmington, CT 06032

Re: **Cellco Partnership d/b/a Verizon Wireless  
Proposed Telecommunications Facility  
Farmington, Connecticut**

Dear Ms. Edelson:

Cellco Partnership d/b/a Verizon Wireless ("Cellco") will be submitting an application to the Connecticut Siting Council ("Council") on or about February 1, 2008, for approval of the construction of a telecommunications facility in the Town of Farmington, Connecticut.

The facility would consist of a new 117-foot self-supporting monopole tower, disguised as a pine tree, and a 12' x 30' equipment shelter located on a 9.9 acre parcel at 199 Town Farm Road. The parcel is owned by the Town of Farmington. An on-site backup generator would also be installed inside Cellco's shelter. A 1000 gallon propane tank will be installed within the fenced compound. The tower would be designed to accommodate multiple carriers. Access to this site will extend from Town Farm Road.

The location and other features of the proposed facility are subject to change under the provisions of Connecticut General Statutes § 16-50g et seq.

State law provides that owners of record of property which abuts a parcel on which the proposed facility may be located must receive notice of the submission of this application. This notice is directed to you either because you may be an abutting land owner or as a courtesy notice.



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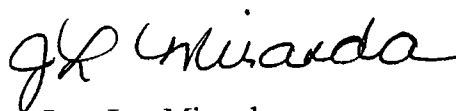
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# ROBINSON & COLE<sup>LLP</sup>

January 29, 2008  
Page 2

If you have any questions concerning the application, please direct them to either the Connecticut Siting Council or me. My address and telephone number are listed above. The Siting Council may be reached at its New Britain, Connecticut office at (860) 827-2935.

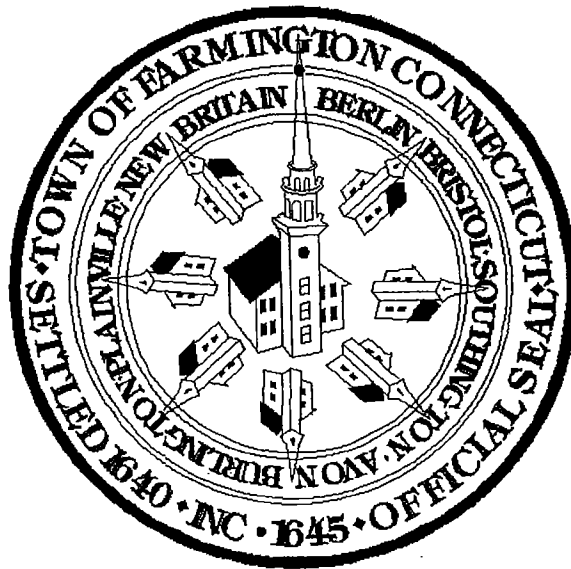
Very truly yours,



Joey Lee Miranda



# TOWN OF FARMINGTON REGULATIONS FOR ZONING



## FARMINGTON TOWN HALL

One Monteith Drive  
Farmington, Connecticut 06032-1053

# FARMINGTON, CONNECTICUT

ZONING REGULATIONS  
(Amended to October 31, 2004)

To guide development which minimizes impacts to wetlands, watercourses, flood prone areas, hillsides, surface water and groundwater resources and other sensitive and significant features of the natural landscape; and

To encourage the preservation of historic structures.

## Section 2. BASIC REQUIREMENTS

No land, building, structure or portion thereof shall hereafter be used, and no building, structure or portion thereof shall be constructed, reconstructed, located, extended, enlarged or substantially altered, except in conformity with these regulations.

These regulations are intended to state the uses of land and/or buildings and structures which are permitted within the Town. Uses not stated are not permitted.

## Section 3. APPLICATION OF REGULATIONS

No conveyance of land shall be made that reduces the remaining land of the grantor below the applicable minimum area, frontage, bulk and yard requirements. No building permit, zoning permit, certificate of occupancy or certificate of zoning compliance shall be issued for the erection or occupancy of a building or structure on land conveyed in violation of this section.

## Section 4. INTERPRETATION

In interpreting and applying these regulations, the regulations shall be considered as the minimum requirements for the promotion of the public health, safety and general welfare.

When these regulations impose a greater restriction on the use of buildings or require larger yards, courts or other open spaces, or require a greater percentage of lots to remain unbuilt, or impose other standards higher than those imposed by any law, ordinance, regulation or private agreement, these regulations shall control. When restrictions are imposed by any law, ordinance, regulation or private agreement which are greater than those required by these regulations, such greater restrictions shall not be affected by these regulations.

When one section of these regulations imposes standards greater than those of another section, the standards of the more restrictive section shall control, however, it should be recognized that a use of property as set forth under Article II Sections 19 – 26 and Article IV shall be permitted in the respective underlying zone as established by right or by special permit.

The Zoning Enforcement Officer may require the installation and maintenance of any erosion and sediment control measures contained in the "Connecticut Guidelines for Soil Erosion and Sediment Control" January, 1985 as amended.

Section 12. SPECIAL PERMITS, SITE PLANS, INTENT AND APPLICATION REQUIREMENTS

A. INTENT

These Zoning Regulations are based upon the division of the Town into districts, within each of which the use of land and structures and the size and location of structures in relation to the land are substantially uniform. However, it is recognized that there are certain other uses and features that would be appropriate in such districts if controlled as to number, area, location or relation to the neighborhood so as to promote the public health, safety and welfare. Change of zone and special permit uses shall be subject to the satisfaction of the requirements and standards set forth herein. Zone changes and special permit uses are declared to possess such particular characteristics that each shall be considered as an individual case.

B. Standards for Granting of a Change of Zone or Special Permit

In considering applications the Commission shall require compliance with the following:

1. That the existing and future character of the neighborhood in which the zone and/or use is to be located will be protected;
2. That adequate safeguards have been taken to protect adjacent property and the neighborhood in general from detriment;
3. That traffic circulation within the site and the amount, location and access to parking is adequate, and adequate sight distance is provided for all proposed and existing driveways;
4. That the road network, to include intersections, impacted by the proposed development will be capable of satisfactorily handling the increase traffic generated by such use;
5. That the i) basic design of the proposed use(s) or buildings; ii) relationship between the buildings and the land; and iii) overall physical appearance of the proposed use(s) or buildings will be in general harmony with the character of the surrounding neighborhood and will not serve to blight or detract from abutting residences or other property;
6. That in the case where an application proposes increased building density over that permitted under the existing zone, the topography and other natural features of the property are capable of accommodating such increased development without detrimental impact; and that adequate safeguards have been taken to protect the natural



environment; and

7. That all required public services will be reasonably available to serve the proposed development.

The Commission may attach conditions to an approval of a special permit or site plan in conjunction with a special permit or zone change to ensure compliance with the above standards.

### C. Procedures

1. Every application for change of zone and special permit shall require a public hearing.
2. Notice of the public hearing by certified mail shall be mailed by the applicant no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 200 feet of the property which is the subject of the application. In the case where any property within 200 feet of the property which is the subject of the application has been submitted to common interest ownership, such as a condominium, the required notice need only be sent to the homeowners' association and to those owners of buildings or dwelling units located within such 200 feet. Evidence of such mailing shall be presented to the Planning Department at or before the public hearing. In addition, the applicant shall post a notification sign provided by the Planning Department on the property at least seven (7) days prior to the date of the public hearing.
3. All applications for a zone change or special permit shall be accompanied by an application for site plan approval unless otherwise waived by the Commission. In addition, an application for site plan approval shall be submitted to the Commission for the development of any varied use and for any site or building modifications to any existing special permit use. Applications for site plan approval shall be accompanied by 8 sets of plans, 24" x 36" in size, at a scale of no less than 1" = 100', and contain all information as listed on the Application Checklist which is included as part of these regulations as Appendix B. The Commission may waive any and all of the information required on a site plan provided enough information is submitted to the Commission to sufficiently determine compliance with these regulations.
4. From time to time requests are received for revisions of or additions to approved site plans and/or special permits, zone changes or stated uses. Such revisions or additions may have minor or major consequences. Such requests will be first screened by the Zoning Enforcement Officer and if he determines such a request to be of minor consequence, he will conditionally approve the request and advise the Commission of his action. Unless the Commission acts to modify his conditional approval, the conditional approval shall become final approval. If the Zoning Enforcement Officer determines such request to have a significant consequence, the request shall be submitted to the Commission for its consideration and action. Following a finding by the Commission that the request has a significant consequence the Commission shall conduct a public hearing prior to its action.

11. No accessory apartment may be established until a Zoning Permit and Certificate of Zoning Compliance is issued by the Zoning Enforcement Officer. Such Certificate of Zoning Compliance must be renewed every two years from the date of issuance. The property owner shall submit information to indicate compliance with the provisions of this regulation on forms provided by the Zoning Enforcement Officer.

## Section 22. AFFORDABLE HOUSING

An application for affordable housing submitted to the Commission pursuant to the provisions of Section 8-30g. of the Connecticut General Statutes, and not submitted under Article II. Section 25. of these regulations, shall conform with subsections F.1. through F.4. and F.8. of Article II. Section 25. of these regulations with the following exceptions:

- A. An affordable housing unit shall be defined as in Section 8-39a. of the Connecticut General Statutes for persons and families whose income is less than or equal to eighty percent of the area median income.
- B. Restrictions or covenants requiring that dwelling units be sold or rented at or below prices which will preserve the units as affordable housing shall only apply for a period of twenty years from the initial occupation of such dwelling units.

