



Board of Selectmen  
Special Meeting via Zoom

April 22, 2020  
10:00 A.M.

RECEIVED FOR RECORD  
KENT TOWN CLERK

2020 APR 29 A 11:02

BY *J. Bradley*  
TOWN CLERK

Present: Jean Speck, Chris Garrity and Ed Matson.

Also, present: Melissa Cherniske, Tony DiPentima, Lesly Ferris, Donna Hayes, Connie Manes, Wendy Murphy, Sharon Norton and Patricia Oris.

Ms. Speck called the meeting to order at 10:09 a.m.

**Cell Tower:**

Due to Covid-19 an Executive Session Meeting was held via Zoom on Wednesday, April 22, 2020 at 9:00 a.m. Any motions as a result of that meeting will be made during this meeting.

Mr. Garrity made a motion to authorize Town Attorney to proceed as discussed in Executive Session. Ms. Speck seconded the motion and the motion carried.

Mr. Matson asked when the Board of Selectmen were going to announce to the Town? Ms. Speck stated that the Town Attorney will apply for party status and request a seat at the table. She added that the Town will be working with the other interveners and work towards finding alternative solutions. Mr. Matson asked who will be sharing the costs and if the Town was prepared to make a proclamation to fight all cell tower proposals. Mr. Garrity stated that Mr. Matson was not being fair. Mr. Garrity asked what is the future growth of the utilities in the Town? Mr. Matson stated the Board of Selectmen has not issued an official opinion confirming if the Town is for or against one group or for the good of the Town.

Ms. Speck read the April 20, 2020 letter from Connie Manes Chair of Kent Conservation Commission (attached). Ms. Manes expressed her concerns with the lack of action taken by the Board of Selectmen. Mr. Garrity stated that the process has been slowed due to Covid-19.

**Repeal Motion:**

Ms. Speck made a motion to repeal the following motion made at the March 20, 2020 BOS meeting:

The Annual Budget hearing will be postponed to May 29, 2020 and the Budget Meeting will be postponed to June 22, 2020, per the Governor's Executive order # 7C.

Mr. Matson seconded the motion and the motion carried.

**KAH Public Hearing:**

Mr. Garrity made a motion to approve the Kent Affordable Housing Public Hearing on Friday, May 15, 2020 at 7:00 p.m. Ms. Speck seconded the motion and the motion carried.

**Memorial Day Parade:**

Ms. Speck asked if the Board of Selectmen had any thoughts on the status of the Memorial Day Parade with the Covid-19 public gathering restrictions? Mr. Matson stated the Veteran's will be having a meeting on Tuesday, May 5, 2020 and will be discussing the parade. Ms. Speck stated the COG discussed Memorial Day a few weeks back, but felt they could not make any decisions that far out. Ms. Manes stated that the Conservation Commission would like to join the Town in the celebration and will follow their lead. She suggested maybe postponing the celebration until July 4, 2020. Ms. Speck will follow-up.

Ms. Speck made a motion to adjourn the meeting at 10:35 a.m.

  
Joyce Kearns  
Administrative Assistant

*These are draft minutes and the Board of Selectmen at the subsequent meeting may make corrections. Please refer to subsequent meeting minutes for possible corrections and approval of these minutes.*



**BOARD OF SELECTMEN  
SPECIAL MEETING  
WEDNESDAY, APRIL 22, 2020 10:00 A.M.**

**Access to meeting via Zoom**

**Zoom Conference Link:** <https://us02web.zoom.us/j/87374540985>

**Join Zoom Meeting**

<https://us02web.zoom.us/j/87374540985>

**Meeting ID: 873 7454 0985**

**1-646-558-8656 US (New York)**

**AGENDA:**

1. Cell Tower – Due to Covid-19 an Executive Session via conference call on Wednesday, April 22, 2020 at 9:00 a.m. – any motions as a result of that conference call will be made at this time at this meeting
2. Repeal the following motion made at the March 30, 2020 BOS meeting:  
Ms. Speck made the following motion:  
The Annual Budget hearing will be postponed to May 29, 2020 and the Budget Meeting will be postponed to June 12, 2020 per the Governor's Executive order # 7C.  
Mr. Garrity seconded the motion and the motion carried.
3. KAH Public Hearing
4. Memorial Day Parade



