

WARREN PLANNING AND ZONING COMMISSION

Warren, Connecticut 06754

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Connecticut Siting Council  
10 Franklin St.  
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In reply to the application for a cell tower located at Rabbit Hill Road in Warren Ct, please be advised that the town does have a plan of conservation and development since 1974. With updates in 1989 and 1999. The plan has been under review and the revised plan was approved by the Planning and Zoning Commission on March 9, 2009. We also maintain a zoning map.

The town zoning regulations contain a 34 page section on Telecommunication Towers and Facilities. The application before you from SBA does not comply with the following regulations or the information cannot be obtained from the application as submitted.

**Section 22.6.3 Findings by the Commission:** The applicant shall comply with the requirements set forth in Section 17.5 to 17.15.2, inclusive, and shall provide all information reasonably required to permit the Commission.

The Commission shall, in consultation with independent consultants, make all of the following applicable findings before granting the special permit

**B.** Applicant is not able to use an existing tower/facility, either within or outside of Warren, either with or without the use of Repeaters, to provide Adequate Coverage and/or Adequate Capacity to the Town of Warren.

**C.** Applicant has endeavored to provide Adequate Coverage and Adequate Capacity to the Town of Warren with the least number of towers and antennas which is technically and economically feasible

**D.** Applicant will be providing at least 50% of its coverage to the Town of Warren.

**E.** Efforts have been made to locate new towers adjacent to existing towers.

**F.** Applicant has agreed to rent or lease available space on the tower under the terms of fair-market lease, with reasonable conditions and without discrimination to other telecommunications providers.

**I.** Towers and telecommunications facilities shall be located so as to minimize the following potential impacts:

**1. Visual/Aesthetic:** Unless adequate coverage and adequate capacity cannot otherwise be achieved, towers shall be sited off ridgelines, and where their visual impact is least detrimental to highly rated scenic areas such as, but not limited to, those sites designated as scenic in the Warren Plan of Development. In determining whether or not a tower will have an undue adverse visual impact on the scenic or natural

beauty of a ridge or hillside, the Commission shall consider, but not be limited to:

- a. The period of time, and the frequency of viewing, during which the proposed tower would be seen by the traveling public on a public highway.
- b. The degree to which the tower is screened by topographic features;
- c. Background features in the line of sight to the proposed tower that obscures the facility or make it more conspicuous;
- d. The distance of the proposed tower from the viewing vantage point and the proportion of the facility that is visible above the skyline:
- e. The number of vehicles traveling on a public highway or waterway at or near the critical vantage point;
- f. The sensitivity or unique value of the particular view affected by the proposed development.

**Section 22.7**

	<b>Site A</b>	<b>Site B</b>
22.7.6 (Height of Tower) Max. of 150'	Dose not comply	Complies
22.7.9 (Use of Repeaters)	Dose not comply	Dose not comply

22.7.9 Use of Repeaters: The applicant shall demonstrate that it is not reasonably able to assure adequate coverage or to create adequate coverage in the Town of Warren from base stations located in other towns or to fill holes within the area of otherwise adequate coverage by use of repeaters.

22.7.10 (coverage area)	Dose not comply	Dose not comply
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22.7.10 Coverage Area: If primary coverage (greater than 50%) from proposed telecommunications facility is outside of the Town of Warren, then the permit may be denied unless the applicant can demonstrate an inability to locate within the town which is primarily receiving service from the proposed facility.

22.7.15 (lot Size/ setback)		
A	Complies	Dose not comply
B	No Information	No Information
C	No Information	No Information
D (1)	Dose not Comply	Dose not Comply

22.7.15 Lot Size/Setback Requirements: Tower setbacks shall be measured from the base of the tower (unless guy-wired) to the nearest point along each property line of the parcel on which it is located.

**A.** The minimum lot size for any telecommunications tower(s) or facilities shall be 10 acres.

**B.** No Repeater shall be closer than 200' to a dwelling unit measured at ground level, nor less than 35' above the ground.

**C.** Where guy wire supports are used, setbacks will begin at the base of the guy wire anchor (d) to the ground, not at the base of the tower.

**D.** No telecommunications facility or tower, including guy-wire anchors and protective fencing, if any, shall be located:

1. Closer than 1,500' horizontally to any structure existing at the time of application which is used as a primary or secondary residence; to the property of any school (both public and private); to any church; or to any other public building? Primary or secondary residences are those dwelling units that include toilet facilities, and facilities for food preparation and sleeping.