In addition the approval of such an application for affordable housing as defined above shall not legally take effect until the housing developer has entered into a contract with the Town of Farmington as specified in Article II. Section 25.D. of these regulations.

## Section 23. COMMERCIAL WIRELESS TELECOMMUNICATION SITES

- A. DEFINITIONS. For the purpose of applying the provisions of this section the terms below shall be defined as follows:

**ANTENNA** means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

**CAMOUFLAGED** means a commercial wireless telecommunication site that may be disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure.

**CARRIER** means a company that provides wireless telecommunication services.

**CO-LOCATION** means locating wireless communication facilities from more than one provider on a single structure or tower. Co-location can also refer to the provision of more than one service on a single structure or tower by one or more carriers.

**COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES** means licensed commercial wireless telecommunication services including cellular, personal

communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

**COMMERCIAL WIRELESS TELECOMMUNICATION SITE** means a facility operated by a licensed commercial wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

**HEIGHT OF TOWER** means a distance from the ground elevation of such tower to the topmost point of the tower including any antenna or other appurtenances. The total elevation of the tower is the height of the tower plus the ground elevation expressed as above mean sea level.

**RADIOFREQUENCY (RF) ENGINEER** means an engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

**TOWER** means a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include a) self supporting lattice, b) guyed and c) monopole.

B. Location Preferences. The locations for siting commercial wireless telecommunication sites are listed in lines 1 through 10 below, in order of preference.

1. Camouflaged within an existing building, flagpole, tower or similar structure.
2. Mounted and camouflaged on an existing building or structure.
3. Mounted on existing buildings and structures in commercial and industrial zones.
4. Mounted on an existing or previously approved tower without increasing the height of the tower.
5. Mounted on existing buildings and structures in residential zones.
6. Mounted on an existing or previously approved tower resulting in an increase in tower height.
7. Mounted on new towers at or less than 75 feet in height located in commercial or industrial zones.
8. Mounted on new towers more than 75 feet in height located in commercial or industrial zones.
9. Mounted on new towers at or less than 75 feet in height located in residential zones.
10. Mounted on new towers more than 75 feet in height located in residential zones.

C. Permitted Uses. The following uses which generally pose minimum adverse visual effects subject to the standards in Subsection G.

1. Commercial wireless telecommunication sites which are camouflaged and located inside nonresidential buildings or structures. No changes shall be made to the exterior of such structure.
2. Commercial wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other similar structures which are not classified as buildings provided the following standards are met:
  - a. No changes are made to the height of the structure. However the antenna may extend up to 15 feet above the original height of the structure.
  - b. No panel antenna shall exceed 60 inches in height and 24 inches in width.
  - c. No dish antenna shall exceed 3 feet in diameter.
  - d. All related equipment buildings and boxes shall be screened and fenced as required by the Zoning Enforcement Officer.
  - e. Such towers, poles, light standards, bridges or similar structures shall be located within non-residential zones.

D. Uses Allowed Only by Special Permit. In addition to specific requirements listed in Subsections G. and H., the Commission must find that the application complies with the standards found in Article IV. Section 12. See Article IV. Section 12. also for application procedures, hearing and notice requirements. A licensed carrier shall be either the applicant or co-applicant.

1. In all zoning districts, commercial wireless telecommunication sites not otherwise permitted in Subsection C.

E. Site Plan Requirements. All proposals to develop a commercial wireless communication site as a permitted use or special permit use shall be subject to the site plan requirements listed in Article IV. Section 12. of these regulations. In addition the following information shall be submitted in accordance with each particular application where applicable.

1. Permitted Use:

- a. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
- b. Details of all proposed antenna and mounting equipment including size and color.
- c. Elevations of all proposed shielding and details of materials including color.

- d. An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing including color.
- e. A report from a licensed RF engineer indicating that the proposed wireless telecommunication site will comply with the emission standards found in Subsection G. of this regulation. The report shall include ambient RFR measurements and the maximum estimate of RFR from the proposed wireless telecommunication site(s) plus the existing RFR environment. Such report shall also certify that the installation of such site will not interfere with public safety.

2. Special Permit Use:

- a. A map depicting the extent of the carrier's current and planned coverage within the Town of Farmington and the service area of the proposed wireless telecommunication site. A map indicating the search radius for the proposed wireless telecommunication site.
- b. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas.
- c. Upon request of the Commission, the applicant shall provide complete and accurate propagation plots in relation to scaled elevation drawings addressing all facilities to be installed on the tower.
- d. Upon request of the Commission, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of a ground mounted tower. This demonstration shall remain in place for a minimum of 36 hours.
- e. Upon request of the Commission, the applicant shall provide a sight line study indicating how the facility would appear from various directions and distances prescribed by the Commission. This could include photographs depicting sight lines before and after installation.
- f. All of the plans and information required for Permitted Uses in the previous section.

F. Height and Area Requirements.

1. Lot Size. Commercial wireless telecommunication sites containing a freestanding tower shall not be located on any lot less than 20,000 square feet in area. Where it is proposed that such a wireless telecommunication site occupy a lot as a principal use, the minimum lot size shall be equal to that required for the underlying zone or 20,000 square feet, whichever is greater.
2. Height. The maximum height of a tower proposed under this regulation shall be 200 feet including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of

## G. General Requirements.

1. No commercial wireless telecommunication site shall be located within 500 feet of a parcel containing a playground or school which is primarily attended by persons under 18 years of age. The Commission may, in its discretion and by a vote of 5 of 6 of its members, waive this requirement for an area designated as the playground, when the limits of the playground area within the parcel are located more than 500 feet from the commercial wireless telecommunications site. When considering such waiver requests, the Commission may consider future playground development proposals for any portion of the parcel if a formal development plan is on file with or pending before, or was previously approved by the Commission or the Director of Parks and Recreation.
2. No commercial wireless telecommunication site shall be located within 200 feet of a residential dwelling.
3. No tower shall be located within 1,000 feet of the boundary of a local historic district.
4. No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting shall be avoided if possible.
5. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue, gray or other neutral color as determined by the Commission.
6. No tower shall be located on municipally owned land designated as open space or for recreation use unless approved by the Farmington Conservation Commission.
7. All towers shall be either a monopole or lattice design at the discretion of the Commission. A monopole tower shall be designed to collapse upon itself.
8. The Commission may require that monopoles be of such design and treated with an architectural material so that it is made to resemble a man-made or natural object such as but not limited to a flagpole or tree.
9. The Commission may require that any proposed tower be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is 100 feet or greater in height or for at least one additional comparable antenna if the tower is between 50 and 99.9 feet in height. The Commission may require the tower to be of such height and structural design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
10. Each tower site must be served by a driveway with parking for at least one vehicle. All provisions of these regulations concerning the design and location of driveways shall apply.
11. Antennas or unshielded equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building. The Commission may require that building mounted facilities be camouflaged or shielded.

12. All dish antennas shall be of mesh construction unless otherwise approved by the Commission.
13. Dish antennas shall not exceed 6 feet in diameter. Panel antennas shall not exceed 5 feet in height.
14. No proposed commercial wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
15. All applications for commercial wireless telecommunication sites within the Flood Protection Zone shall comply with the standards found in Article II Section 16 of these regulations.
16. The design of all commercial wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions. When there is more than one existing or proposed source of electromagnetic emissions at a site or adjacent thereto the design shall consider the cumulative emissions from all sources.
17. All utilities proposed to serve a commercial wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
18. All generators installed in conjunction with any commercial wireless telecommunication site shall comply with all state and local noise ordinances. In addition the Commission may require that generators be screened including the use of panels lined with sound deadening material.
19. All applications for commercial wireless telecommunication towers 50 feet or greater in height shall be accompanied by a letter of intent committing the tower owner and its successors to allow the shared use of the tower if an additional user agrees to meet reasonable terms and conditions for shared use.
20. The Commission under Chapter 98 of the Town of Farmington Code may engage outside consultation to assist in the review of engineering plans and specifications relating to commercial wireless telecommunication sites.

H. Factors Upon Which Special Permit Decisions of the Commission Shall be Based.  
 In passing upon applications for commercial wireless telecommunication sites, the Commission, in addition to the standards found in Article IV. Section 12., shall also find:

1. In the case where a commercial wireless telecommunication site is proposed to be located on a property designated on the State or National Historic Register or within an approved historic district, that such proposal will preserve the historic and/or architectural character of the landscape or any structure.
2. In the case where an application for the proposed location of a commercial wireless telecommunication site is not a preference 1 through 6 location, the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not feasible. In the case where the higher

## ARTICLE V. ADMINISTRATION AND ENFORCEMENT

### Section 1. INTERPRETATION

In their interpretation and application these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare. Where these regulations impose a greater restriction on the use of land, buildings or require larger yards, or other open spaces or impose other higher standards than are imposed by the provisions of any law, ordinance, regulations or private agreement, these regulations shall control. When greater restrictions are imposed by any law, ordinance, regulation or private agreement than are required by these regulations, such greater restrictions shall not be affected by these regulations.