## KENT CONSERVATION COMMISSION

Kent Town Hall  
41 Kent Green Boulevard  
Kent, Connecticut 06757

April 20, 2020

Kent Board of Selectmen  
Kent Town Hall  
41 Kent Green Blvd  
Kent, CT 06757

Re: Cell Tower Proposed by Homeland Towers & New Cingular Wireless, Richards or Bald Hill Roads, Kent

To the Board of Selectmen:

This letter is sent in follow up to our letter of December 12, 2019 and public testimony at the Town Meeting of December 13, 2019 concerning what is now the application by Homeland Towers and New Cingular Wireless to the Connecticut Siting Council to erect a cell tower at one of two proposed sites in South Kent.

Within our communications we cited Kent residents' careful and painstaking work over several decades to enact municipal planning documents and regulations that are protective of Kent's unique scenic and rural character. We urged the Selectboard to take utmost care before allowing structures impacting Kent's natural scenic vistas - to ensure that such structures are necessary to achieve a municipal purpose and sited so as to prevent and mitigate impacts, causing the most minimal disruption possible. Please refer to the December 12<sup>th</sup> letter (a copy of which is attached hereto) for numerous specific references to Kent's POCD and Zoning Regulations.

At the Town Meeting of December 13, 2019 it was clear that Kent's townspeople are deeply concerned about the impact of a cell tower at either of the two proposed sites. Also at the Town Meeting, First Selectman Jean Speck assured the townspeople that the Town would explore application for Intervenor Status at such time as an application was filed. On January 2<sup>nd</sup> at a Special Meeting the Selectboard voted to seek Intervenor Status. Upon information and belief the Town has not achieved Intervenor Status in the siting application; the Siting Council's Docket #488 does not indicate the receipt of a request from the Town.

As a Commission, we share the concerns of our townspeople and the conservation organizations who testified at the public meeting. We feel a responsibility to our townspeople to require your response to our letter as well as public disclosure of your plan of action with respect to the siting application. Please let us have your update prior to our Commission's next Regular Meeting of May 20, 2020.

Sincerely,

Connie A. Manes, Esq.  
Chair, Kent Conservation Commission





## KENT CONSERVATION COMMISSION

Kent Town Hall  
41 Kent Green Boulevard  
Kent, Connecticut 06757

December 12, 2019

Kent Board of Selectmen  
Kent Town Hall  
41 Kent Green Blvd  
Kent, CT 06757

Re: Cell Tower Proposed by Homeland Towers & New Cingular Wireless, Richards or Bald Hill Roads,  
Kent

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To the Board of Selectmen:

The Kent Conservation Commission works to protect Kent's natural beauty and resources and keep Kent a healthy place to live, work and visit. We are responsible for creating and updating reports including the Town Natural Resources and Conservation Inventory, maintaining open space and public recreational inventories, educating the public about the natural resources and environment in and around Kent, and advising municipal commissions and departments on matters impacting conservation and environmental resources. In that regard we respectfully submit the following comments on the cell tower proposed by Homeland Towers and New Cingular Wireless PCS on Richards Road or Bald Hill Road.

### 1. Kent Community Priorities for Preserving Scenic Views

Fundamental to Kent's natural beauty and rural character are its stunning, sweeping views of the Southern Berkshire foothills from scenic country roads as well as public trails and lakes.

Kent residents have taken great pains to enact zoning regulations that are protective of Kent's scenic aspect. In 2005, the Town of Kent was the first in Connecticut to enact Horizon-line Conservation District overlay zoning, "to conserve and protect the hill summits and ridges that form the high horizon visible from the town's system of roads".<sup>1</sup> In its most recent update to the Zoning Regulations, Kent's Planning and Zoning Commission addressed telecommunications facilities in Section 9600. The stated purpose of the regulations is to "• Preserve the scenic, historic, environmental, and natural character and appearance