The application shows no E&S controls at either site. Site A has a step drive with a new access on to a town road that already has storm water runoff problems. This would need to meet our driveway regulations spelled out in section 17 as follows:

**a. Runoff from driveways.** Driveways shall be designed 1) to prevent runoff onto town property unless the Town has approved such design and 2) to prevent runoff from Town property onto private property and 3) to prevent runoff onto abutting property and 4) to prevent run off into wetlands without a permit. Privately owned and maintained drainage diversions, swales, rain gardens, detention areas and/or dry well shall be utilized to the greatest extent possible. Where private drainage features are utilized it shall be noted in the land records that maintenance of such features is the responsibility of the lot owner and that, subject to proper notification by the Town, the Town may undertake any necessary maintenance and bill the cost to the property owner. Existing roadside drainage in the Town right of way shall not be altered or obstructed. If modifications are required, the applicant (at his or her expense) shall provide plans and details of the proposed modification. The plans may be required to be prepared by a licensed professional engineer as determined by the First Selectman or his designate.

**b. Construction Standards.** Driveways shall be constructed of a durable, nonerodible, load bearing material capable of supporting emergency equipment up to 50,000 pounds. A design must be submitted to the commission. This shall include construction, drainage,

sedimentation and erosion controls and turn arounds. Driveway aprons shall be paved with bituminous concrete or other approved material from the edge of the town road to the property line or 12 feet, whichever is longer. All costs shall be borne by the applicant.

**c. Grading Standards.** Driveway grades shall not exceed 15%, and driveways with grades exceeding 10% shall be paved. Driveway grades shall not exceed 5% over the first 20 feet from the road. Driveway side slopes shall not exceed a slope of three horizontal to one vertical (3:1) unless retaining wall or other stabilizing measures are provided. The maximum grade across the width of any portion of a driveway shall not exceed 5%. All grades are to be measured using 2 foot contours.

**d. Width.** Driveway width shall be a minimum of 10 feet. Driveways shall have sufficient radius at curves to accommodate emergency equipment.

Horizontal clearance of 16 feet minimum shall be maintained (3 feet on each side of the driveway) for the entire length of the driveway. All potential obstructions including but not limited to fences, trees, stone walls, and gates shall not be located within this area.

Residential driveways shall have a minimum width of 10 feet, but shall not exceed 20 feet wide at the intersection with a public road.

Commercial driveways in the center zone shall have a minimum width of 12 feet for one-way travel and 22 feet for two-way travel

**e. Sightline.** Minimum sightline distances at the intersection of the driveway with the public road shall conform to the requirements of the Connecticut Department of Transportation. The distance may be increased where the Town Engineer determines that the rate of traffic requires a higher standard for safety.

**f. Angle of Intersection.** Driveways shall intersect with the public road at an angle of ninety degrees or as close to 90 degrees as possible. In no case shall the angle of intersection be an angle of less than seventy-five degrees.

**g. Work in Town Right of Way.** A permit is required for any work in the Town right of way, including tree trimming or removal. Any disturbance of the Town right of way shall be repaired by the permittee. Any damage by construction shall be removed at the permittee's expense and/or may be required to be restored. The construction of the driveway within the right of way is subject to inspection by the town. The town reserves the right to require additions or modifications that in the town's opinion may be necessary to protect life and property. A 72 hour notice shall be given by the applicant to the First Selectman or his designee before installation of the driveway to allow for the scheduling of inspection.

**h. Turnaround.** A turnaround area shall be provided on each lot to avoid backing into the street, except that this requirement may be waived where it is determined that lot topography or shape makes this requirement impracticable. A turnaround area of sufficient size and load-bearing capacity to accommodate emergency equipment shall be provided where driveway length exceeds 200 feet.

**i. Passing Areas.** Pullouts to accommodate two-way traffic, measuring 8 feet by 50 feet may be required on all driveways exceeding 300 feet in length. Passing areas shall generally be provided at 300 foot intervals, depending upon site conditions.

**j. Liability.** The property owner and the permittee shall be responsible for all claims of damage resulting from the construction or alteration of the driveway. The applicant and the land owner agree to hold the Town harmless against any claims made for property damage or personal injury during the construction and life of the driveway.

**k. Certificate of Construction.** Certification that the driveway was built according to the approved plan shall be provided by the installer. The Zoning officer may require that such certification is provided by a Professional Engineer in order to determine compliance with the approved plan and applicable regulations.

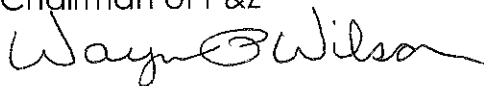
**l. Completion of work.** No certificate of zoning compliance shall be issued unless the driveway installation is completed and approved or bonded.

**m.** No portion of any driveway shall fall within 5' of any property boundary except to meet optimum site lines as called for in section e. Driveways shall be located no less than 25 feet from intersections with safety being the main consideration.

**Site B** shows a wetland next to the proposed 70' x 70' leased area with the tower being 50' from the wetland. The Town of Warren Wetland Regulations contains a 100' upland review area. We would like to make sure that all post construction runoff from the pad is not directed to the wetland and that proper E&S Controls are in place during construction to keep all work and runoff out of the wetland.

Respectfully

Wayne Wilson  
Chairman of P&Z



Craig B. Nelson  
Chairman of Inland Wetlands  
ZEO & Wetlands Enforcement