### Section 2. ZONING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

- A. No land shall be used or activity conducted thereupon and no building or structure shall be used, erected, moved, enlarged or structurally altered and no Building Permit shall be issued until the Zoning Enforcement Officer either issues a Zoning Permit for such use or work or certifies in writing that such use or work is in conformity with the Zoning Regulations. A Zoning Permit is a document issued and certified by the Zoning Enforcement Officer that the proposed use and constructions is in conformance with the Zoning Regulations. A Zoning Permit is not required for repairs or alterations to existing buildings or structures, provided that such work does not alter the facade of such building, change the floor area or height of such building or structure and does not change the use thereof. A Zoning Permit shall also be required for signs (See Article IV. Section 7.).

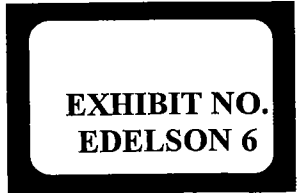
An application for a permit shall be filed with the Zoning Enforcement Officer on a form to be provided by the Planning Department. For new buildings or structures or changes increasing the floor area of an existing building or structure, an applicant shall present a site plan which is adequate to demonstrate compliance with the Zoning Regulations.

- B. From time to time requests are received for revisions of or additions to approved site plans and/or special permits, zone changes or stated uses. Such revisions or additions may have minor or major consequences. Such requests will be first screened by the Zoning Enforcement Officer and if he determines such a request to be of minor consequence, he will conditionally approve the request and advise the Commission of his action. Unless the Commission acts to modify his conditional approval, the conditional approval shall become final approval. If the Zoning Enforcement Officer determines such request to have a significant consequence, the request shall be submitted to the Commission for its consideration and action. Following a finding by the Commission that the request has a significant consequence the Commission shall conduct a public hearing prior to its action.

Small additions to nonresidential structures or buildings not previously approved by the Commission and changes in use shall be brought to the attention of the Zoning Enforcement Officer. When determined by the Zoning Enforcement Officer that such proposal does not require a special permit or site plan approval, a Zoning Permit may be issued.



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL




IN RE: :  
: :  
APPLICATION OF CELLCO PARTNERSHIP : Docket No. 356  
D/B/A VERIZON WIRELESS FOR A :  
CERTIFICATE OF ENVIRONMENTAL :  
COMPATIBILITY AND PUBLIC NEED FOR :  
THE CONSTRUCTION, MAINTENANCE :  
AND OPERATION OF A WIRELESS :  
TELECOMMUNICATIONS FACILITY AT :  
199 TOWN FARM ROAD, FARMINGTON, :  
CONNECTICUT : APRIL , 2008

AFFIDAVIT

STATE OF CONNECTICUT )  
 ) ss. West Hartford  
COUNTY OF HARTFORD )

The undersigned, Susan Edelson, being duly sworn, hereby deposes and says:

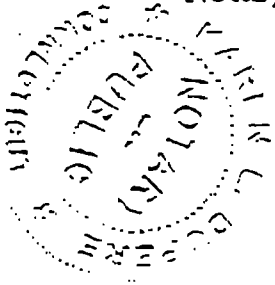
1. I am over eighteen (18) years of age and believe in the obligation of an oath.
2. I received no notice of a Town of Farmington Planning and Zoning Commission hearing scheduled for July 23, 2007.

  
-----  
Susan Edelson

Subscribed and sworn to before me on this  
the 8<sup>th</sup> day of April, 2008.

*Karen Clapere*

Notary Public/Commissioner of the Superior Court



NOTARY PUBLIC  
KAREN CLAPERE  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES 09/30/2008

9-30-2008

Located here was one of the outstanding engineering achievements of the canal, a 280 foot aqueduct comprised of seven 40 spans, carrying it 30 feet above the Farmington River. 3 of the 6 piers lasted until 1955, when they were removed by the Army Corps of Engineers. Now only the end abutments remain.

A feeder canal was built from Unionville to Farmington to supply water for maintaining an adequate flow in the canal. A crib dam was constructed across the Farmington River in Unionville to divert water to the canal. Portions of this feeder canal remain, completely masked by vegetation.

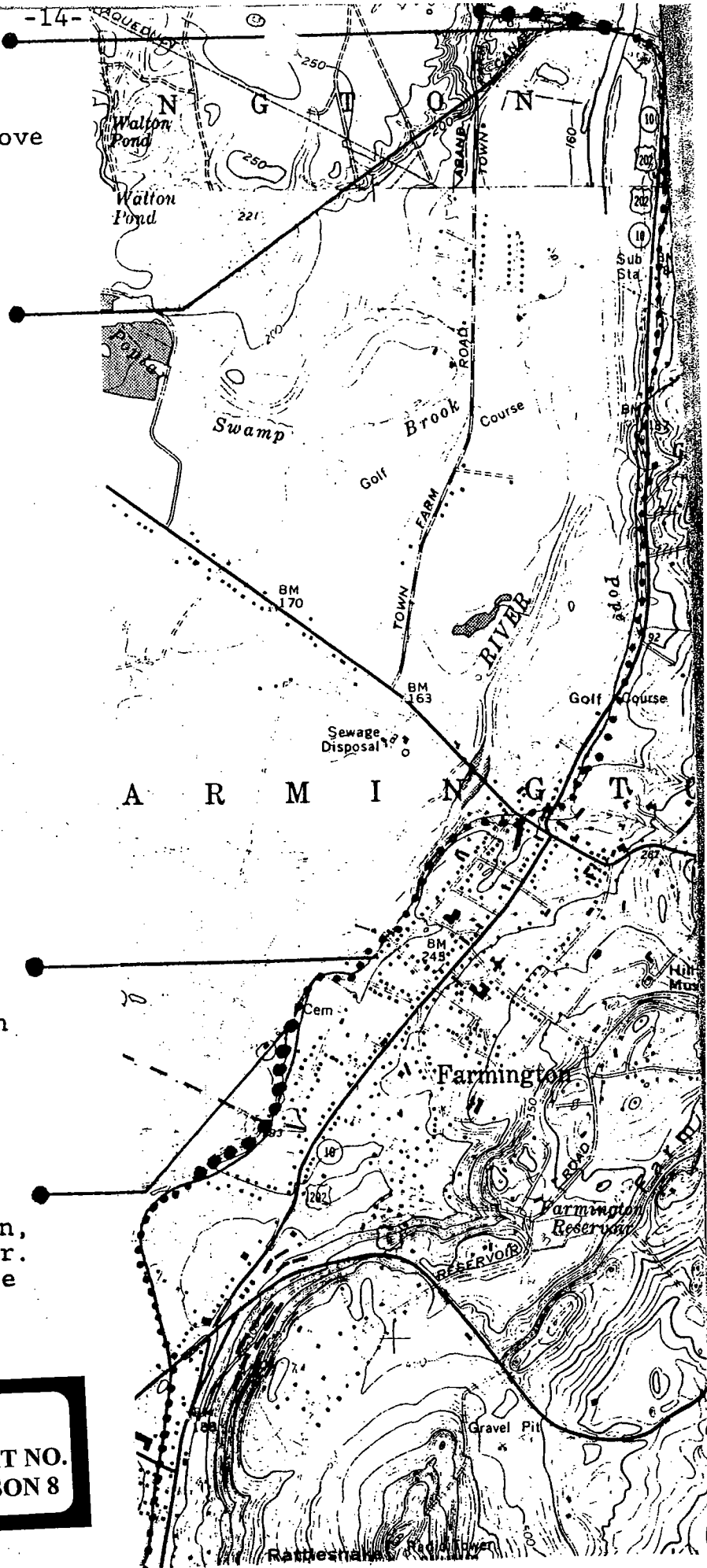
Except for scattered traces along Route 10, the canal route is again lost to the east of the river.

③  
Farmington

The Union Hotel, now part of the Miss Porter's School, was typical of the hostleries which sprung up along the canal to accommodate travelers.

Traces of the canal appear in the southern part of Farmington, overlooking the Pequabuck River. A very short segment is visible in the cemetery, and further south, a 1000 foot segment remains.

EXHIBIT NO.  
EDELSON 8



14/a  
4-24-01

# Land Plan Draws Cheers

By STEPHANIE REITZ  
COURANT STAFF WRITER

AVON — Open-space advocates have watched the picturesque Fisher family farm for decades, worried that a developer might try to snatch it up.

On Tuesday, those conservationists reacted with joy over word that the town of Avon has signed a deal to buy 318 acres of the land, con-

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## AVON

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tingent upon voter approval.

The property, on Tillotson Road in the southeast part of town, would be the town's largest open-space land purchase in decades.

"Had that property not been preserved, it would have been a crime," said Thomas Morganti, president of the Avon Land Trust, a nonprofit organization that has acquired and preserved more than 330 acres in town.

"It's such a boon to the community. It's really an incredible thing," Morganti said of the proposed purchase.

The town council voted unanimously Tuesday to send the \$2.23 million proposal to voters on June 6. Details will be presented at the annual town budget meeting May 6 and also will be explained in a townwide mailing before the referendum.

