



Incorporated 1787

November 13, 2019

Via email to melanie.bachman@ct.gov and sitingcouncil@ct.gov

Ms. Melanie Bachman, Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Petition No. 1386 - Proposed wireless telecommunications facility at 5 Tall Pines Drive, Weston, CT

Dear Ms. Bachmann,

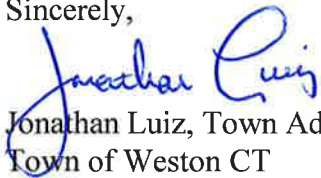
The Town of Weston submits the following comments on Petition No. 1686, New Cingular Wireless PCS, LLC petition for the proposed installation of a wireless telecommunications facility on Eversource structure #917 in right-of-way located at 5 Tall Pines Drive, Weston, CT.

- 1) The Town of Weston would prefer that the proposed wireless telecommunication facility be located on the property of the Weston Volunteer Fire Department Inc.'s Fire Station #2, located at 234 Lyons Plain Rad, Weston, CT. The Town's first responders would benefit from a tower located at that site because it would allow the Fire Department to raise the height of its antennas. Station #2 is very close to the proposed tower location.
- 2) The adjacent neighbor's located at 40 White Birch Road, David and Heather Levy, are concerned about how close the proposed structures and parking area will be to their house and property and that the filed petition excludes photo simulations from their property. The simulations also exclude what the new structures will look like from any of the angles from their property. The plan proposes an 18' x 24' fenced / gravel compound surrounded by a 9' high fence. There will be a 20KW diesel fuel backup generator and an 8'x8' walk in walk-in equipment shelter. There will also be a new road and parking lot within only a few feet of their property line. In fact, the proposed on-ground structures (equipment compound, fence, generator, driveway and parking area) and the existing Eversource tower #917 are located closer to the Levy's house than to the house located at 5 Tall Pines Drive. These structures will be visible from the Levy's property in all seasons (more so in the winter). Any noise from the generator, vehicles and workers will change their living environment and could have a negative impact on their property value. The Town of Weston shares the Levy's concerns.

- 3) The Site Survey Plan, Sheet C-1A, submitted with the petition has not been signed or stamped by a licensed surveyor.
- 4) The wetlands inspection is a **preliminary** wetlands assessment that was prepared **before** the soil scientist had actually reviewed the actual site plans for the proposed wireless facility. In addition, to address the following concern from the Town's staff to the Weston Conservation Commission (inland wetlands agency), sediment and erosion controls must be placed at the curb leak-off location on White Birch Road downslope from the proposed access drive activity to prevent siltation from entering the pond.
- 5) According to Sheet C-3, Compound Plan and Partial Site/ Grading Plan, the construction of the access drive and vehicle turn-around/parking area will require site/grading work that requires a Soil Disturbance Permit from the Town's Land Use Director and Code Enforcement Officer. The Soil Disturbance Permit Application, required certification forms, and regulations are attached. This Soil Disturbance Permit must be in place before any Building Permit Applications for the proposed antenna would be considered by the Building Inspector. The Town does not want storm water run-off from the proposed access drive and/or vehicle turn-around/parking area to flow directly onto White Birch Road and cause a flooding and/or icing condition.
- 6) The constructed of the proposed access driveway intersects a Town Road, White Birch Drive. As such a Driveway Permit, pursuant to the Board of Selectman's Driveway Ordinance will need to be obtained from the Director of Public Works/Town Engineer before any Building Permit Applications for the proposed antenna would be considered by the Building Inspector. The Driveway Permit Application and ordinance are attached.

For the foregoing reasons, the Town of Weston is opposed to the proposed wireless telecommunications facility at 5 Tall Pines Drive, Weston, Connecticut. Please do not hesitate to contact me with any questions that you may have.

