

ZONING COMMISSION TOWN OF NEW FAIRFIELD
4 BRUSH HILL ROAD NEW FAIRFIELD, CT 06812
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MINUTES

Special Meeting
Thursday, April 28, 2011

New Fairfield Town Hall Conference Room
7:30 p.m.

PRESENT: Joe Letizia, Fred Zering, Kevin Van Vlack, Vice Chairman; John Moran, Chairman, Patrick Hearty, John Brown, Alternate, Lyn Sheaffer, Commission Secretary.

1. Call to Order

Meeting called to order by Chairman, John Moran at 7:30 p.m.

1. Workshop meeting to discuss Petition to Change the Zoning Regulations – Application: P11-01 – Sections: 7.5 – Telecommunication Facilities, 7.5.1 – Purpose, 7.5.3 – Permitted by Zoning or Other Permits. Sections: 9.2 - Telecommunications Policy Preferences and 9.2.4 – Specific Policy Preferences for Towers – A – Location. Steven Roe, applicant.

Mr. Moran explained to the Commission we cannot vote at a workshop, formal vote will be next regular meeting 5/5/11.

The Commission reviewed Atty Keating's remarks (see attached).

Mr. Moran explained he felt the Commission could take a look at the length of the balloon test and set a minimum time.

Atty. Keating's remarks

1. Prohibit the location of "communication towers" in most, if not virtually all areas of town.

Mr. Letizia stated – cannot be done.

Mr. Hearty asked if there is an optimal place in town to put towers should the number of towers be restricted. Mr. Zering questioned if that would happen.

Mr. Zering asked if Mr. Van Vlack lives in the neighborhood of the proposed tower could that be a factor in his vote. Mr. Van Vlack said he would disclose that at the vote.

Mr. Moran stated they were talking about a hypothetical situation, not a particular tower. The regulations would be for the entire town. The Commission discussed.

2. Condition “communication towers” on neighborhood approval

Cannot do, not legal

3. Create a “property tax reduction” for certain residents within a specified distance of certain “commercial, revenue generating” communications towers.

Cannot do, not legal

4. Further regulate communication tower aesthetics and prohibit all noise emissions

The Commission felt they already have 7.5.6 #5 that regulates noise level.

Aesthetics would be covered in 75.6B #129.

Mr. Moran felt the Commission already had the authority to ask for “stealth” design.

5. Impose certain additional notice and application requirements.

Mr. Moran felt this is where they could add additional time to the balloon test. The Commission discussed.

Mr. Hodge, First Selectman felt 3 days was too long, too many factors including weather. He also felt nobody would want their expensive equipment used for 3 days.

Mr. Zering agreed 3 hours was not enough, maybe 48 hours?

The Commission decided Balloon must fly on a Saturday morning 7:00 a.m. – 7:00 p.m. weather permitting. The Balloon must fly at the height of the proposed tower.

Mr. Roe’s Comments (see attached)

1. No communication tower can be constructed within 2 linear miles of an existing or proposed municipal or non-municipal tower.

Commission did not feel this was needed. The Commission has the ability to deny an application.

2. In the Spirit of open space restrictions, conservation, and environmental impact – no tower shall be constructed on any site within a quarter mile of any space previously set aside as open space, for conservation use, or that is declared an environmentally sensitive area.

Mr. Moran felt there were a lot of people across the country putting up towers to generate income. Even in park areas to generate income to pay for the park. The Commission agreed.

3. Any communications tower that is constructed for non-commercial, non-revenue generating use and has more than 20% of tower exposed must have the approval of the majority of the residents located within 1 linear mile of that tower as there is negative impact to desirability of homes/home sales.

Not Legal

4. Any communications tower that has more than 20% of its structure exposed must be of a “stealth” design to mitigate its negative aesthetic impact to the surrounding area.

Mr. Van Vlack asked if the tower is huge should we use the word “stealth”. The Commission discussed and felt it was already covered in 7.56 B

5. Any Communications tower that is constructed and contains a generator or other electrical station/substation/power source that generates noise should be prohibited from being next to a school, place of worship or cemetery or ¼ mile of any residence. Further any electrical station/substation or generator must be enclosed in a sound proof dwelling to meet specific decibel levels as set by the zoning dept.

Have noise level regulation already in section 7.56 #5.

6. Any proposed communication tower located in a wooded/forest/protected area of interest setting must have an environmental study conducted by a 3rd party expert detailing impact to wildlife, protected species and be consistent with section 9.2 Telecommunications Policy Preference.

The Commission Discussed and decided no.

Next Section

Mr. Moran stated that bullets 1-4 did not apply and the Commission could not regulate.

Mr. Moran explained at the next regular meeting he would explain the Commission was going to add the balloon study be lengthened to 7:00 a.m. – 7:00 p.m. on a Saturday, then the Commission would vote.

Meeting adjourned at 8:25 p.m.

Respectfully submitted

Lyn Sheaffer, Zoning Commission Secretary