Some preservation-minded resi-

town of Avon  
FISHER  
- 14/a

# Land

CONTINUED FROM PAGE B3

dents say they believe that if the town does buy the property, few other groups would have the resources to preserve the Fisher land.

The acreage is one of five parcels that town leaders identified two years ago as crucial to preserving what remains of Avon's rural character.

Overall, the Fisher farm con-

## AVON

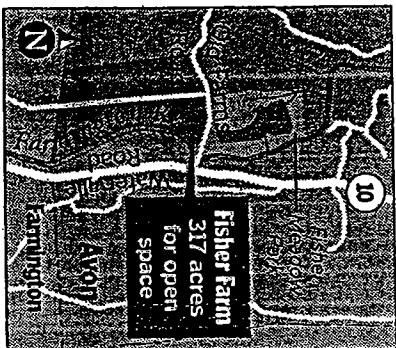
sists of 424 acres in Farmington and Avon. The town of Farmington has purchased the property within its borders.

The area that Avon wants to purchase is bounded by Old Farms Road on the north, the Farmington River on the east and the Farmington town line on the south.

The western border is west of Tillotson Road, which runs vertically through the land.

Town officials say the land in Avon has many attractive features, including level fields for farming, well-preserved remains of the 1850s-era Farmington Canal, and frontage on the Farmington River.

"The shore is particularly important because it's the first line of defense for protecting the riv-



THE HARTFORD COURANT

er," said Kevin Case, director of the Farmington River Watershed Association.

Some of the specifics of the proposed purchase:

■ The town would pay \$2.128 million to Fisher Family Properties to buy the 318 acres. However, the town intends to raise \$2.235 million — which includes about \$107,000 in administrative costs, such as legal work and surveying — if voters give permission to issue bonds.

The state already has offered a \$398,000 grant to reduce the cost.

■ About 275 of the 318 acres are classified as wetlands or floodplain, but the western end of the property could support 24 to 63 housing lots.

That worries town officials because residential development, while important, eliminates open space without substantially boosting the tax base.

Unless the homeowner has no children in school, taxes on a

home often do not cover the costs of schooling or other town services.

For instance, a family in a house assessed at \$200,000 would be charged about \$5,180 in annual property taxes under the current tax rate — but it costs the town about \$8,500 per year to educate just one child in that family.

■ For the owner of a house assessed at \$200,000 — which assumes a market value of almost \$286,000 — the cost of the 15-year bond package to pay for the Fisher land purchase would be \$186 in extra taxes.

■ The Fishers can keep farming on the property until the end of 2003, but the town hopes afterward to lease out the farming rights. The buildings and barns are on the Farmington portion of

the property, but much of the fields are in Avon.

It is not yet known who might lease those farming rights from the two towns.

"Our intent is to work with the town of Farmington to try to keep an active farm going there," Avon Town Manager Philip K. Schenck Jr. said.

■ The town could convert 11 acres on Old Farms Road into athletic fields, but only if it notifies the farmers at least five growing seasons in advance. The town also would offer them equal space elsewhere on the acreage to keep farming.

Those athletic fields, if created, would be grassy, rectangular lay-

outs suitable for soccer or lacrosse practice — not the kind of fields that require backstops, sprinklers, paving or other permanent changes.

**BEST VACUUMS**  
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## Open Space

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Connecticut's natural diversity and scenic beauty add immeasurably to the quality of life of its residents. The state's prosperity has always depended upon its natural resources. Forests and farms contribute to a healthy and diverse economy. Parks and open lands improve the quality of life and help attract businesses. Natural areas and waterways provide critical wildlife habitat, clean drinking water, and scenic natural beauty, which is the foundation of the tourism industry. However, not all undeveloped land is protected open space; some of it will eventually be developed. For Connecticut to remain an attractive state in which to live, work and conduct business, it is critical that development be balanced with land conservation.

[The Green Plan: Guiding Land Acquisition and Protection in Connecticut 2007-2012 \(PDF\)](#)

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**WORKING DEFINITION OF OPEN SPACE**

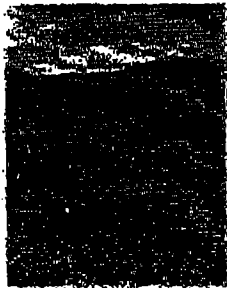
“An area of land that is valued for natural processes and wildlife, for agricultural and sylvan production, for active and passive recreation, and/or for providing other public benefits.”

## Open Space Trust Fund

### Definition of Open Space and Evaluation Criteria

#### Open Space

As defined by the Salt Lake County Open Land Trust Fund Advisory Committee, is a parcel of land in a predominantly open and undeveloped condition that is suitable for any of the following:



- natural areas;
- wildlife and native plant habitat;
- important wetlands or watershed lands;
- stream corridors;
- passive, low-impact activities;
- little or no land disturbance; and/or
- trails for non-motorized activities.

Open space lands may be preserved, enhanced and restored in order to maintain or improve the natural, scenic, ecological, cultural, hydrological, or geological values of the property. The location of Open Space lands, as supported by the functions of the Open Land Trust Fund Advisory Committee, shall be located in Salt Lake County. Only a small portion therein may extend into another contiguous county. As characterized above, the term "undeveloped" does not include manmade structures of historical significance.

#### Threshold Criteria

Each project must meet the following criteria in order to be considered:

1. The majority of the project in Salt Lake County
2. The landowner is willing to enter into good faith negotiations with the County
3. The project has open space conservation values
4. Project funds are for a fee title purchase or conservation easement only
5. The appropriate title and ownership appear to be free of obvious problems.

#### Project Selection Criteria

The Trust Fund committee considers a wide range of values, public benefits, and location when making recommendations. The Committee is striving to develop a diverse portfolio of critical lands for the public and future generations. The committee considers:

**Cost:** the terms of the acquisition will allow the County to maximize its



**Text Size A A A**

assets and leverage the Trust Fund through landowner donations, discounts, funding partnerships, and donations

**Community benefit:** the project will be beneficial to local communities and the County at large

**Conservation:** the project protects wildlife and their habitats, and protects the ecological health and function of County lands

**Human renewal:** projects have scenic and aesthetic values and provide respite, renewal, and solitude

**Connectivity:** the project will add to the existing or planned open space system and enhance ecological, hydrological, and recreational vitality

**Stewardship:** the project will be protected in perpetuity and its open space conservation values will be preserved through good management and enforcement

**Feasibility:** the project is for land that is largely or entirely in an undisturbed and natural state and will be maintained as such

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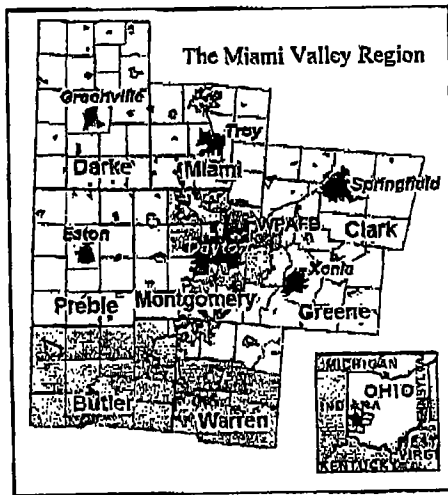
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• Miami Valley Regional Planning Commission • One Dayton Centre, One South Main Street, Suite 260, Dayton, OH 45402 • Tel: 937.223.6323 • Fax: 937.223.9750 • Website: www.mvrpc.org

**INTRODUCTION**

The Miami Valley Regional Planning Commission (MVRPC) conducted the Miami Valley Open Space Assessment study in order to develop a 2005 Open Space GIS database and examine the status of open space in the Region. The study is an update to the 1993 Miami Valley Open Space Inventory database prepared for the Miami Valley Open Space Council and to the State of the Region 2005 report that examined broad social, political, economic, and environmental issues of the Region, and recounted the progress the Region has made over the years.



While the State of the Region 2005 report defined the Region to include eight (8) counties in the Dayton Metropolitan area as illustrated in the map, the 2005 Miami Valley Open Space Assessment study is based on the six (6) counties surveyed in the 1993 Open Space Inventory (Clark, Darke, Greene, Miami, Montgomery, Preble), as well as the addition of the northern part of Warren County.

This report provides information on how the data was collected, the limitations that exist within the study, and summarizes the findings from the study, providing information on regional as well as county level statistics. Further, the 2005 statistics are compared to the 1993 statistics in order to assess how the Region has changed over the last 12 years.

**OPEN SPACE DEFINITION**

The definition of open space used in this study was adapted from the 1993 Open Space Inventory. The main categories of land uses in the 2005 Open Space database, as seen in the table below, include: General Outdoor Recreation Area, Outstanding Regional Amenity, Natural Environment Protection Area, Utilities, Open Space Link, Natural Environment Recreation Area, School, Landfill/Mineral Extraction, Cemeteries, Historical Site/Museum, and Airfields. It is important to note that the definition of open space in the study is very broad and ranges from areas that are active in nature, such as parks and ball fields, to areas that are passive in nature such as wetlands preserves and flood control properties. Also, it should be noted that the Open Space classification in this study does not include agricultural land use, which is prevalent in some part of the Region.