Sincerely,



Jonathan Luiz, Town Administrator
Town of Weston CT

Cc: Attorney Kristen Motel, Cuddy & Feder LLP (via e-mail to kmotelcuddyfeder.com)
Weston Board of Selectmen
David and Heather Levey
Weston Fire Department Chief John Pokorny

APPLICATION FOR SOIL DISTURBANCE PERMIT

PROJECT _____

LOCATION: _____

PROJECT DESCRIPTION: _____

AREA OF PROPERTY TO BE REGRADED: _____ SQUARE FEET

AMOUNT OF SOIL TO BE ADDED TO PROPERTY: _____ CUBIC YARDS

AMOUNT OF SOIL TO BE REMOVED FROM PROPERTY: _____ CUBIC YARDS

OWNER'S NAME: _____

OWNER'S ADDRESS: _____

OWNER'S PHONE: (____) _____

1. _____ Submit 1 copy of A-2 Property Survey that includes existing and proposed topography, proposed sediment and erosion controls, any soil storage areas and location of wetlands areas. (See Section 348.2.1 of the Zoning Regulations.)
2. _____ Submit original notarized Disturbance of Soil Permit Certification form. The form must be completed by a professional engineer licensed in the State of Connecticut. (See Section 348.2.2 of the Zoning Regulations.)
3. _____ If project involves the introduction of more than 25 cubic yards of Soil onto the property, submit original notarized Clean Fill Certification form.
4. _____ Application Fee (\$210 for fill and excavation of less than 1,000 c.y.: \$310 for fill and excavation of more than 1,000 c.y.)

APPLICATION DATE: _____

SIGNATURE OF OWNER: _____

I HEREBY CERTIFY THAT THIS APPLICATION IS BEING FILED BY THE UNDERSIGNED AS AGENT FOR THE OWNER NAMED HEREIN.

SIGNATURE OF AGENT: _____

AGENT'S ADDRESS: _____

AGENT'S PHONE: (____) _____

BY SIGNING THIS APPLICATION, YOU HEREBY GRANT THE CODE ENFORCEMENT OFFICER THE RIGHT TO ENTER ONTO THE PROPERTY TO CONDUCT NECESSARY INSPECTIONS.

CODE ENFORCEMENT OFFICER SIGNATURE: _____

DATE: _____

Disturbance of Soil Permit Certification

(Required for issuance of a permit)

Property Address : _____

Record Owner : _____

Date of Application : _____

The undersigned hereby acknowledges the right of the Town of Weston Planning and Zoning Commission and its agents to rely upon the statements and representations of the undersigned contained in this Certificate and further acknowledges that any permit issued with respect to the above-referenced application will be issued in material reliance on this Certificate.

Given the foregoing, the undersigned hereby covenants, certifies and represents to the Town of Weston Planning and Zoning Commission and its agents, as follows:

(i) I am a professional engineer registered in the State of Connecticut and am duly qualified to make the statements and representations set forth herein.

(ii) I am familiar with Section 348 of the Zoning Regulations of the Town of Weston, Connecticut (the "Regulations").

(iii) I have examined the A-2 Property Survey entitled _____ prepared by _____ bearing a date of last revision of _____ (the "Survey").

(v) The Survey conforms to the requirements of Section 348.2.1 of the Zoning Regulations of the Town of Weston.

(vi) The proposed activity described in the Survey shall not (i) increase the volume or speed of storm water discharge, (ii) materially change the direction of runoff, or (iii) increase the natural or pre-existing rate of Soil erosion on the site, each under conditions of the fifty year design storm.

(vii) My calculations conform to standard criteria contained in the Connecticut Department of Transportation Drainage Manual for hydrological and hydraulic analysis and the Connecticut Department of Environmental Protection Stormwater Quality Manual.

Name:

CT Lic. No.:

[Required acknowledgement page follows]

as the Commission or its agent finds necessary to ensure that the application complies with all applicable regulations.

345.7 There shall be no more than one apartment in any Dwelling.

346. **[Reserved]** (Deleted 5/26/11)

347 **[Reserved]** (Deleted 5/26/11)

Section 348. Disturbance of Soil

348.1 **Soil Disturbance Permit.** The deposit, re-grading, excavation and removal of Soil shall be prohibited unless a permit has been issued for such activity pursuant to this Section 348. Zoning permits and special permits issued pursuant to any other section of these Regulations shall not be deemed to satisfy the provisions of this Section.