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<sup>1</sup> "The specific goals of the District include the preservation of scenic views and vistas that are critically important to the rural landscape and character of the Town, and the minimization of erosion and sedimentation hazards caused by the development and use of steep hillsides and ridges." Town of Kent Zoning Regulation 5710. Proposed uses within Horizon-line District areas are subject to additional review depending on area, height, and other potential disturbances.

of the Town of Kent while allowing adequate telecommunications services to be developed. • Establish locations least disruptive to the public health, safety and welfare in Kent and consistent with the Plan of Conservation and Development. • Minimize adverse visual effects through proper design, siting and vegetative screening. • Avoid potential damage to adjacent properties. • Minimize the height of towers and the number of towers, especially free-standing towers. • Provide for the orderly removal of abandoned antennas and towers. • Provide guidance for towers and other wireless communication facilities which are subject to the jurisdiction of the Connecticut Siting Council. • Require the submission of information necessary to evaluate the proposed facility.” Kent Zoning Regulations, Section 9610. For towers, the Regulations encode a preference for locations outside the Horizon-line Conservation Overlay District, and locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening and have the least long-range visual effect. Kent Zoning Regulations, Section 9630.

Kent’s most recent town Plan of Conservation and Development (POCD) was completed in 2012. Both the introduction to the POCD and the order in which strategies are presented strongly underscore that protecting and maintaining scenic rural character is Kent’s topmost priority.<sup>2</sup> The POCD strongly underscores a community objective of protecting scenic beauty, recognizing that Kent’s scenery plays a large part of what draws visitors to our town and its businesses, influences parental choices about our exceptional boarding schools, and compels new residents to purchase homes and settle here. Among strategies to preserve natural and rural heritage, the POCD asserts that “Kent will continue and refine use of the Horizonline Conservation District standards to help preserve scenic integrity of the Town’s landscape.” POCD, p.8. The POCD goes on to discuss means of mitigating the impact of “disruptive” communications infrastructure in the Village Center by limiting future above-ground facilities, as well as other means of limiting the impact of residential and commercial development on the rural, scenic aspects of the town.

This conservation-weighted approach continues throughout the POCD, which addresses telecommunications as such: [T]he Town should carefully evaluate proposed locations and siting of telecommunications towers or other major facilities to prevent or mitigate environmental and scenic impacts” POCD, p.25, and “[t]he Town should continue to monitor state regulations regarding cell towers in order to ensure inclusion in siting discussions of possible future installations. Cell tower locations should not be approved without comment by PZC and Town Officials.” POCD, p.45.

These explicit directives are supported by many additional municipal mandates to protect Kent’s scenic views. In 1989, the Town passed a Scenic Road Ordinance intended to protect scenic vistas among other specific criteria.<sup>3</sup> This Commission’s Town Character Study, incorporated within the POCD as Appendix

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<sup>2</sup> According to the POCD “Kent’s rural character is highlighted by the valley and ridge topography of the Town’s land area...Open space protection efforts and strong land use controls, including horizonline protection, have helped preserve Kent’s rural character and should be continued.” POCD at p.2.

<sup>3</sup> “In 1987 the Connecticut State Legislature enacted PA 87-280 authorizing certain rural two-lane state highways or portions of them to be designated as “Scenic Roads.” The Act was intended to recognize the sight-seeing appeal of such roads ...Many towns, including Kent, followed with similar ordinances. Kent’s Scenic Road Ordinance, passed

L, names, maps and describes special areas of beauty and character to provide guidance on preserving critical elements of the Town's rural character. Finally, the Conservation Commission's Natural and Cultural Resources Inventory, again updated and incorporated by reference into the POCD, devotes an entire chapter to Recreational and Scenic Resources (Chapter 10).

## 2. Impact of Proposed Tower Sites

It should be noted that a full environmental assessment of the Richards Road site is not included in the Technical Report provided by Homeland Towers and New Cingular Wireless. The Conservation Commission makes no statement about non-viewshed-related environmental impacts of the Richards Road site at this time; it will do so once a full assessment has been published. It should additionally be noted that the Technical Report filed in connection with the tower proposal states that a "balloon float" will be conducted at each of the proposed sites in order to prepare a visibility analysis. In the event such activities are performed, the Conservation Commission may prepare additional comments related to viewshed, to supplement its comments herein.

