

**MINUTES
TOWN OF DARIEN
BOARD OF SELECTMEN
SPECIAL MEETING**

June 16, 2014

A special meeting of the Board of Selectmen was held on Monday, June 16, 2014. In attendance were First Selectman Stevenson, Selectmen Hall, Marks, Nielsen and Tierney. Also in attendance were Town Administrator Kilduff, Planning and Zoning Commissioners Olvany and Sini, and Planning and Zoning Director Jeremy Ginsberg

CALL TO ORDER

First Selectman Stevenson called the meeting to order at 7:32 p.m. and noted the purpose of the meeting was to receive public input for the proposed wireless telecommunications tower to be sited on the Ox Ridge Hunt Club located at 512 Middlesex Road. It was noted that the Board of Selectmen has received some public comment via letter and the meeting was to receive more comments.

PUBLIC COMMENT on Proposed Wireless Communications Tower Facility proposed for the Ox Ridge Hunt Club located at 512 Middlesex Road

Ken Schwartz, 8 Saddle Ridge Road, read a letter which emphasized the proposed tower as being inconsistent with the Town Plan of Conservation and Development, the negative impact to property values in the immediate area of the tower, health concerns from exposure to radiation, and negative impact to aesthetics of the area. He questioned the need for the tower based on other sites previously approved but not constructed for the same carrier. Mr. Schwartz encouraged the Board to oppose the tower based on no documented need considering that other approved locations have not been built out, inconsistency with the Plan of Conservation and Development, and the need to preserve the community's character. Mr. Schwartz referenced other technology as an option including small cells, distributed antennae systems (DAS). He suggested that a consultant be hired to develop a plan that would allow for telecommunication facilities that met local requirements.

LeeLee Klein, 2 Saddle Ridge Road, noted that the proposed tower would negatively impact the entire community. Property values would decline as a result of the tower and the neighborhood would be exposed to EMF radiation. She added that while the Connecticut Siting Council does not acknowledge the health impacts of EMF radiation, the Board of Selectmen should be aware. She noted that a decrease in property values as a result of tower would impact the mill rate and impact everyone. Ms. Klein stated that other locations are being explored by the neighbors and their legal advisors. She also stated that innovations in cellular service technology would phase out towers. She felt that the Town should build a future technology plan to respond and provide better safe guards and appearance concerns. Ms. Klein stated that the Board should look at the Hunt

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Club's operations and meet with its leadership. She also asked the Board to ask AT&T to work on a better solution.

Kitty Lavin, 480 Middlesex Road, spoke in opposition to the proposed tower and questioned the local market share for AT&T. She also noted the hazards the tower would present to child health considering the number of children in proximity to the tower and children participating in programs at the Hunt Club. She also noted the negative impact on property values.

Doug Reid, 515 Middlesex Road, spoke in opposition to the tower noting that there are alternative locations and some sites were not properly evaluated. He added that technology options were not evaluated which included the use of small cells and DAS which has been deployed by AT&T elsewhere. Mr. Reid suggested that there is no demonstrated need for the tower and that the argument for data in the home is questionable. He compared Verizon's coverage in the area without the need for additional towers. Mr. Reid spoke to the impact on property values and sought the promised study from AT&T responding to the impact to values. He spoke with real estate agents which suggested a loss in home values. He spoke to the health impacts from a tower, specifically mentioning a World Health Organization report concluding EMF radiation should be a health concern, which suggests that radiation is a health concern. He also spoke to the State law which bars tower construction in proximity to a public school. He concluded by expressing disappointment by the response from the Hunt Club's leadership.

Dave Yowan, 10 Saddle Ridge Road, spoke in opposition to the tower emphasizing its inappropriateness, blemish to the natural beauty of the area, uncertain health impacts, negative impacts to property values and questioned necessity.

Stephen Olvany, Planning & Zoning Commission Vice Chairman, noted that joint meeting of the Commission and Board of Selectman was to get public input which could be developed into a response to the Connecticut Siting Council. He added that the Town would have to work within the guidelines of the Siting Council and would try to do what the Town could.

First Selectman Stevenson stated that the Town would do everything within its legal rights to oppose the tower. The Connecticut Siting Council gives some rights and disallows others.

Selectman Hall asked Town Counsel Wayne Fox if the Town had a right of first refusal for the Hunt Club and the questioned the non-profit status of the Club. He was questioning areas which might give the Town a voice in the use of the site. First Selectman Stevenson confirmed that the Town had a right of first refusal for the entire property.

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David Freelove, 599 Middlesex Road, asked for a clarification on procedure for cell tower approval. Jeremy Ginsberg responded by noting that the Town is in the first step of a process as outlined by statute. The Town is in a 90-day local consultative phase with AT&T to provide comment on the proposed tower. At the end of the 90 days, AT&T would have to make a decision to proceed to an application before the Connecticut Siting Council. The Siting Council would hold a public hearing when an application is made. The Siting Council would then meet, receive testimony and render a decision.

Ken Schwartz asked if the right of first refusal gave the Town a right to comment on the lease, as a potential future owner of the site. First Selectman Stevenson responded by explaining that the Town was exploring all of its rights granted by the right of first refusal and the Town was trying to open lines of communication with all parties.

Jenny Schwartz, 8 Saddle Ridge Road, spoke in regard to a petition for the Hunt Club Board or meet with the Town. First Selectman Stevenson noted that there was no response as of yet from the Hunt Club.

Robert Lavin, suggested exploring the possibility of cancelling the lease if the Town took control of the Hunt Club site through its right of first refusal.

LeeLee Klein questioned the timeline with AT&T. Jeremy Ginsberg made note of the 90 day period for comment and the Town would send its written comments to AT&T by June 27, 2014. He added that statute does not talk about neighbors – only the municipality during the local consultative phase.

Ken Schwartz questioned the possibility of sending a letter to the Connecticut Siting Council if an application is proposed.

Robert Lavin, asked to see a copy of the agreement AT&T has with the Hunt Club. First Selectman Stevenson stated that this was an item the Town was working on.

No further comment was offered.

ADJOURNMENT

The Board of Selectmen adjourned the meeting at 8:14 p.m.

Respectfully submitted
Karl F. Kilduff
Town Administrator