348.2 **Permit Prerequisites.** No permit shall be issued hereunder unless the following requirements have been met³:

348.2.1 **Survey.** Submission of a survey in conformity with Section 401. Such survey shall include (i) existing vertical relief with the source of information (e.g. ground survey or aerial map), contour interval, datum, and originating benchmark identified, (ii) proposed vertical relief, (iii) proposed temporary and permanent sedimentation, run-off and erosion control measures and Soil storage areas, and (iv) location of wetland areas.

348.2.2 **Zero Incremental Runoff Certification.** Submission of a certification referencing the survey required pursuant to Section 348.2.1 and certifying that the activity shall not (i) increase the volume or speed of storm water discharge, (ii) materially change the direction of runoff, or (iii) increase the natural or pre-existing rate of Soil erosion on the site, each under conditions of the fifty year design storm. The certification shall be made by an engineer licensed by the State of Connecticut on a form prepared by the Commission. Calculations shall conform to standard criteria contained in the Connecticut Department of Transportation Drainage Manual for hydrological and hydraulic analysis and the Connecticut Department of Environmental Protection Stormwater Quality Manual.

³ **Guidance:** Additional permits may be required pursuant to, *inter alia*, (i) The Ordinance Concerning the Regulation of Inland Wetlands Watercourses in the Town of Weston, (ii) The Floodplain Management Regulations, and (iii) The Aquifer Protection Area Regulations.

- 348.2.3 **Soil Certifications.** Submission of a certification by the owner of the affected property or the Soil vendor (i) of the origin of any introduced Soil, and (ii) that any introduced Soil shall be free of any hazardous or polluting substances including, without limitation, any oil or petroleum products or any chemical liquids or solids. The Commission or its agent may, in its discretion, require submission of further certifications or soil testing results with respect to any Soil.
- 348.3 **Certificate of Compliance Prerequisites.** No certificate of compliance shall be issued with respect to activity permitted hereunder prior to (i) delivery of a certification made by an engineer licensed by the State of Connecticut on a form prepared by the Commission certifying that the permitted activity has been completed in accordance with the survey submitted pursuant to 348.2.1, and (ii) permanent stabilization of the disturbed area and removal of all temporary sedimentation, run-off and erosion control measures.
- 348.4 **Exemptions.** The provisions of this Section 348 shall not apply with respect to (i) re-grading or removal of Soil where such activity disturbs less than 2,500 square feet of surface area in the aggregate in any twelve (12) month period, (ii) the deposit of fewer than twenty-five (25) cubic yards of Soil in the aggregate deposited in any twelve (12) month period, or (iii) aggregate deposited exclusively for use on a driveway, path or terrace in connection with a residential use.
- 348.5 **Sedimentation, Run-off and Erosion Control Measures.** The Commission or its agent may require implementation of such additional sedimentation, run-off and erosion control measures as it deems necessary or desirable as a condition of issuance of any permit including, without limitation, phased construction and maintenance of areas of non-disturbance.
- 348.6 **Debris; Hazardous Material.** Stumps excavated from a property may be buried on such property only in those locations shown on the survey submitted pursuant to 348.2.1. No debris (including Soil) may be deposited for purposes of storage (i) in excess of sixty (60) days, or (ii) fewer than fifty (50) feet from any property line. No hazardous or polluting substance may be buried.
- 348.7 **Performance Bond.** The Commission or its agent may, in its discretion, require the submission of a performance bond as a prerequisite for issuance of any permit hereunder to secure performance and completion of any activity undertaken in connection with the permit. In the event a cease and desist order or order of removal is issued, the bond may be utilized to stabilize the property, install sedimentation, run-off and erosion control.

measures, or remove any Soil deposited in violation of this Section. Upon issuance of a certificate of compliance, any remaining balance shall be released.

- 348.8 **Mechanical Processing of Soil Prohibited.** Mechanical processing of excavated Soil (including, but not limited to, splitting, sifting, crushing or hammering) is prohibited.