At this time however it is clear that a tower at either of the proposed cell tower sites would be visible from many areas of Kent. The Richards Road site is within the Horizon-line Conservation District, a map of which is appended hereto.<sup>4</sup> A viewshed analysis prepared by the Center for Community GIS in late November, also appended hereto, demonstrates the projected visibility of a tower from either site in both bare-earth and leaf-on scenarios.

As can be seen, a tower sited at either Bald Hill Road or Richards Road would be clearly visible - even during times of full foliage - from all of South Spectacle Lake, a publicly accessible lake. At both sites, a tower would be visible from North Spectacle Lake, the location of a popular summer camp business in town. During leaf-off at both sites a tower would likely be visible from the Appalachian Trail and many other public trails in Kent, Warren and Washington, as well as from a substantial part of Lake Waramaug, a renowned publicly-accessible lake drawing countless visitors each year to vacation homes and a popular State Park. The Richards Road site maintains this impact on Lake Waramaug even during times of full foliage.

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in 1989, allows property owners to petition the Planning and Zoning Commission to designate their road as "scenic" based on specific criteria, including scenic vistas, stone walls and a preponderance of mature roadside trees. Natural & Cultural Resources Inventory, p.101.

<sup>4</sup> HORIZON BELTS METHODOLOGY The Horizonline Conservation District defines the elevated areas of Kent where the construction of a 35' structure, or portion of, would project above the natural topography and thus form a silhouette against the sky. The intersection of sky and landform (regardless of vegetation height) is defined as the horizonline and is specific to viewing locations. The viewing locations for this map were considered to be from along Kent's system of public roads. The viewing points selected for GIS analysis include road intersections, town boundaries, and hydrographic ridgelines. The horizon belts selected for protection were those within 1000 feet of a ridge or overlaying slopes  $\geq 15\%$ .

In sum, a tower at either of the Bald Hill Road or Richards Road sites would negatively impact scenic views from public roads and public recreation attractions including fishing and swimming areas. These scenic views are integral to Kent's identity as a beautiful, small, special, healthy place to live and visit in the great outdoors. Kent's residents care deeply about the natural and rural appearance of their town and in fact depend significantly on Kent's scenic aspects as an economic driver and contributor to personal wellness. For these reasons, the utmost care should be taken to: (a) limit cellular infrastructure to the minimum necessary, (b) site cellular infrastructure in areas of least impact on viewshed, and (c) use infrastructure designed to minimize visibility and viewshed impact. Care should also be taken to weight these considerations against the marginal impacts in coverage shown in the Technical Report.

Thank you for helping to ensure that the priorities and strategic objectives of the Town of Kent and its residents are given full consideration in planning and decisionmaking in matters significantly impacting these objectives.

Sincerely,

A handwritten signature in black ink, appearing to read 'Connie A. Manes', with a large, stylized loop at the end.

Connie A. Manes, Esq.