**Open Space Classification**

General Outdoor Recreation Areas		Utility		Landfills/Mineral Extraction	
Swimming Pool	Picnic Grounds	Well Field	Wastewater Plant	Landfill	Quarry
Active Recreation	Stadium	Open Space Link		Sand & Gravel Extraction Site	
Plaza/Commons	Horse Racing	Hiking Trail	Large Institution	Cemeteries	
Fairground	Auto Racing	Bikeway	Flood Control	Cemetery	
Ball Field	Golf Course	Pedestrian Walkway		Historical Sites / Museums	
Outstanding Regional Amenity		Natural Environment Recreation Area		Historic Site	Museum
Scenic River	Waterfall	Campground	Fishing Lake	Covered Bridge	
Natural Environment Protection Area		Fish & Game Club	Scout Camp	Airfield	
Wildlife Preserve	Natural Area	School		Airport	Sky Diving
Park Preserve	Wetland Preserve	Public School	College		
Storm Basin	Hunting Area	Private School	University		

Source: MVRPC 2005 Open Space Database

For the purposes of this study, General Outdoor Recreation Area, Outstanding Regional Amenity, Natural Environment Protection Area, Natural Environment Recreation Area, and Historical Sites/Museums have been grouped together as "Open Space/Recreational Facilities."



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## Open Space Acquisition

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The State of Connecticut envisions a mixed landscape providing outdoor recreation to Connecticut's citizens, protecting water supplies, preserving fragile natural communities and homes for plants and animals, offering green spaces for city residents, and providing an operational, natural landscape for the harvest of farm and forest products.

The State's overall goal is to preserve 21% of Connecticut's land as open space by the year 2023, a total of 673,210 acres. The Initiative includes 10% of open space to be state owned as additions to the State's system of parks, forests, wildlife, fisheries and natural resource management areas, with the remaining 11% owned by municipalities, private nonprofit land conservation organizations, water companies and the federal government. As of January 2006, 70% of this goal has been achieved through the direct purchase of open space by the state and through state support for local acquisitions.

To succeed in protecting a total of 21% of Connecticut's land by the first quarter of the 21<sup>st</sup> Century, the state must remain committed to acquiring open space for the next two decades. The DEP has two programs available to assist in realizing the vision and achieving the goals:

1. **Recreation and Natural Heritage Trust Program** - DEP's primary program for acquiring land to expand the state's system of parks, forests, wildlife, and other natural open spaces and
2. **Open Space and Watershed Land Acquisition Grant Program** - provides financial assistance to municipalities and nonprofit land conservation organizations to acquire land that will add to a community's open space, enhance recreational opportunities, protect unique geographical features or conserve habitat for living creatures.

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Hartford, CT 06106-5127

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MINUTES OF THE REGULAR MEETING OF THE  
FARMINGTON TOWN COUNCIL HELD  
NOVEMBER 13, 2007

**EXHIBIT NO.  
EDELSON 11**

**Present:**

Mike Clark, Chair

Mike Demicco

Jeffrey J. Hogan

Robert Huelin

Charles Keniston

Donald Perrault, Jr

William A. Wadsworth

Kathleen Eagen, Town Manager

Paula B. Ray, Town Clerk

**A. Call to Order**

The Chair called the meeting to order at 7:02 p.m.

**M. Old Business**

There was no old business.

**N. New Business**

1. To Set a Public Hearing for December 11, 2007 at 7:00 p.m. in the Town Hall Council Chambers to Consider the Purchase of 90 Acres of Property Owned by the Estate of Mary M. Krell located at 741 Plainville Avenue for a Price of \$6,750,000

Motion was made and seconded (Wadsworth/Hogan) to set a public hearing for December 11, 2007 at 7:00 p.m. in the Town Hall Council Chambers to consider the purchase of 90 acres of property owned by the estate of Mary M. Krell located at 741 Plainville Avenue for a price of \$6,750,000 million subject to receipt of an acceptable environmental site assessment report; and subject to due diligence, including but not limited to title search, and subject to successful referendum vote.

Adopted unanimously.

2. To Recommend the Purchase of 90 acres of 741 Plainville Avenue to the Town Plan and Zoning Commission for a Report Under Section 8-24 of the Connecticut State Statutes.

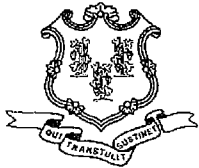
Motion was made and seconded (Wadsworth/Hogan) to recommend the purchase of 90 acres of 741 Plainville Avenue to the TPZ for a report under Section 8-24 of the Connecticut State Statutes.

Adopted unanimously.

3. To Approve the Appropriation Transfers.

Motion was made and seconded (Hogan/Wadsworth) to approve the motion recorded with these minutes as Agenda Item N- 3.

Adopted unanimously.



*Daniel F. Caruso*  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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**EXHIBIT NO.**  
**EDELSON 12**

### PRESS RELEASE

#### NOTICE OF HEARING CANCELLATION

The Connecticut Siting Council has canceled the public hearing scheduled for April 15, 2008, beginning at 3:00 p.m., and continued at 7:00 p.m., at the Farmington Police Department, Meeting Room, 319 New Britain Avenue, Unionville, CT 06085, and thereafter as necessary. The proceeding was regarding an application from Celco Partnership d/b/a Verizon Wireless for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 199 Town Farm Road, Farmington, Connecticut. The hearing has not yet been rescheduled.



CONNECTICUT SITING COUNCIL  
*Affirmative Action / Equal Opportunity Employer*

DOCKET NO: HHD-CV-08-4036932 : SUPERIOR COURT  
SUSAN EDELSON : J.D. OF HARTFORD  
VS. : AT HARTFORD  
TOWN OF FARMINGTON;  
TOWN OF FARMINGTON PLANNING  
AND ZONING COMMISSION, ET AL : JULY 21, 2008

**PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS  
ADDRESSED TO TOWN OF FARMINGTON and TOWN OF FARMINGTON  
PLANNING AND ZONING COMMISSION**

Pursuant to § 13-9 *et seq.* of the Practice Book, the plaintiff in the above-entitled action hereby requests that the defendants, Town of Farmington and Town of Farmington Planning and Zoning Commission, answer, within thirty (30) days of the date hereof the following Requests for Production. Supplemental production is requested to the date of trial as additional information is obtained.

**I. DEFINITIONS**

The following Request for Production of Documents shall be read and interpreted in accordance with the definitions set forth below:

A. The term "**Documents**" is used to include, without limitation, the following items, whether printed or recorded, or reproduced by any other mechanical process, or written or produced by hand, and includes all copies of any such document (unless such copy is

identical in every respect with the original or copy thereof produced), namely: contracts; agreements; communications; correspondence; telegrams; memoranda; records; books; summaries of recordings of telephone conversations; telephone logs; diaries; desk calendars; forecasts; financial statements; statistical statements; management letters; accountants' or clients' work papers; manuals; graphs; charts; accounts; analytical records; minutes or records of meetings or conferences; reports and/or summaries of interviews; reports and/or summaries of investigations; opinions and/or reports of consultants; appraisals; reports or summaries of negotiations; brochures; pamphlets; circulars; trade letters; press releases; mag cards; telexes; checks, front and back; contracts; vouchers; invoices; bills; ledgers; notes; projections; marginal notations; photographs; drawings; specifications; securities ledgers or other records of original entry; pleadings; affidavits; deposition transcripts or memoranda created in connection with contemplated, threatened or actual litigation other than the action in which this Request for Production of Documents is made; drafts or any of the foregoing, and other documents or writings of whatever description. The term "Documents" also includes information stored on computer, internally and externally, on diskette or any other computer-related device.

B. The term "**any and all documents**" means every document as above defined known to the defendant and every such document which can be located or discovered by reasonably diligent efforts and which is in defendant's possession, custody or control.



C. The terms "**and**" or "**or**" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive; and the singular includes the plural and the plural includes the singular.

D. The term "**related to**" shall mean, without limitation: concerning, referring to, alluding to, responding to, in connection with, commenting upon, about, announcing, regarding, relevant to, evidencing, explaining, discussing, showing, describing, reflecting, analyzing or involving.

A document is "**related to**" a particular fact, matter or event when it proves or disproves, or tends to prove or disprove, the fact, matter or event or contains information explaining or providing a background for understanding the fact, matter or event, or is evidence of or a result of that fact, matter or event, or was produced, altered or signed as a part of or as a result of that fact, matter or event, or will lead to additional relevant information about the fact, matter or event.

## **II. PROCEDURE FOR PRODUCTION**

A. If any privilege is asserted with respect to any document or thing, or request for documents herein, identify each such document or privileged matter by stating the type of document or matter (e.g., letter, memorandum, etc.), its author or originator, its date or dates, all addressees and recipients, when and how the defendant first became aware of the document, its present location or custodian, the nature of the privilege, and the basis therefore, and the general subject matter covered by the document.

B. The requested documents shall be produced as they are kept in the usual course of business, or shall be so arranged and labeled to correspond to the categories in this Request for Production of Documents.

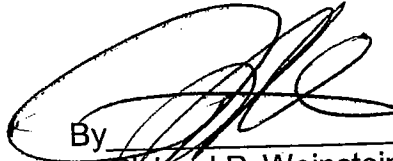
### **III. CONTINUING NATURE OF REQUESTS**

This Request for Production of Documents is deemed to be continuing. The plaintiff is requested to supplement its responses to the defendant's Request for Production of Documents pursuant to Practice Book § 13-15, as well as when any new, additional or different documentation which satisfies this Request for Production of Documents comes into its possession.