Section 350. Signs. No exterior Sign or Sign visible from the exterior of a Structure shall be installed, erected or placed except as follows:

350.1 Residential Signs. The installation of Signs on residential parcels shall be permitted only as follows:

350.1.1 Street Address Signs. The installation of up to two (2) Signs each not to exceed two (2) square feet in area and bearing only the street address and/or the name of the resident shall be permitted.

350.1.2 Home Occupation Signs. The installation of one (1) Sign bearing only the name of the home occupation conducted therein and/or the nature of such occupation shall be permitted. Such Sign shall consist of a support post and crossbeam and a single primary placard measuring no more than two (2) square feet in area.

350.2 NSC District Signs. The installation of Signs within the NSC District shall be permitted only as follows:

350.2.1 Directional Signs. Signs for the direction of vehicular traffic may be installed as may be determined to be necessary by the Commission in its discretion.

350.2.2 Business Signs. The installation of one (1) Sign bearing only the name of such business may be installed on the front façade of the area occupied by each business operating within the NSC District. No Sign may be affixed to any surface other than a vertical wall and no portion of such Sign shall extend above the wall on which it is affixed. Liquor license permittee designation or other Signs necessary in connection with a valid liquor permit shall be permitted provided such Signs are no larger than is statutorily required.

350.2.3 Shopping Center Sign. One (1) Sign bearing only the name of the shopping center and/or its street address may be installed as determined by the Commission in its discretion.

350.3 Special Permit Signs. The installation of Signs on parcels subject to a Special Permit shall be permitted only as may be approved by the Commission in its discretion. In no event shall any Sign exceed twelve (12) square feet in area.

Town of Weston

Application For Permit

Application form must be filed
In completely and mailed or
Delivered to the town engineer

Date Rec'd. _____

Number _____

Application is here by made for a permit to:

Distance to nearest

Construct a driveway access

Wetlands _____ ft

Flood Zone _____ ft.

Street Number

Road Name

Lot Number

Application is here by made for permit to:
Describe fully with attached plot plan and
Include materials to be used.

Driveway Ordinance Received _____

Complete plans & specifications must be submitted for any Wetlands flood zone
crossings

Name of
Property Owner

Address

Town

Phone

Name of person to perform work

Company

Address

Town

Phone

Issue permit to _____

Address _____

Town _____

Phone _____

Office
Use

Bond / Fee
Amount

Bond Rec'd. () Owner () Worker
From () Permittee () Other

Starting Date: _____

Completion Date: _____

Before permit is issued, I agree to furnish a performance bond in the amount required by Town of Weston to reimburse the Town of Weston for expenses & damages caused by the execution of work, and to perform work according to the regulations for permit work as stipulated in the ordinances governing certain activities on Town roads, highways & sidewalks & construction of driveways intersecting Town roads and highways.

Signed _____

Dated _____

Driveways must be properly completed and Town Engineer advised to prevent delays in issuing certificates of occupancy.

Chapter 51. DRIVEWAYS

[HISTORY: Adopted by the Town of Weston 4-3-1974 (Ch. 12, Art. II, of the 1981 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Streets, sidewalks and public places — See Ch. 169.

Subdivision regulations — See Ch. 230.

§ 51-1. Definitions.

[Amended 7-23-1986] As used in this chapter, the following terms shall have the respective meanings ascribed to them:

ACCESS

The travelway for vehicles between the edge of the road and the property line, commonly referred to as the "apron."

DRIVEWAY

The travelway for vehicles between the access and the garage or parking area.

GARAGE/PARKING AREA

That part of the driveway near or next to the garage or home used as a parking and turnaround area.

ROAD

Public and private roads, streets or highways, and shall include roads in subdivisions.

§ 51-2. Applicability.

No person shall construct or cause to be constructed or locate or relocate any driveway or access except in accordance with the provisions of this chapter; provided, however, that the provisions of this chapter shall not apply to the maintenance and repair of a driveway or access in existence or for which a permit had been issued at the time of the adoption of this chapter.