Chair, Kent Conservation Commission

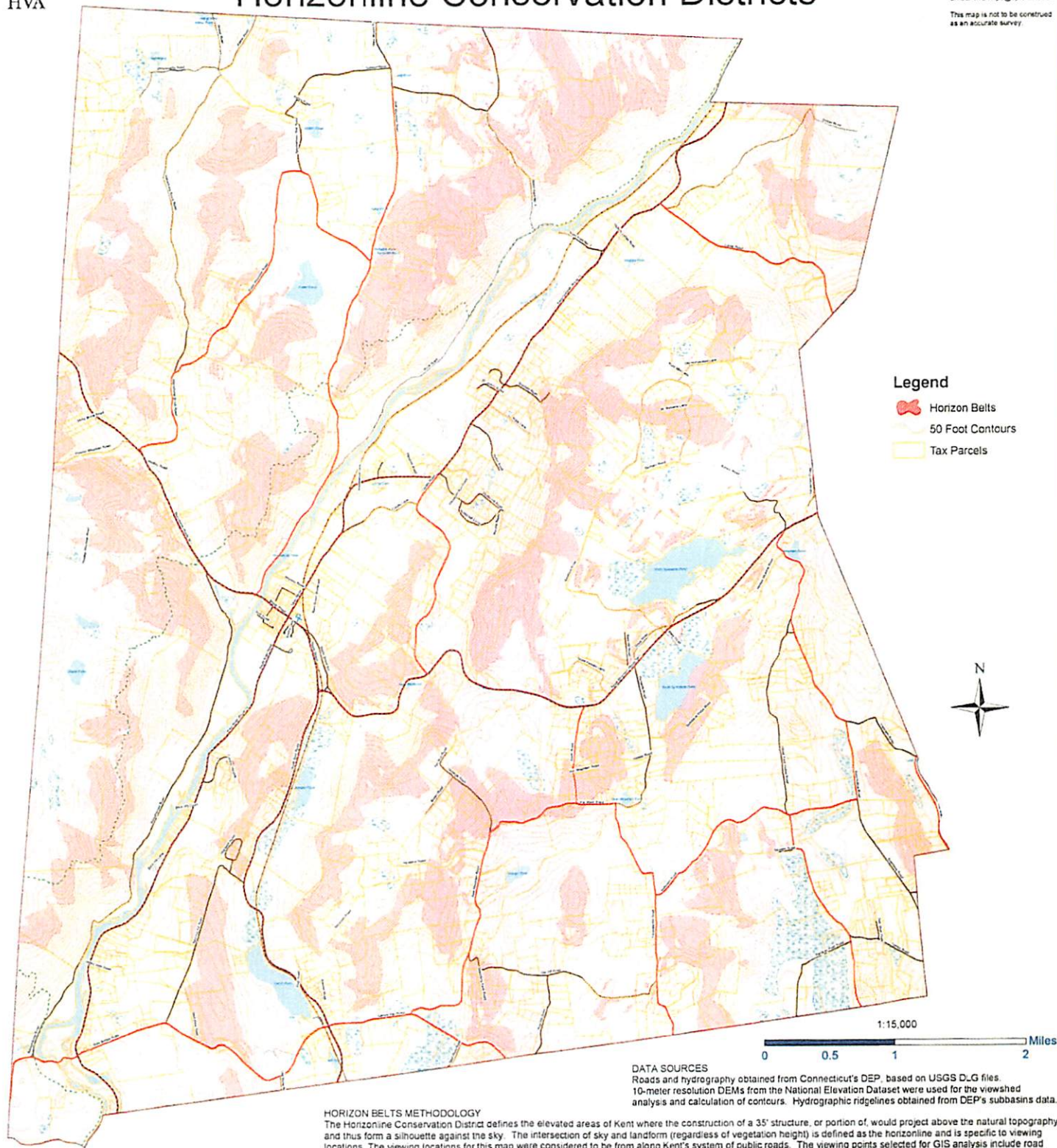




# TOWN OF KENT, CONNECTICUT

## Horizonline Conservation Districts

Map prepared on 4/14/05 by  
Kirk Sinclear, PhD, GIS Manager  
Housatonic Valley Association  
100 Kent Road, PO Box 216  
Cornwall Bridge, CT 06754  
Phone: 860-672-6678  
Email: [hvamaps@optonline.net](mailto:hvamaps@optonline.net)  
This map is not to be construed  
as an accurate survey.



**DATA SOURCES**  
Roads and hydrography obtained from Connecticut's DEP, based on USGS D.G. files.  
10-meter resolution DEMs from the National Elevation Dataset were used for the viewshed  
analysis and calculation of contours. Hydrographic ridgelines obtained from DEP's subbasins data.