### **IV. REQUEST FOR PRODUCTION OF DOCUMENTS**

1. Copies of any and all documents exchanged by and between the Town and Cellco Partnership in regard to a proposed tower in Farmington at the subject property, including any and all documents related to any town approval and lease from the Town of the subject site.
2. Copies of any and all documents by and between the defendant Town and Ronald W. Simmons in regard to the subject site including any sublease or consent by Simmons in regard to the proposed lease between the Town and Cellco.
3. Copies of any and all documents by and between any official, or commission, or board of selectpersons, or town manager related to the proposed cell tower.

PLAINTIFF,

A handwritten signature in black ink, appearing to read 'R. Weinstein', is written over a horizontal line. The signature is stylized and cursive.

By

Richard P. Weinstein, Esquire of  
WEINSTEIN & WISSER, P.C.  
29 South Main Street, Suite 207  
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Telephone No. (860) 561-2628  
Facsimile No. (860) 521-6150  
Juris No. 45674

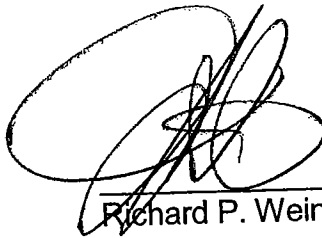
**CERTIFICATION**

This is to certify that on the ~~21~~<sup>22<sup>nd</sup></sup> day of July, 2008, a copy of the foregoing was served upon:

Duncan J. Forsyth, Esquire  
Halloran & Sage, LLP  
225 Asylum Street  
Hartford, CT 06103-4303

Bradford S. Babbitt, Esquire  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06103

Andrea Doyle Asman, Esquire  
Litwin, Asman & White  
1047 Bantam Road  
Bantam, CT 06750



Richard P. Weinstein

**EXHIBIT NO.  
EDELSON 14**

DOCKET NO: HHD-CV-08-4036932 : SUPERIOR COURT  
SUSAN EDELSON : J.D. OF HARTFORD  
VS. : AT HARTFORD  
TOWN OF FARMINGTON;  
TOWN OF FARMINGTON PLANNING  
AND ZONING COMMISSION , ET AL : JULY 21, 2008

**PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS  
ADDRESSED TO CELCO PARTNERSHIP D/B/A VERIZON WIRELESS**

Pursuant to § 13-9 *et seq.* of the Practice Book, the plaintiff in the above-entitled action hereby requests that the defendant, Celco Partnership d/b/a Verizon Wireless, answer, within thirty (30) days of the date hereof the following Requests for Production. Supplemental production is requested to the date of trial as additional information is obtained.

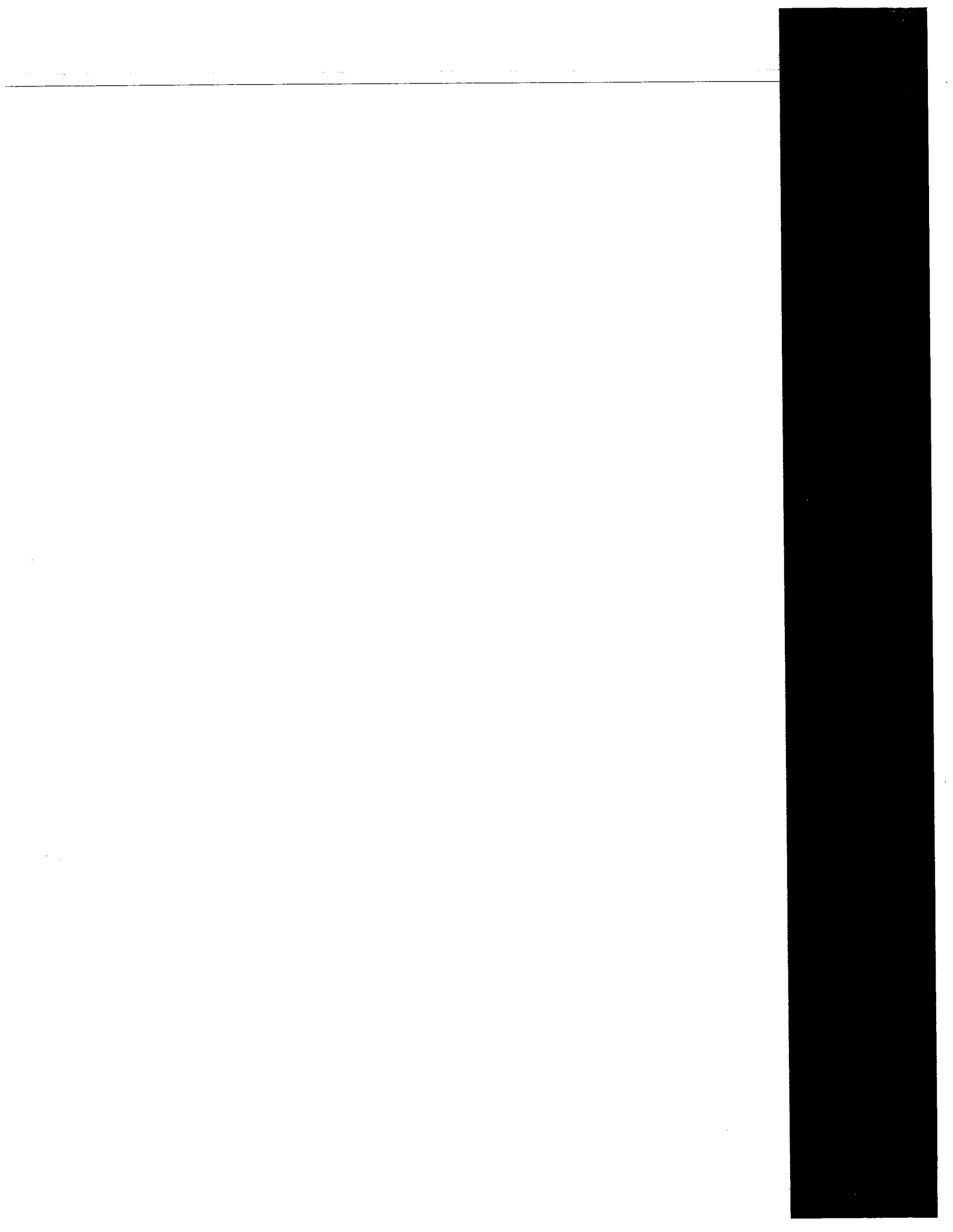
**I. DEFINITIONS**

The following Request for Production of Documents shall be read and interpreted in accordance with the definitions set forth below:

A. The term "**Documents**" is used to include, without limitation, the following items, whether printed or recorded, or reproduced by any other mechanical process, or written or produced by hand, and includes all copies of any such document (unless such copy is identical in every respect with the original or copy thereof produced), namely: contracts;

agreements; communications; correspondence; telegrams; memoranda; records; books; summaries of recordings of telephone conversations; telephone logs; diaries; desk calendars; forecasts; financial statements; statistical statements; management letters; accountants' or clients' work papers; manuals; graphs; charts; accounts; analytical records; minutes or records of meetings or conferences; reports and/or summaries of interviews; reports and/or summaries of investigations; opinions and/or reports of consultants; appraisals; reports or summaries of negotiations; brochures; pamphlets; circulars; trade letters; press releases; mag cards; telexes; checks, front and back; contracts; vouchers; invoices; bills; ledgers; notes; projections; marginal notations; photographs; drawings; specifications; securities ledgers or other records of original entry; pleadings; affidavits; deposition transcripts or memoranda created in connection with contemplated, threatened or actual litigation other than the action in which this Request for Production of Documents is made; drafts or any of the foregoing, and other documents or writings of whatever description. The term "Documents" also includes information stored on computer, internally and externally, on diskette or any other computer-related device.

B. The term "**any and all documents**" means every document as above defined known to the defendant and every such document which can be located or discovered by reasonably diligent efforts and which is in defendant's possession, custody or control.



B. The requested documents shall be produced as they are kept in the usual course of business, or shall be so arranged and labeled to correspond to the categories in this Request for Production of Documents.

### **III. CONTINUING NATURE OF REQUESTS**

This Request for Production of Documents is deemed to be continuing. The plaintiff is requested to supplement its responses to the defendant's Request for Production of Documents pursuant to Practice Book § 13-15, as well as when any new, additional or different documentation which satisfies this Request for Production of Documents comes into its possession.

### **IV. REQUEST FOR PRODUCTION OF DOCUMENTS**

1. Copies of any and all documents related to any studies reflecting the interference that is experienced by customers in and about Farmington and the potential effect of the proposed tower.
2. Copies of any and all documents related to Cellco's efforts to secure an alternative site.
3. Copies of any and all memos regarding the proposed site.
4. Copies of all internal memos regarding the lease with the Town of Farmington and those exchanged with the Town.



