



CONSERVATION COMMISSION
TOWN HALL – 110 MYRTLE AVENUE
WESTPORT, CT 06880
P 203.341.1170 F 203.341.1088

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**DRAFT
MINUTES
WESTPORT CONSERVATION COMMISSION
JANUARY 31, 2022**

The January 31, 2022 Special Meeting of the Westport Conservation Commission was called to order at 7:00 p.m. via Zoom.

ATTENDANCE

Commission Members:

Anna Rycenga, Chair
Paul Davis, Vice-Chair
Tom Carey, Secretary
Donald Bancroft
Paul Lobdell

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst
Ira Bloom, Town Atty.

Applicants:

Phil Pires, Atty. with Cohen & Wolf
Dean Gustafson, Environmental Consultant
Douglas Roberts, Architect
Keith Coppins, Tarpon Towers

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 business days of the January 31, 2022 Special Meeting of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Notice is hereby given of a Special Meeting of the Westport Conservation Commission to be held on **Monday, January 31, 2022 at 7:00 p.m. via Zoom** to review and offer comments regarding a proposal by Tarpon Towers and AT&T to install an approximate 130 ft. tall cell phone tower and associated site improvements at **55 Greens Farms Rd.** with an alternative location at **92 Greens Farms Rd.** The proposal will be considered at each location as it relates to the Connecticut Inland Wetlands and Watercourses Act, and the Regulations for the Protection and Preservation of Inland Wetlands and Watercourses of the Town of Westport (IWW Regulations) and the Waterway Protection Line Ordinance (WPLO)

Ms. Rycenga noted for the record that the Connecticut Siting Council (CSC) has exclusive jurisdiction over cellular wireless communication facilities. This special public meeting is just in anticipation of filing an application with the CSC for a Certificate of Compatibility and Public Need for the construction, maintenance and operation of the telecommunications facility. The Conservation Commission is acting in an advisory capacity to provide input to the CSC.

All Conservation Commission members walked the sites in preparation for the meeting.

Ms. Rycenga submitted 18 photos of 55 & 92 Greens Farms Road dated 1/31/22 from her site walk into the record.

Ira Bloom, Town Atty. stated tonight's meeting is part of the process of an application to the CT Siting Council. The CSC does consider what the local authorities have to say, but we are only advisory. The CSC has the final decision. The comments received will impact the applicant's decision to place the tower on either site. Mr. Bloom gave history that in 2014 the applicant (Tarpon Towers) pursued a tower at 92 Greens Farms Road. It was the Town's position that it is a bad land use practice siting a tower on a residential property. After 7 years, they came back. Several Town officials met with the applicant and reiterated comments from 2014. They discussed alternative sites including 55 Greens Farms Road. The Town also retained a consultant to look at the need and alternative sites. Tarpon Tower spoke with the owner of 55 Greens Farms Road including different locations on the property. Supposedly, where it is being proposed is the only place on the property where the owner would agree to having it. The Town has taken no position one or the other or any. The focus tonight is on 55 Greens Farms Road but there are 2 options. It will be up to the First Selectwoman to decide which site. An application has not been submitted to the CSC yet but will be submitted soon. He reminded the public that a public information meeting will be on February 8, 2022, which is another opportunity to provide comments.

Phil Pires, Atty. with Cohen & Wolf stated Tarpon Towers & AT&T are applicants, but Verizon will join in the application. A Technical Report was prepared for 92 Greens Farms Road. They have not done one yet for 55 Greens Farms Road nor have they entered into a lease agreement with the owner.

Douglas Roberts, Architect, described the project.

- 92 Greens Farms Road is not impacting any wetlands. The utilities will be underground. The Compound area is estimated to be 35' by 65' and sits on a roadway plateau created by the I-95 construction.
- 55 Greens Farms Road – they would look to extend the existing road. They would be crossing the wetland on a gravel road. The compound would have radio equipment, a back-up generator, surrounded by a fence and the utilities would be underground. The size of the compound has not yet been determined. It could be 35' by 65', but they are not sure.

