

ORIGINAL PLF 155 PLF 45

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VERBATIM PROCEEDINGS

WEST HARTFORD TOWN COUNCIL

RE: ORDINANCE REGULATING PUBLIC UTILITY STRUCTURES

WEST HARTFORD TOWN HALL
50 SOUTH MAIN STREET
WEST HARTFORD, CONNECTICUT
OCTOBER 24, 2000
6:42 P.M.

POST REPORTING SERVICE
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1 . . . Verbatim Proceedings of a meeting
2 of the West Hartford Town Council in the matter of an
3 ordinance regulating Public Utility Structures held on
4 October 24, 2000 at 6:42 p.m. at the West Hartford Town
5 Hall, 50 South Main Street, West Hartford, Connecticut.
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10 MAYOR ROBERT BOUVIER: I will call the
11 public hearing to order on a substitute ordinance
12 regulating the Public Utility Structures. I'd like to
13 read into the record any correspondence -- sure. A
14 roll call, please.

15 (Whereupon, the roll call was taken.)

16 MAYOR BOUVIER: I'd like to read into
17 the record correspondence from the Office of
18 Corporation Counsel dated October 17, 2000 regarding
19 the proposed substitute ordinance. Mr. Feldman,
20 anything from the administration?

21 MR. BARRY FELDMAN: Mr. Mayor, Pal Alair
22 is going to describe the ordinance that's before you
23 tonight.

24 MAYOR BOUVIER: Mr. Alair.

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1 MR. PAT ALAIR: Thank you, Mr. Mayor.
2 First of all, I apologize for the last minute
3 substitute substitute for the revised revision. This
4 ordinance in a, in its original format was drafted
5 probably four or five years ago. And when we
6 perceived, the administration perceived the need to
7 reactivate and bring it forward, we did so and I'm
8 ashamed to say that I didn't give it the once over
9 again that I should have. And for a variety reasons
10 they were several versions that made it to you before
11 the final version that you have tonight.

12 The intention here is to regulate boxes,
13 for want of a better term. The structures that we see
14 around town and with the proliferation of
15 telecommunications carriers and other various public
16 utilities, with deregulation in the electrical
17 industry, there seems to be a proliferation of boxes
18 cropping out of the ground. And some of them are small
19 and discrete and no one really worries about them, some
20 of them are rather large and unsightly. And the
21 intention here is to provide that those boxes which are
22 large and unsightly at least can be regulated as uses
23 within a parcel of property, much as we would regulate
24 any other use. If you build a shed in your backyard

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1 it's regulated as an accessory use. There is no reason
2 why a utility structure, the size of a shed, shouldn't
3 be regulated.

4 There is an exemption in the ordinance
5 for small structures and structures that are, if you
6 will, routine like telephone poles, fire hydrants,
7 things of that nature. And it would give the town
8 planner the ability to say to people who come into him
9 for other things, you've got to go to the TP&Z for a
10 special use permit.

11 MAYOR BOUVIER: Thank you, Mr. Alair.
12 Would the Town Planning and Zoning then dictate the
13 terms that if it were unsightly that they would
14 prescribe that it had to be landscaped appropriately?
15

16 MR. ALAIR: Exactly. It would be, it
17 would be treated for -- although it's not truly an
18 accessory use, as that term is defined in our
19 ordinance, it would be treated in terms of its
20 placement on the lot as an accessory use. If it's the
21 normal situation that they're built on a lot where
22 there is an existing business or residence or
23 something. And they would be treated as accessory uses
24 for purposes of their placement. The TP&Z in

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1 accordance with the special use permit regulations
2 would then be able to prescribe screening requirements
3 and other locational requirements. MAYOR

4 BOUVIER: Thank you. Mr. Shulansky. M R .

5 JOHN SHULANSKY: Thank you, Mr. Mayor. For you
6 corporation counsel, how would this affect, for
7 example, the building that's going up presently at the
8 corner of South Main Street and Segwick Road?

9 MR. ALAIR: That's a main use and this
10 ordinance does allow a public utility structure to be
11 regulated as a main use as well as an accessory use.
12 And that would, again, I don't think -- Mila is sitting
13 here -- I don't think that would have been changed.

14 MS. MILA LIMSON: That --

15 MR. ALAIR: It would be treated the same
16 way because it's a main use on the lot.

17 MS. LIMSON: The only exception --

18 MR. ALAIR: Really the impact is on
19 these boxes that go onto a lot where there is already
20 an existing use.

21 MS. LIMSON: The only exception would be
22 that that would not have an administrative approval,
23 that would have gone to the Planning and Zoning
24 Commission under this ordinance. And basically what it

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1 would achieve is basically the same types of
2 improvements as the landscaping and the screening and
3 all of the other types of elements that the Planning
4 Commission would be seeking.

5 MR. SHULANSKY: And, again, if I'm not
6 mistaken, again, through the Mayor, it would require
7 whether it would be main use or accessory use that the
8 lot lines, that the lot lines have to be met and all of
9 the other zoning requirements would have to be
10 addressed.

11 MR. ALAIR: That's correct.
12 The only difference being whether it's the lot lines
13 for main uses or accessory uses would apply.

13 MR. SHULANSKY: Thank you.

14 MAYOR BOUVIER: Any questions from the
15 Council? Ms. Gillette.

16 MS. LIZ GILLETTE: I notice that the
17 language is similar to the rest of the section and
18 applies also here. "Utility structures shall be such
19 as to prevent hazard to the public and surrounding
20 property." I mean that strikes me a little as boiler
21 plate. Where does that, where does the issue of, you
22 know, we're all going to die of cancer because it's
23 giving out waves -- which came up with the towers.
24 There was great big concern with no statistical backing

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1 that it was that kind of a hazard. And does this --

2 MR. ALAIR: Well, first of all, that
3 language which is in the new version if you look at the
4 old version --

5 MS. GILLETTE: Is in the old version.

6 MR. ALAIR: -- it's just carried over.
7 We don't have a whole lot of track record on having
8 issues of that type so I can't tell you how on a day to
9 day basis that would be applied. I can tell you that
10 with respect to telecommunications facilities the
11 Federal Telecommunications Act expressly prohibits
12 municipalities from regulating telecommunications
13 facilities on the basis of RF radio frequency
14 emissions. If they are licensed by the FCC, if they
15 meet the FCC emission standards we don't even hear it.
16 If somebody gets up and during a special use permit
17 application for a cell tower, TP&Z says sorry, that's
18 not our purview, call the FCC. The only thing we can
19 do is ask for verification that it meets their
20 guidelines. And we do that with telecommunications
21 towers.

22 With electrical facilities, I don't know
23 that there is any regulation on that or what the
24 standards would be. I think DPUC probably has

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jurisdiction over that.

MS. GILLETTE: Okay, thank you.

MAYOR BOUVIER: Any other question from the Council? If not, is there a sign up sheet, Mr. Alair, with respect to this issue?

MR. ALAIR: There is, Mr. Mayor. It is blank.

MAYOR BOUVIER: Thank you. Is there anybody here who would like to speak to this particular ordinance? If not, I close the public hearing.

(Whereupon, the hearing was adjourned at 6:47 p.m.)

CERTIFICATE

I, Paul Landman, a Notary Public in and for the State of Connecticut, and President of Post Reporting Service, Inc., do hereby certify that, to the best of my knowledge, the foregoing record is a correct and verbatim transcription of the audio recording made of the proceeding hereinbefore set forth.

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In witness whereof I have hereunto set my hand and do so attest to the above, this 3rd day of November, 2000.



Paul Landman,
President

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