PLAINTIFF



By

---

Richard P. Weinstein, Esquire of  
WEINSTEIN & WISSER, P.C.  
29 South Main Street, Suite 207  
West Hartford, CT 06107  
Telephone No. (860) 561-2628  
Facsimile No. (860) 521-6150  
Juris No. 45674

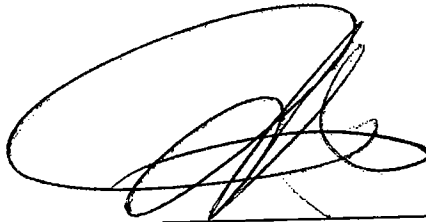
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Richard P. Weinstein

CV 08- 4036932 S : SUPERIOR COURT  
SUSAN EDELSON : J.D. OF HARTFORD  
VS. : AT HARTFORD  
TOWN OF FARMINGTON;  
TOWN OF FARMINGTON PLANNING  
AND ZONING COMMISSION : AUGUST 27, 2008

**AMENDED COMPLAINT**

**Count One**

1. Plaintiff, Susan Edelson, is a property owner within the town of Farmington and owns the premises known as 11 Belgravia Terrace in Farmington, Connecticut.
2. The Town of Farmington (hereinafter referred to as the "Town") owns certain land commonly referred to as the Simmons Family Farm located on Town Farm Road in Farmington, which land abuts the plaintiff's land. The Simmons Family Farm is presently under lease to Ronald W. Simmons, Sr. to be used for agricultural farming purposes and has been since the Town acquired the property for open space and agricultural purposes.
3. The Town used public funds to acquire said property.
4. The Town has entered into an option and land lease agreement dated November 29, 2007 with Cellco Partnership d/b/a Verizon Wireless for a 9.9 acre parcel, which is part of the Simmons Farm and part of the land already leased to

Simmons, which option and land lease is for erection of a cellular tower and the supporting structures and site improvements.

5. Prior to entering into said option and land lease, the Town council referred the matter to the defendant Town Planning and Zoning Commission (hereinafter referred to as the "PZC") pursuant to § 8-24 of the Connecticut General Statutes for a report in regard to entering into said lease of town owned property.

6. On July 23, 2007, the defendant PZC held a public hearing and recommended the approval of the Town entering into said lease.

7. August 14, 2007, the Farmington Town Council approved the signing and entering into said option and land lease.

8. Plaintiff received no notice and had no notice of the public hearing before the defendant PZC, albeit she was an abutting owner of land upon which the cellular tower is to be erected and improvements thereon made, even though pursuant to the Planning and Zoning Regulations, the plaintiff was entitled to receive notice pursuant to Regulation 12.C. Therefore, the actions of the Town without notice as prescribed under 12.C to the abutting owners is void and of no effect in that the PZC violated its own notice regulations.

9. Further, the Planning and Zoning Regulations provide, under 12.B of those regulations, that consideration shall include, *inter alia* (1) the existing and future character of the neighborhood and (5) the over all appearance and general harmony

with the character of the surrounding neighborhood, so as not to serve to blight or detract from abutting residences or other property owners. There appears to have been no effort by the Town, and particularly the defendant PZC to consider the standards under 12.B

10. Further, Section 23 of the Planning and Zoning Regulations are applicable specifically to commercial wireless telecommunications sites. Under 23.B of the regulations, an order of preferred sites is set forth. In the order (10) is the most preferable and (1) is the least preferable. The subject site falls within the least preferable. It does not appear that the PZC took same into consideration.

11. Under 23.C of the Planning and Zoning Regulations, said tower requires a special permit with hearing and notice requirements as set forth in 23.D, which notice and hearing requirement was not fulfilled, particularly in light of the failure to give the notice required under 12.C as indicated above.

12. It appears that the PZC did not consider the information required under 23.D.2 (a) through (d), and to the extent that same was not provided and/or considered, the PZC violated its own regulations.

13. Further, Regulation 23.E.2.e requires site assessments and photographs from the affected area which would include the plaintiff's home and neighborhood. There were in fact no such site assessments or photographs taken from the plaintiff's area. Hence, the PZC failed to take same into consideration. Still further, under 23.G.6

of the Town Planning and Zoning Regulations, no tower shall be located on municipal land which is designated as open space or recreation use unless approved by the Farmington Conservation Commission. While the subject land is at least in part dedicated to open space, there appears to have been no effort by PZC to seek the approval of the Farmington Conservation Commission, in violation of 23.G.6 of the Town Planning and Zoning Regulations.

14. For the reasons aforesaid, the actions of the PZC violated its own rules and regulations and the plaintiff contends that its action in recommending approval of the lease should be null and void.

15. Still further, to the extent that the defendant Town relied under § 8-24 of the Connecticut General Statutes for the report from said PZC, then the action of the Town Council in authorizing the town to enter into said lease is null and void.

16. Still further, the plaintiff contends that to the extent that Town had previously leased the same land to Simmons, the Town cannot lease it twice, which epitomizes the arbitrary and capricious nature of the action taken by the defendant Town, in violation of the remaining rights the Town had in regard to the subject land.

17. Plaintiff maintains that there is a substantial dispute as to the propriety of the actions taken by the defendant Town and its PZC, requiring a legal determination as to the enforceability and lawfulness of the option and land lease agreement dated November 29, 2007 by and between the Town and said Cellco Partnership d/b/a

Verizon Wireless. Because of the parties affected, the plaintiff is giving notice to said Cellco Partnership and to Simmons in regard to the issues raised herein.

18. For years, the plaintiff has enjoyed and personally benefited from the economic and aesthetic value of residing next to the Property because the Property is dedicated to open space and agricultural farming use. The bucolic setting of plaintiff's residential property, including the beauty of the scenic views afforded plaintiff due to the fact that her property abuts the Property which is used for open space and agricultural farming purposes, enhances the plaintiff's quality of life on a daily basis. The fact that the Property has not been developed, but has instead been dedicated for open space and agricultural use, makes the Property unique and contributes significantly to the economic and aesthetic value of the plaintiff's abutting, residential property.

19. The aforementioned option and land lease by the Town of Farmington with Cellco Partnership d/b/a Verizon Wireless for erection of a cellular tower and the supporting structures and site improvements on the Simmons Family Farm will specially and injuriously affect the following specific, personal and legal interests of the plaintiff, to wit:

a. An important part of the economic value of plaintiff's residential property is the fact that it borders on the Property which has been used as a farm for as long as anyone can remember. That lack of commercial development on the abutting Property, and its dedicated use for open space and agricultural purposes, contributes significant

economic value to the plaintiff's property. The lease of the Property for purposes of constructing a cellular tower and use of the Property for that purpose has and will substantially diminish the economic value of the plaintiff's abutting, residential property.

b. The erection of a cellular tower and supporting structures and site improvements on the Property will destroy much of the scenic beauty and bucolic setting of the plaintiff's home and property which her property derives from the fact that it abuts land (the Property) that is used for open space and agricultural farming purposes. The lease of the Property for purposes of constructing a cellular tower and supporting structures and site improvements, and the discontinuance of the use of the land, or a portion thereof, for the open space and agricultural purposes for which it was acquired by the Town, will deprive the plaintiff of the view of and proximity to such open space and agricultural uses, which view and proximity the plaintiff has heretofore enjoyed on a regular basis and which view and proximity the plaintiff otherwise would have continued to enjoy but for the actions of the defendants.

c. The aforementioned actions of the defendants have diminished and will diminish, on a daily basis, the value and quality of life that the plaintiff derives from her residential property in Farmington.

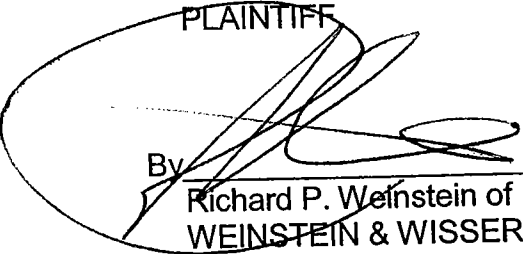


WHEREFORE, the plaintiff claims:

1. Judicial determination in regard to the rights and enforceability of the option and land lease agreement referenced above;
2. An order declaring same to be null and void,
3. An order declaring the actions of the town in regard to entering into said lease to be in violation of state law and its own rules and regulations;
4. Such other judicial and legal relief and as the court deems appropriate.

PLAINTIFF

By



Richard P. Weinstein of  
WEINSTEIN & WISSER, P.C.  
29 South Main Street, Suite 207  
West Hartford, CT 06107  
Telephone No. (860) 561-2628  
Juris No. 45674

CV 08- 4036932 S : SUPERIOR COURT  
SUSAN EDELSON : J.D. OF HARTFORD  
VS. : AT HARTFORD  
TOWN OF FARMINGTON;  
TOWN OF FARMINGTON PLANNING  
AND ZONING COMMISSION : AUGUST 27, 2008

**STATEMENT OF AMOUNT IN DEMAND**

The statement of amount in demand is greater than Fifteen Thousand Dollars (\$15,000.00) exclusive of interest and costs.

PLAINTIFF,

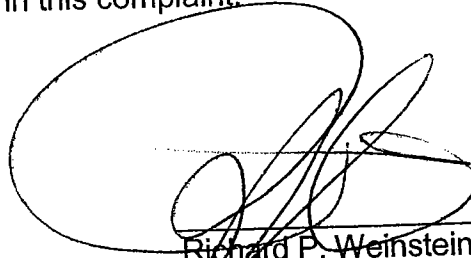
By: 

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TOWN OF FARMINGTON;  
TOWN OF FARMINGTON PLANNING  
AND ZONING COMMISSION : AUGUST 27, 2008

**CERTIFICATE RE: DECLARATORY JUDGMENT**

The undersigned is giving notice to those who may have an interest in adjudication of the issues in this complaint.