Dean Gustafson, soil and wetland scientist, All-Points Technology, discussed activities at 55 Greens Farms Road and stated that all activities will be within the 75-foot upland review area. There will be 10,000 to 12,000 s.f. of work within the 75-foot upland review area. There will be tree removal. The direct wetland impact will be 600 to 800 s.f. with the road crossing. A portion of the access road is within the 100 year flood zone and will require compensatory storage. At 92 Greens Farms Road, the work will not result in any direct impact to the wetland and there would be approximately 2,000 s.f. of work within the 75-foot upland review area.

Mr. Carey asked what the footprint of the tower is and how deep the footings will need to be.

Mr. Roberts stated it would be a monopole. It would be 26 feet square with a 3-foot thick foundation and the footings would be 3 feet square and 6 feet deep. The rest of the compound would be gravel.

Mr. Carey asked about pouring the pad and what type of equipment would be needed.

Mr. Roberts stated they will bring in an excavator and concrete truck. They will pour the footing and set the steel. At 55 Greens Farms Road, they would need a pump truck because of the length of the accessway. The fuel source will be propane (two, 500 gallon above-ground tanks) or natural gas, if available.

Mr. Carey asked what the impact of flooding would be to the tower or is it constructed to withstand flooding conditions.

Mr. Roberts stated it is constructed to withstand flooding conditions.

Mr. Carey asked how a tower gets de-commissioned if the lease runs out or new technology arises. Mr. Roberts stated the tower would be taken down by crane, the footings removed, and the site returned to its original condition.

Keith Coppins noted that with 92 Greens Farms Road they have signed a 5 year lease with the option of 6, 5 year renewals. At 55 Greens Farms Road, they have not signed a lease but are looking at a 5 year lease with the option of 9, 5 year renewals.

Mr. Carey asked which site has more wetlands impacts.

Mr. Gustafson stated 55 Greens Farms Road has direct wetlands impact compared with the minor activity at 92 Greens Farms Road.

Mr. Davis asked how the tower is connected to the utilities in the street.

Mr. Roberts stated that all utility lines will be underground. At 92 Greens Farms Road, there will be a 100 to 150-foot run. At 55 Greens Farms Road, it will be 600 to 700 feet. Some of this area will be through the wetlands.

Mr. Davis asked if there will be maintenance required.

Mr. Roberts stated yes and no. The utilities will be in a conduit.

Mr. Bancroft asked if the construction would get in the way of Muddy Brook and would it maintain itself during inclement weather.

Mr. Roberts stated they would not be crossing Muddy Brook.

Mr. Lobdell asked what is the impact to the wetland.

Mr. Gustafson stated they have not done a full impact analysis for either location. However, at 55 Greens Farms Road, there will be direct impact to the wetland finger for the access road and soil compaction in close proximity to the wetland. Mature vegetation will be lost. This is next to a perennial stream. The cemetery area has already been developed but then it makes the existing buffer even more important to save because of water quality and habitat value. At 92 Greens Farms Road, there is no direct wetland impact. A poor relic wetland exists that has minimal function and value. It is directly adjacent to I-95 on the ConDOT corridor. There are no or little short-term impacts. He noted the compound is monitored 24/7 from a remote location. There is very little human interaction with the site.

Ms. Rycenga stated she found it challenging to review this proposal without an environmental assessment. She questioned whether a feasible and prudent alternative existed. Could the tower/antenna be placed on the building. She asked if a visibility analysis was done for the site. She stated it would be required for the Siting Council. She asked about the number of trees that would have to be removed. Would there be any mitigation? She stated there is not enough information.

Atty. Pires stated that as documents are prepared, they will be made available. He stated that putting the tower on the building is not feasible. They are siting the tower on the site in the only location the owner will allow. Site maintenance people only go out 3 to 4 times a year to check that the fences are intact, do raking, etc. Carriers go out about once a month to check on equipment. The construction sequence would be done during the next design phase and managed by the Siting Council.

Mr. Gustafson addressed the number of trees to be removed that are 6-inch dbh or greater. At 55 Greens Farms Road, they estimate 12 within the 75-foot upland review area. At 92 Greens Farms Road, there would be 4 to 5 within the 75-foot upland review area. They will do a full impact analysis for each site and this will drive the mitigation.

Ms. Rycenga noted that one site is residential and the other is commercial. However, this is the Conservation Commission, so the focus is on the wetlands issues. The Commission may not have enough information to decide. She asked about the time-frame for the CT Siting Council to review the application and render a decision.