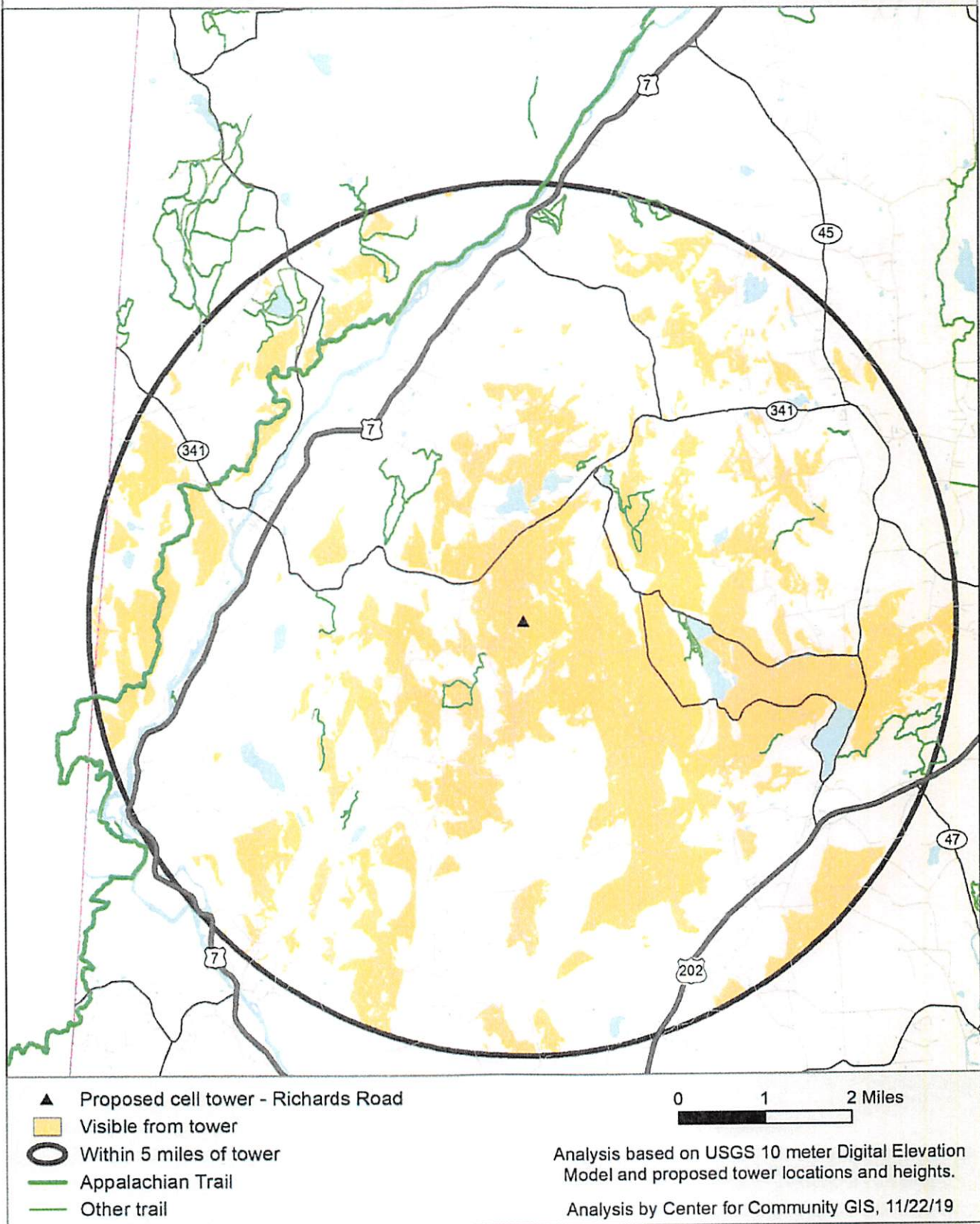
### HORIZON BELTS METHODOLOGY

The Horizonline Conservation District defines the elevated areas of Kent where the construction of a 35' structure, or portion of, would project above the natural topography and thus form a silhouette against the sky. The intersection of sky and landform (regardless of vegetation height) is defined as the horizonline and is specific to viewing locations. The viewing locations for this map were considered to be from along Kent's system of public roads. The viewing points selected for GIS analysis include road intersections, town boundaries, and hydrographic ridgelines. The horizon belts selected for protection were those within 1000 feet of a ridge or overlaying slopes  $\geq 15\%$ .