Richard P. Weinstein of  
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Telephone No. (860) 561-2628  
Juris No. 45674

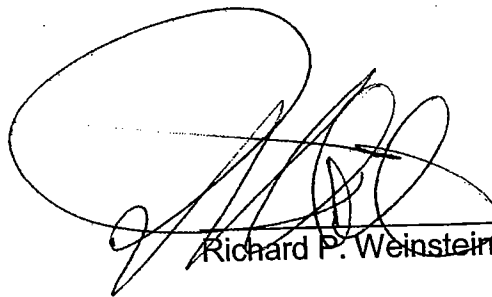
**CERTIFICATION**

This is to certify that on this 27th day of August, 2008, a copy of the foregoing was served upon:

Duncan J. Forsyth, Esq.  
Halloran & Sage LLP  
One Goodwin Square  
225 Asylum Street  
Hartford, CT 06103

Bradford S. Babbitt, Esq.  
Robinson & Cole, LLP  
280 Trumbull Street  
Hartford, CT 06103-3597

Andrea Doyle Asman, Esq.  
Litwin Ashman & White, P.C.  
1047 Bantam Road  
PO Box 698  
Bantam, CT 06750

A handwritten signature in black ink, appearing to read 'R. Weinstein', is written over a horizontal line. The signature is stylized and somewhat cursive.

Richard P. Weinstein

# The Town Farm: Farmington's response to welfare needs

Ann J. Arcari

Five west on Route 4 from Farmington center and you will come to a road off to the right called Town Farm Road.

What do you see? Not a farm, but the Tunxis Plantation Golf Club. Where or what was the farm?

At the beginning of the last century, the Town Farm sat where the golf club is now. It was the town

poorhouse or almshouse. This institution was the town's answer to the problem of welfare and dependence in the 19th century.

Before we talk about the almshouse itself, however, let's go back to previous eras to see how earlier townfolk handled those problems.

The Puritans of early New England brought with them from the old country the attitudes and legal

precedents concerning the poor: In 1601, not long before the Pilgrims arrived, England defined and adopted Poor Law measures which placed the poor into three classes: first, the lame, old and disabled—those not able to work were to be supported by taxation. Second, the able-bodied poor, "sturdy

Life In, page 50

## Life In/49

vagabonds and valiant beggars" as they were called, must work, with materials provided by the parish if necessary. The third class, poor children must be bound out as apprentices. In old England, the parish dealt with much of the welfare problem. In New England, the town became the administrator for welfare funds and programs.

The New England Poor Law system devised two important pieces of legislation. One, the Settlement Law, decided who was responsible for an individual. The second determined what kind of relief would be offered. Settlement laws were preventive measures for restricting persons considered dangerous or disruptive, or who might become chargeable to public funds.

As early as 1636, the Connecticut Colony forbade anyone to entertain a stranger without permission from the selectmen. In 1673, the General Court ordered that "every town shall maintain its own poor." Also, a newcomer had to support himself for a period of three months before becoming eligible for town relief.

The town, in the process of defining who were its own poor, often went to great lengths to foist off on another town any person on welfare. One had to show that he had lived in town for the required time

those who did not belong — vagrants and wanderers and "all rogues, vagabonds and idle persons going about the town begging," or persons using such crafts as "juggling, palmistry, fortunes" and also entertainers — "pipers, fiddlers and tunaways" who might become "a snare to youth."

Also, early colony towns had to decide what kind of relief would be given to their dependent poor. If they were among the "deserving," the elderly and disabled, they might be given what was called "outdoor relief," which meant help while they were in their

This 1910-1911 photograph shows Town Farm Manager, George Sperry, and his family in front of their home. At right is part of the "Poor House" or "House of Industry." (See map page 56)

— Photo courtesy of the Farmington Room of the Farmington Library



period (which changed from three months to six years over the course of the next two centuries) or had been born in town or of a father who was a legal inhabitant.

In 1702, Connecticut enacted legislation whereby vagrants and other suspicious persons were to be sent "constable to constable" to the place where they came from. Town records are filled with letters to and from selectmen regarding dependent individuals

own homes or were being taken care of by other individuals, a neighbor, relative, or someone willing to take on the burden. Help might be in cash, or it might be in donations of fuel, clothing and food.

The problem with this kind of welfare was that, in the eyes of the town fathers, one could not be sure that money was not being spent on drink or gambling. Outdoor relief came to be seen as a defective system, potentially contributing to the problem, rather than its solution.

By the beginning of the 19th century the old ways

who surely belonged to your town, not ours.

In 1815, Thomas Haskill and his wife were "warned out" from Farmington, meaning that they were escorted to the town line by the constable, where they were met by the constable of the next town, and so on, until they reached the place where they were considered legal inhabitants.

In addition to defining and maintaining its own poor, the Puritan town legislated militantly against

of life in villages and on small farms was breaking down. An economic depression put many people out of work. Worn out land sent farm workers into towns and cities to work in mills. Immigration increased and brought people with foreign languages and foreign ways to New England, all looking for work. Puritan control over town affairs slackened as many rejected orthodox Calvinism and espoused new sects.

No longer was there more work than workers. The land was full of "wanderers and vagabonds," and the traditional settled communities of previous generations were disintegrating. New England towns and cities suddenly were faced with many more dependent persons to care for and were forced to find new solutions.

In the early 1820s, the minutes of Farmington's town meetings revealed concerns over how relief was being handled. At that time Farmington had no town almshouse. Indigents were sent to Capt. David Grant of Windsor, who operated a poorhouse under a contract with the state. The town paid him the fees that

EXHIBIT NO.  
EDELSON 7

## Life In/51

He stipulated for each person.

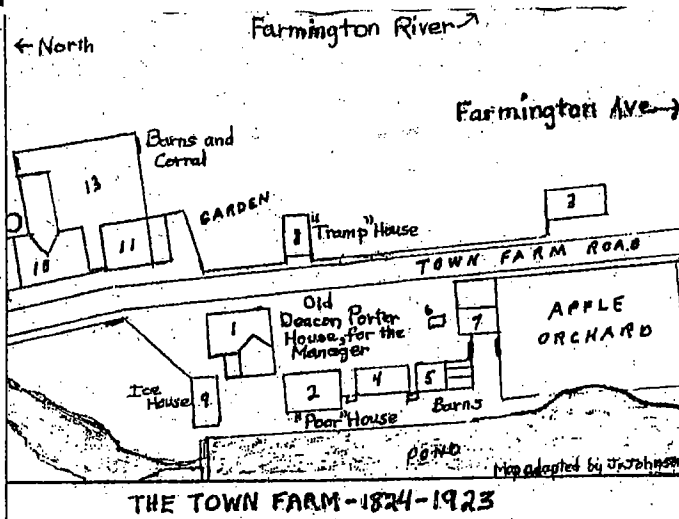
A document recently arrived in the Farmington Room of the library lists the names of paupers and how much each required per year for care, generally from \$25 to \$40. In 1824 Farmington appointed a committee to study pauperism. Its recommendations were presented at the Town Meeting of April 23.

The full report, recorded in the minutes, allows us to see the decision-making process. The committee's task was to see "what means may be devised to retrench the expenses and ameliorate the condition of the poor." It considered various methods in use nearby and rejected some, such as the system of auctioning off the poor to the lowest bidder, sometimes at the local tavern on a Saturday night, where a farmer or other local citizen bid for the job of boarding paupers.

The method of contracting for the whole body of paupers, as Captain Grant did, had some merit. It was economical and would relieve the town of any liability. However, there were serious objections to it. First, it lacked stability. Contractors might change from year to year and there would be no guarantee of any real concern on the part of the contractor. Second, the report stated that "it is unfavorable to the feelings and morals of the poor, to be sold annually in the public market." Third, it did not provide

humanely for the care of children, who might be sent to work rather than to school by a greedy master.

Therefore, in 1824, after much deliberation, the selectmen decided



A map of the Town Farm area.

Therefore, in 1824, after much deliberation, the selectmen decided that it would be better to operate a Farmington poorhouse. The old Porter farm, one mile from the town's center, was purchased and an almshouse was built for the inmates or residents. A manager was chosen by bid, and he and his family lived in the ancient Porter home.

Officially, the institution was called The House of Industry. It would not only house the old and sick, who would be maintained with dignity, but also those who had become dependent but were able to work. Here, according to 19th century terms, newly learned habits of hard work and thrift would transform slackers and miscreants into self-supporting citizens, in an environment away from the temptations and vice of the community. The institution or "asylum" would move them "from indolence to industry." How our Town Farm or House of Industry actually operated forms a unique piece of Farmington's history. It will be detailed and illustrated by the author in a future issue. FL

Ann J. Arcari is the librarian/curator of the Farmington room, the local history and genealogy collection of the Farmington Library. The paper presented here is based on her paper called "From Indolence to Industry" researched for Farmington's 350th anniversary celebration in 1990.