Mr. Lobdell asked if there is an opportunity between the Town of Westport and the CT Siting Council to discuss/ask questions.

Atty. Bloom stated the Town will have an opportunity to offer comments on both properties, but he feels this pre-application time is a better time receive recommendations/comments.

Ms. Mozian reviewed photos of the sites and the site access. She asked questions related to site construction methodology. She asked about alternatives such as tower sharing, adding antennas to other locations instead building a new tower adding antennas to existing poles on I-95 or adding antennas to 55 Greens Farms Road or a church steeple. She questioned the wind load of the tower design with regard to storm impacts like hurricanes.

Mr. Roberts stated that the chain-link fence will be outside the 100-year flood. It would allow for the free-flow of water. For the site design at 55 Greens Farms Road, they are still working on it. The tower would be designed to meet the State Building Code and storms will be taken into account including a 55 mph concurrent wind with a ½-inch ice build-up.

Atty. Pires stated antennas will not satisfy the coverage needs. They have reached out to the DOT for other poles in their right of way but have not been authorized. He stated the church steeple would not work as it is not tall enough and is too narrow.

Mr. Roberts stated steeples are limited to capacity based on space.

Atty. Pires indicated that they have not found them to be a viable option.

Ms. Mozian asked about the compensatory flood storage and questioned where on the property it could be accommodated.

Mr. Roberts stated they do not have a final design.

Ms. Mozian asked whether they have determined the ownership of the accessway at 55 Greens Farms Road since it appears it belongs to the church.

Atty. Pires indicated they are still working to identify this.

Ms. Mozian reviewed a 1979 Court Stipulated Settlement that refers to a landscape plan that says the existing woods in the rear and northeast corner of the property are to remain on 55 Greens Farms Road. She indicated that there is a need to know how binding that Settlement is because that area is where the tower is proposed.

Mr. Davis noted that according to the CT Siting Council website, there are 24 sites in Westport with cell service equipment. There are 5 monopoles with 4 on commercial property. He would like to see the maintenance records on these to get an idea of what the wetland impact would be especially with regards to the wetland crossing.

Mr. Coppins stated he can only speak to the ones he is in charge of. He will only go out on an as-needed basis.

Ms. Mozian asked if all the towers are on commercial or residential properties.

Atty. Bloom stated 4 of the 5 towers are in commercial areas. The tower on Sunny Lane is in a residential zone. It was a home but is not now. The other 20 locations are in both residential and commercial properties of antennas and poles. The Town has retained its own expert, Dave Maxim. He will be at the Public Information Meeting on February 8, 2022. The Siting Council evaluates need and explores feasible and prudent alternatives.

Ms. Rycenga read the name and address of all those who submitted letters into the record, including:

| Date | Name | Address | Support/Opposed |
|-------------|-----------------------|--------------------|---|
| 1/27/2022 | Mar Aftab | 6 Valley Road | Support |
| 1/27/2022 | Melissa Geraldez | High Street | Question Health Risks |
| 1/27/2022 | Christopher Buckley | 27 Guyer Road | Opposed - Wetlands |
| 1/28/2022 | Don Bergmann | 32 Sherwood Drive | Opposed - Visually |
| 1/29/2022 | Piera Panozzo | 22 Guyer Road | Opposed - Concerns |
| 1/29/2022 | Phil Lo Presti | 23 High Street | Opposed |
| 1/30/2022 | Joe & Carmen Crosby | 26 Guyer Road | Opposed |
| 1/30/2022 | Brian & Jodi Carter | 28 Guyer Road | Opposed |
| 1/30/2022 | Stacie Shamie | 6 Overlook Road | Opposed |
| 1/30/2022 | Elizabeth Lomanto | 23 Guyer Road | Opposed |
| 1/31/2022 | Debra Shaughnessy | 38 Guyer Road | Opposed |
| 1/31/2022 | Jennifer Driscoll | 11 High Street | Opposed |
| 1/31/2022 | Mark Ciano | 27 Guyer Road | Opposed |
| 1/28/2022 | Joanna Dobransky | 14 High Street | Opposed |
| 1/28/2022 | Leonard Ances | 44 Guyer Road | Support |
| 1/28/2022 | Sharon Wylie | High Street | Opposed |
| 1/31/2022 | Allyson Greifenberger | no address | Opposed |
| 1/31/2022 | Carrie Howard | 137 Long Lots Road | Opposed |
| 1/31/2022 | Carol Steinman | 21 Valley Road | Concern with culvert |
| 1/31/2022 | James Bairaktaris | 52 Hales Court | Questions Appalled about proposal |
| 1/31/2022 | Lori Siegel | 10 Quintard Place | |