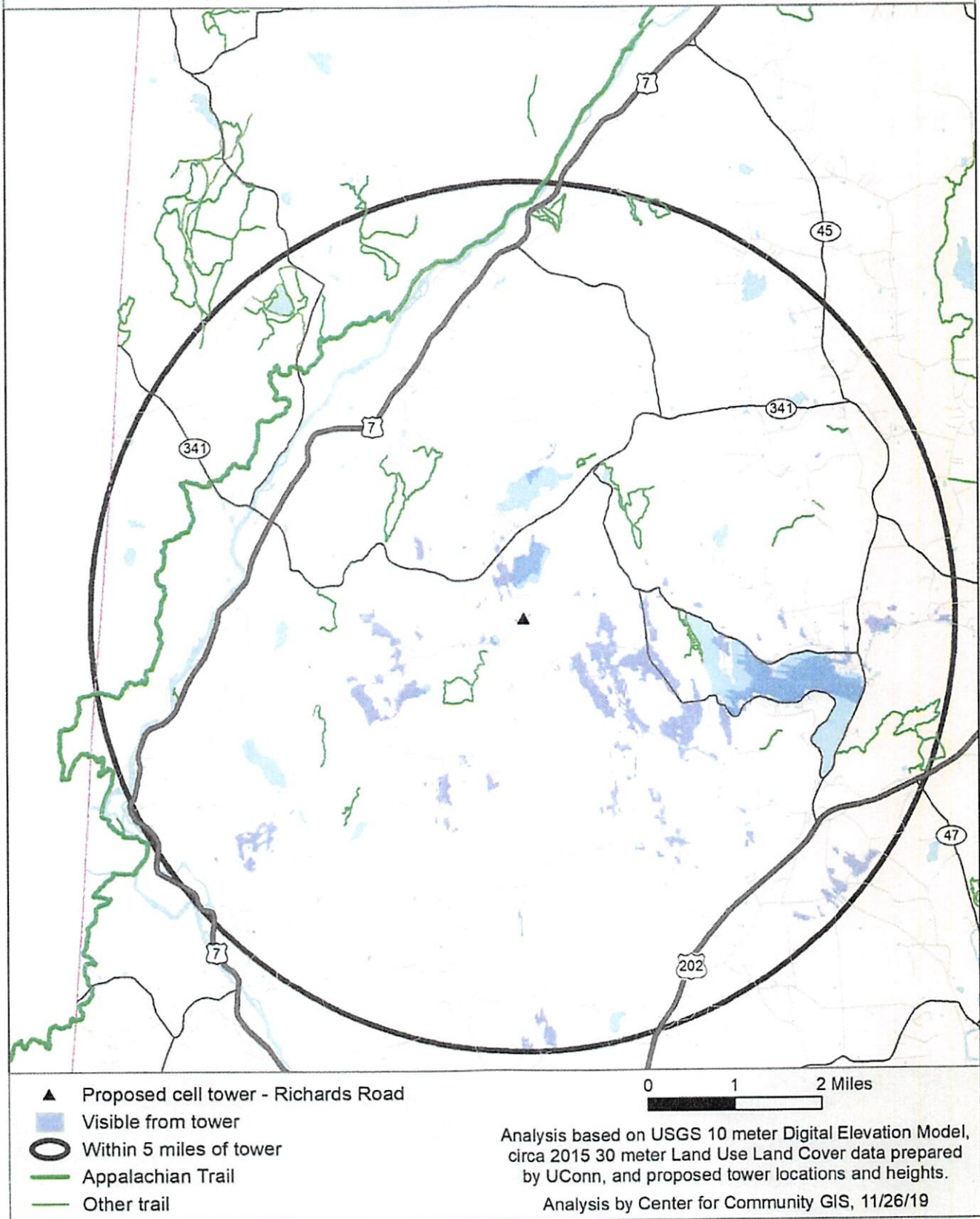
# Visibility of Proposed Cell Tower, South Kent, CT

This bare earth analysis does not factor in possible visible obstructions from land cover, such as trees or buildings.