§ 51-3. Limitations on Town responsibility.

Nothing in this chapter shall require the Town to repair or improve any driveway or access or render the Town liable to a property owner for failure to make said repair or improvement except where such repair or improvement is made necessary as a result of the widening, repair, maintaining, or relocation of a Town road.

§ 51-4. Variances.

[Amended 7-23-1986]

- A. The Board of Selectmen or its agent may, in its or his discretion, determine and vary the application of these provisions where such provisions will otherwise cause practical difficulties or unnecessary hardships in any particular case.
- B. Variances to the setback requirements of § 51-16 shall be heard by the Board of Selectmen. Notice shall be given by mail to all property owners who share a common property line from which a setback variance is requested no less than 10 days prior to the Selectmen's meeting on the variance. The applicant shall submit to the Selectmen's office a sufficient number of copies of the proposed plan along with stamped envelopes addressed to each such property owner with his application.

§ 51-5. Penalties for offenses.

Violation of this chapter shall bear a penalty as provided in Chapter 1, § 1-6, for each offense. Each day a driveway or access exists in violation of this chapter subsequent to seven days following notice by the Board of Selectmen to the owner of the property on which said driveway or access is located or to the person in charge of or occupying said property shall be considered a separate offense under this chapter.

§ 51-6. Prohibited access or egress.

- A. In addition to any other penalties as there may be, the Board of Selectmen is authorized to prohibit access to or egress from any driveway constructed, located or relocated in violation of this chapter.
- B. No regular access to or egress from premises by vehicles shall be provided except by an approved driveway and access.

§ 51-7. Permit required; action by Selectmen.

[Amended 7-23-1986] No person shall construct or cause to be constructed or locate or relocate an access or a driveway in the Town without a permit issued by the Board of Selectmen or its agent. The permit shall be acted upon by the Board of Selectmen or its agent within 10 legal working days of application.

§ 51-8. Application for permit.

- A. Application for such permit shall be made on forms furnished by the office of the Town Engineer and shall be accompanied by an accurate scale drawing showing the locations and dimensions of the proposed driveway and access in relation to the surrounding property lines; the existing road lines for 50 feet on each side of the access; the proposed dimensions and approximate grades of the driveway and the access; and any easements that may have a bearing upon the size and placement of the driveway and access. Where the driveway and access are being installed to serve proposed new construction for which a building or zoning permit is sought, the aforementioned scale drawing shall be incorporated into the plot plan

accompanying the application for the building or zoning permit.

B. The Town shall not be liable for errors and omissions, and the results thereof, contained in the application.

C. Omission of pertinent information shall be grounds for revocation or refusal of the permit.

§ 51-9. Term of permit.

Permits shall be valid for a period of one year from the date of issuance. If construction is not completed in that period, the permit shall thereupon terminate.

§ 51-10. Permit fee.

[Amended 7-23-1986] A fee of \$40 shall accompany the application for the permit mentioned herein.

§ 51-11. Permit required prior to issuance of building or zoning permit.

A driveway access permit is required prior to the issuance of a building or zoning permit.

§ 51-12. Accesses on state highways; state permits.

A. Accesses on state highways shall not require permits from the Board of Selectmen, provided that the same comply with all requirements of the State Transportation Department and required permits are obtained from the State Transportation Department, and provided further that a copy of such permit is filed in the office of the Town Engineer along with the application for a building or zoning permit prior to the commencement of any work.

B. Persons receiving state permits as provided above shall file an informational form with the Board of Selectmen or its agent before commencing driveway construction. No fee shall be required in connection with said informational form, which shall be furnished by the office of the Town Engineer.

§ 51-13. Additional permits required.

[Amended 7-23-1986]

A. Where an access or a driveway requires filling, cutting or regrading in or near wetlands, watercourses or floodplains, a permit to remove or deposit fill must be obtained from the Planning and Zoning Commission prior to the issuance of a driveway access permit, as per § 240-35 of the Town Zoning Regulations.

B. A permit from the Conservation Commission shall be required where applicable.

§ 51-14. Performance and indemnity bond.