*** The Letter Written by Mark Ciano Was Also Signed Supporting His Comments By The
Following Individuals

| | | | |
|-----------|--|---|---------|
| 1/31/2022 | Mark & Christopher Buckley | 27 Guyer Road | Opposed |
| 1/31/2022 | Jonathan & Patricia Whitbourne | 41 Valley Road | Opposed |
| 1/31/2022 | Elizabeth & Salvatore Lomanto | 23 Guyer Road | Opposed |
| 1/31/2022 | Emily Lomanto | 23 Guyer Road | Opposed |
| 1/31/2022 | Elizabeth F. Lamanto | 23 Guyer Road | Opposed |
| 1/31/2022 | Charles Lomanto | 23 Guyer Road | Opposed |
| 1/31/2022 | Hillary & Daniel Cummings | 95 Valley Road | Opposed |
| 1/31/2022 | Brian & Jodi Carter | 28 Guyer Road | Opposed |
| 1/31/2022 | Mildred Bunche | 29 Guyer Road | Opposed |
| 1/31/2022 | Steven & Shari Goldstein | 4 Lakeview Road | Opposed |
| 1/31/2022 | Kara & Michael Sullivan | 62 Valley Road | Opposed |
| 1/31/2022 | Patrick & Elaine O'Keefe | 31 Guyer Road | Opposed |
| 1/31/2022 | Tony Lau | 37 Valley Road | Opposed |
| 1/31/2022 | Phil & Noelle Lo Presti | 234 High Street | Opposed |
| 1/31/2022 | Piera Panozzo | 22 Guyer Road | Opposed |
| 1/31/2022 | Noah & Weather Hammond Joanna & Christopher | 79 Valley Road | Opposed |
| 1/31/2022 | Dobransky | 14 High Street | Opposed |
| 1/31/2022 | Betsy & Mehdi Sunderji | 55 Valley Road | Opposed |
| 1/31/2022 | Melissa & Ernesto Giraldez | 17 High Street | Opposed |
| 1/31/2022 | Terrance & Susan Smith | 2 Lakeview Road | Opposed |
| 1/31/2022 | Gavin & Sheri McMahon | 35 Guyer Road | Opposed |
| 1/31/2022 | Stephen Silver | 21 High Street | Opposed |
| 1/31/2022 | Jennifer & Ryan Driscoll | 11 High Street | Opposed |
| 1/31/2022 | Suzanne Adams | 8 Lakeview Road | Opposed |
| 1/31/2022 | David & Deborah Robicheau | 7 High Street | Opposed |
| 1/31/2022 | Debra Shaughnessy | 38 Guyer Road | Opposed |
| 1/31/2022 | Carmen & Joe Crosby | 26 Guyer Road | Opposed |
| 1/31/2022 | Lisa & Sean Taylor | 10 Guyer Road | Opposed |
| 1/31/2022 | Sharon & Victoria Wylie | 10 High Street | Opposed |
| 1/31/2022 | Hugh & Alison Freeland | 25 Guyer Road | Opposed |
| 1/31/2022 | Robert Weitz | 16 Guyer Road | Opposed |
| 1/31/2022 | Todd & Maeke Paul | 29 High Street 51 Greens Farms Road | Opposed |
| 1/31/2022 | Brittany Coale | Road | Opposed |
| 1/31/2022 | Matt & Jessica Smith | 36 Guyer Road | Opposed |
| 1/31/2022 | Kelly & James Galante | 37 High Street | Opposed |
| 1/31/2022 | Paul & Maria Wichmann | 1 Gonczy Road | Opposed |
| 1/31/2022 | Arista Baltronis | 18 Guyer Road | Opposed |
| 1/31/2022 | Kimberly Weinstein | 41 Guyer Road | Opposed |
| 1/31/2022 | Lauren & Neil MacNeill | 29 Valley Road | Opposed |
| 1/31/2022 | Barbara & Richard Vomkahl | 30 High Street | Opposed |

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| 1/31/2022 | Shareef & Natalie Rabaa | 69 High Valley Road | Opposed |
| 1/31/2022 | Barbara J. Buckley | 17 Guyer Road | Opposed |

Ms. Rycenga opened the meeting to live testimony and asked members of the public to confine their comments to wetlands issues.