# Visibility of Proposed Cell Tower, South Kent, CT

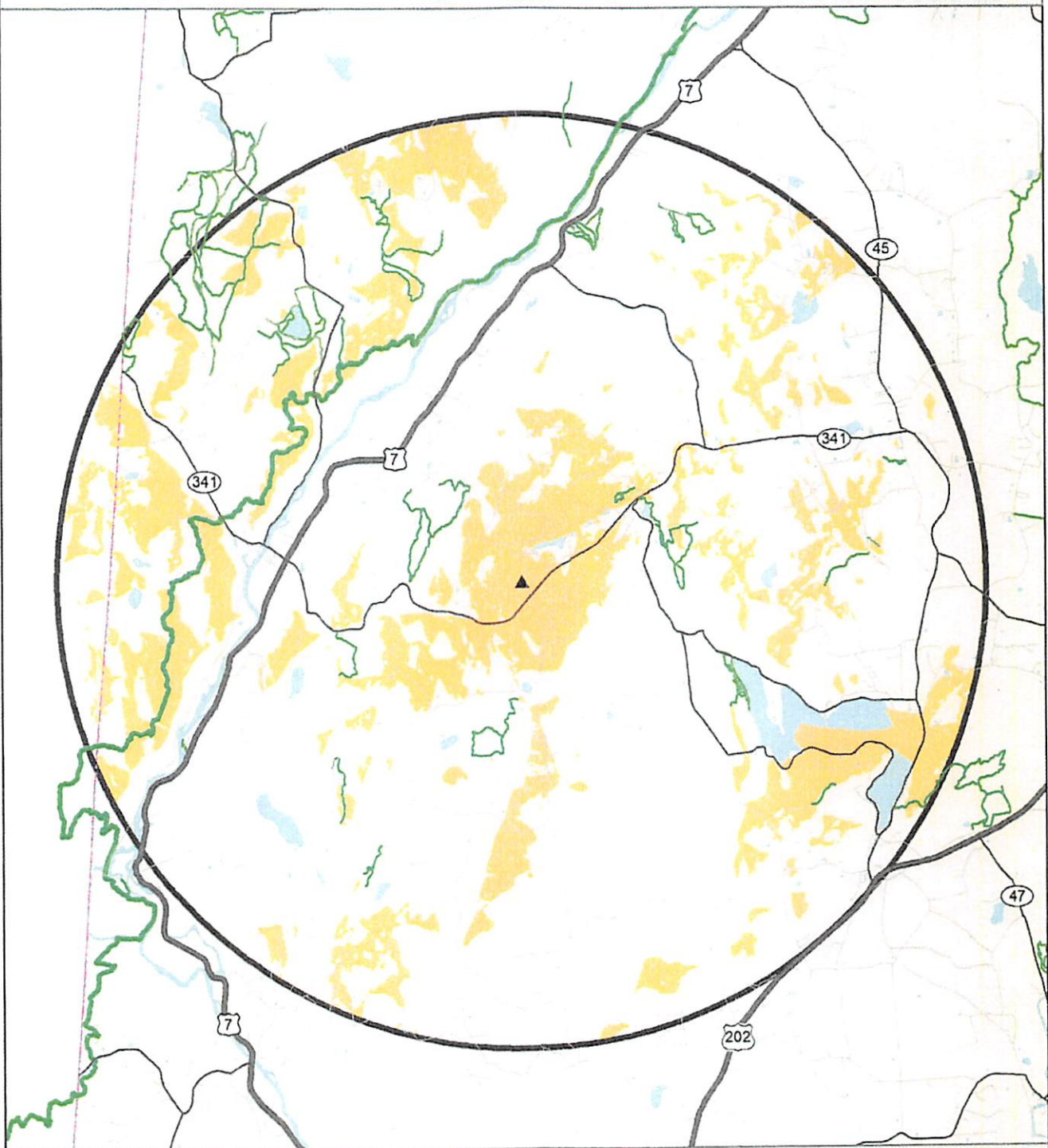
This analysis uses land cover data to account for forested areas obstructing tower visibility.





# Visibility of Proposed Cell Tower, South Kent, CT

This bare earth analysis does not factor in possible visible obstructions from land cover, such as trees or buildings.



- ▲ Proposed cell tower - Bald Hill Road
- Visible from tower
- Within 5 miles of tower
- Appalachian Trail
- Other trail

0 1 2 Miles

Analysis based on USGS 10 meter Digital Elevation Model and proposed tower locations and heights.

Analysis by Center for Community GIS, 11/22/19

# Visibility of Proposed Cell Tower, South Kent, CT

This analysis uses land cover data to account for forested areas obstructing tower visibility.