The owner of the premises to be served by the driveway and access shall post a cash bond to guarantee completion of the work and to save harmless the Town from any liability to person or property resulting from performance of the work. The amount of bond required shall be

determined by the Board of Selectmen.

§ 51-15. Conformance to Town specifications.

[Amended 7-23-1986; 1-15-2004, effective 2-12-2004]

- A. The design and construction of the access shall conform to the Town Standard Specifications for Road Construction of the Town of Weston, which specifications are set out in the Subdivision Regulations, Chapter 230 hereof. Said specifications are incorporated herein by reference and made a part of this Code.
- B. The portion of the driveway between the edge of pavement and the right-of-way or property line shall consist of a two-inch single course of bituminous concrete on a base of six-inch crushed run stone or equal approved material, laid on a properly prepared subgrade. Each course shall be properly rolled with a roller suitable for driveway installation.
- C. The use of a Belgian block apron will not be allowed within the Town right-of-way or any Town-owned property. Where the paved portion of the Town road is located less than three feet from a property line, a Belgian block apron will not be allowed within three feet of the edge of the pavement of a Town road.

§ 51-16. Intervening distance requirements; car-length platform.

[Amended 7-23-1986; 1-15-2004, effective 2-12-2004]

- A. No access shall be located within 50 feet of the intersection of the center lines of two or more roads.
- B. Not more than one driveway shall be constructed on the same premises unless the distance between accesses is 50 feet or more.
- C. No access shall be constructed within 50 feet of another on the same side of the street. The driveway at the entrance must be located 25 feet from a side or rear property line for a distance of 25 feet into the property. Beyond that point the driveway is to be located no closer than 10 feet to a side or rear property line.
- D. The view of the edge of the road being entered shall be unobstructed for a distance of 50 feet in each direction from a point eight feet back from the edge of the existing or proposed travelway at a height of four feet.
- E. A car-length platform must be constructed between the access and the driveway in cases where the grade of the driveway exceeds 3% past the access.
- F. Provisions in this section shall not apply to driveways with access onto a permanent dead-end turnaround.

§ 51-17. Road entry angle.

A driveway and access shall enter a road at right angles when possible, and in no case shall the angle be less than 60°. This shall apply for a distance of 40 feet from the center line of the road.

§ 51-18. Access widths; machine-made curbs.

[Amended 7-23-1986]

- I
- A. The access serving one lot shall be 12 feet wide at the property line and 15 feet wide at the roadway edge. The access and driveway for one lot shall have a minimum right-of-way of 25 feet. *MAX of 25'*
 - B. The access serving two lots shall be 16 feet wide at the property line and 20 feet wide at the roadway edge. The access and driveway for two lots shall have a minimum right-of-way of 30 feet.
 - C. An access entering a curbed roadway shall have machine-made curbs tying into the roadway curbing and extending to the property line.
 - D. Where there is no roadway curbing, the driveway access pavement shall be "feathered" into the roadway pavement.
 - E. Where there is roadway curbing, a two-inch lip shall be constructed and maintained by the owner of the premises.

§ 51-19. Maximum grade.

The grade of the driveway and access shall not exceed 3% within 40 feet from the center line of the travelway. *Editor's Note: Original § 12-38.1, View of road; car-length platform, added 7-23-1986, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See § 51-16D and E.*

§ 51-20. Paved lip.

When determined by the Board of Selectmen or its agent to prevent road drainage from entering a driveway or access, a paved lip shall be constructed and maintained by the owner of the premises.

§ 51-21. Culverts.

When determined by the Board of Selectmen or its agent that the driveway or access will interfere with drainage, culverts with appropriate proper design, location, and capacity as determined by the Board of Selectmen or its agent shall be installed and maintained by the owner of the premises.

§ 51-22. Ditches, catch basins and other devices.

Water from a driveway or access must be diverted or intercepted before reaching the roadway travel path. Necessary ditches, catch basins or other devices as shall be determined by the Board of Selectmen or its agent shall be constructed and maintained by the owner of the premises.