Jeff Goldenberg, 17 Valley Road, expressed opposition to the construction. He noted that flooding is bad and is concerned that it will get worse if there is any manipulation of the wetlands and watercourse.

Scott Mikuszewski, neighbor of 92 Greens Farms Road, noted he understands that the Commission is charged with looking at the wetland impact but the neighbors around 92 Greens Farms Road are also concerned. Why should it be on a residential property rather than a commercial property? A cell tower is more suitable on a commercial property. Three houses in the area just changed hands and were caught unaware of this as a possibility so close to their homes. This is gut wrenching news but more suitable on commercial property.

Leonard Ances, 444 Guyer Road, indicated he supports the project because the cell service is very bad especially during a storm event.

Noah Hammond, 79 Valley Road, RTM District 4, suggested that given the purview of the Conservation Commission he could not imagine that 55 Greens Farms Road would be the preferred site.

Chris Buckley, 27 Guyer Road, noted his letter focused on the adverse impact to the wetlands. He questioned the impact the Stipulated Settlement Agreement provision that states the woods need to remain.

Atty. Bloom will review the document.

There was no further public comment.

Ms. Rycenga asked if the applicant would provide more information.

Atty. Bloom acknowledged there are a lot of open questions but questioned when it is realistic for the Commission to receive more information. Weeks? Months?

Atty. Pires stated he is unsure of the timing on his end. He is okay with providing more information as they get it.

Ms. Rycenga asked if the Commission should give recommendations based on what has been provided thus far.

Atty. Pires indicated that yes, they would like to get some feedback tonight, but they cannot get back to the Commission in a timely manner.

Atty. Bloom suggested the Commission keep the meeting open and meet again.

Ms. Rycenga asked what distance to the closest home from 55 Greens Farms Road is. She and staff estimated between 200 to 250 feet.

Mr. Roberts stated he is unsure, but he believes the 200 to 250 feet is a close estimate.

Ms. Rycenga asked the Commission members what they think.

Mr. Carey stated he has no objection to keeping the meeting open. He does not see 55 Green Farms Road being a good site under any circumstances. He noted that every portion of the work is within the

wetland or upland review area. Based on the information provided, he does not see a way for the Commission to recommend a cell tower in this location. He can empathize with the neighbors of 92 Greens Farms Road but that is not his job tonight.

Mr. Davis agreed with Atty. Bloom in that the Commission needs to keep it open. He would not want to pre-judge, but he agrees with Mr. Carey from a wetlands perspective. It is too much intrusion into the wetlands at 55 Greens Farms Road.

Mr. Lobdell agreed that he wants to leave the hearing open to get more information. He does not think he has enough information, therefore, he cannot make a decision.

Mr. Bancroft stated he needs more information. He noted that it is unfortunate that wetlands are involved in all aspects of the design at 55 Greens Farms Road.

Ms. Rycenga noted she is empathetic, but the main focus of the Conservation Commission is wetlands, watercourses and natural resources. Other locations instead of 55 Greens Farms Road should be explored. 92 Greens Farms Road has zero impact to the wetlands. She feels like a survey with the exact location and resources outlined is needed.

The meeting was continued to February 28, 2022 at 7:00 p.m.

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|----------------|---|---------------------|--------------|
| Motion: | Rycenga | Second: | Davis |
| Ayes: | Rycenga, Davis, Bancroft, Carey, Lobdell | | |
| Nays: | None | Abstentions: | None |
| | | Vote: | 5:0:0 |

The January 31, 2022 Special Meeting of the Westport Conservation Commission adjourned at 9:18 p.m.

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| Motion: | Carey | Second: | Lobdell |
| Ayes: | Carey, Lobdell, Bancroft, Davis, Rycenga | | |
| Nays: | None | Abstentions: | None |
| | | Vote: | 5:0:0 |