

**STATE OF CONNECTICUT
SITING COUNCIL**

DOCKET NO. 488 - Homeland Towers and New Cingular Wireless Application for a Certificate of Environmental Compatibility and Public Need for the proposed construction, maintenance and operation of a wireless telecommunication facility on one of two sites in Kent, Connecticut.


JULY 14, 2020

AFFIDAVIT OF CONNIE A. MANES

I, Connie A. Manes, the undersigned, being duly sworn, do depose and say:


1. I am over the age of eighteen and believe in the obligations of an oath.
2. I reside at 29 Treasure Hill Road, South Kent, Connecticut 06785.
3. I am the Chair of the Town of Kent Conservation Commission ("Commission"). I was a member of the Commission in December 2019.
4. Attached hereto is a copy of my December 12, 2019 letter to the Town of Kent Board of Selectmen. That letter sets forth the Commission's comments on the above application to the Connecticut Siting Council for approval of the location of a proposed wireless telecommunications tower facility on Bald Hill Road or 93 Richards Road in Kent.
5. My letter fairly and accurately describes the Commission's comments on this application, and is submitted as the Commission's pre-filed written testimony.
6. I believe the facts contained therein are true and accurate to the best of my knowledge and belief.

FURTHER the deponent sayeth not.



Connie A. Manes

Subscribed and sworn to before me this 16th day of July, 2020. This document was remotely notarized and/or witnessed and executed under the authority granted by Connecticut Governor Lamont's Executive Order 7Q dated March 30, 2020, providing for remote execution of notarized documents, testamentary documents and documents to be recorded on the land records of a municipality using simultaneous and recorded remote video teleconferencing technology.



Kellyann Stapleton

Commissioner of the Superior Court/Notary Public.

My commission expires: 3/31/2025



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

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".¹ 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

¹ "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.² 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.³ This Commission’s Town Character Study, incorporated within the POCD as Appendix

² 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.

³ “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.⁴ 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.

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.

⁴ 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,



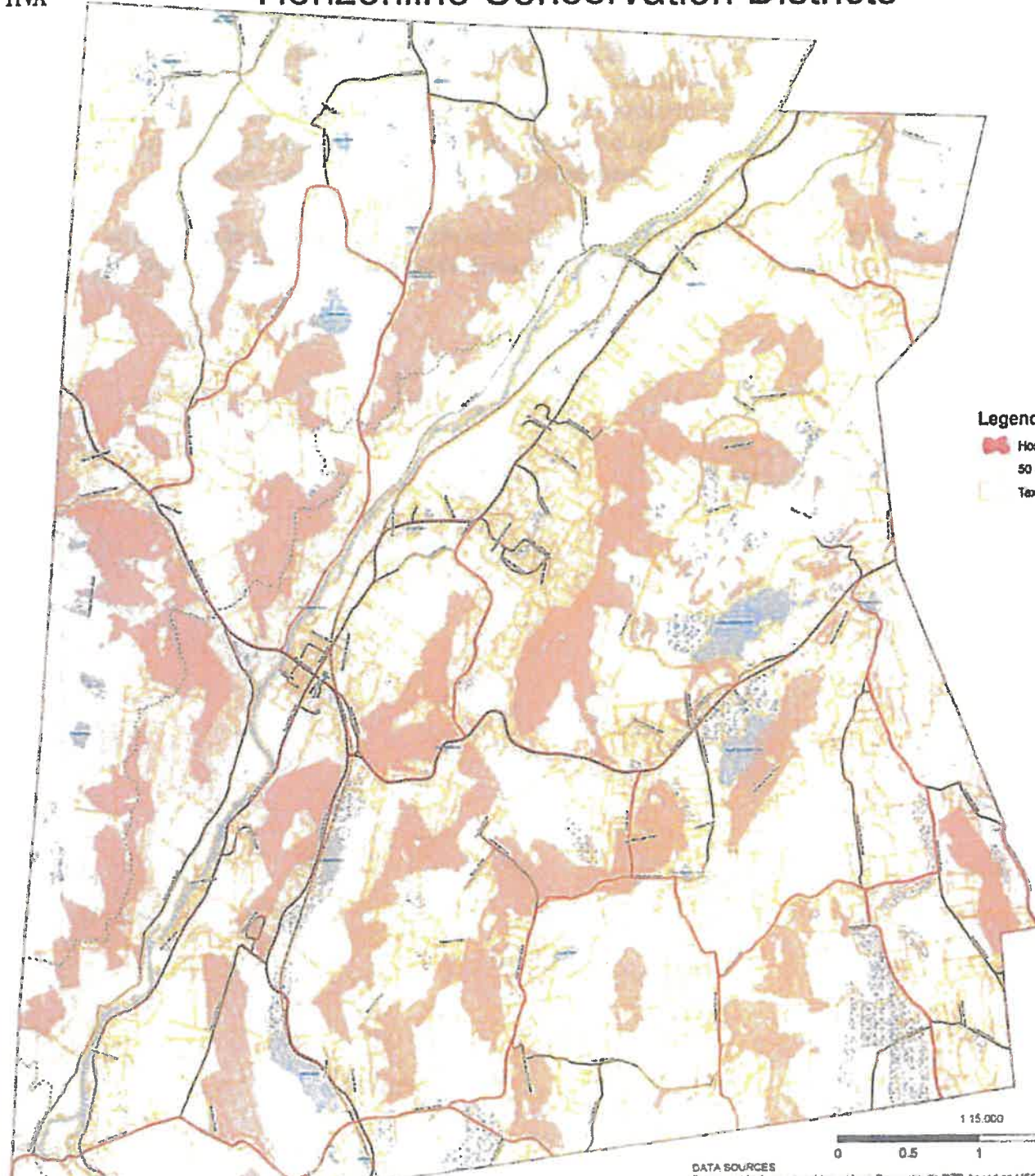
**Connie A. Manes, Esq.
Chair, Kent Conservation Commission**



TOWN OF KENT, CONNECTICUT

Horizonline Conservation Districts

Map prepared on 4/14/05 by
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 This map is not to be construed
 as an accurate survey.



- Legend**
- Horizon Belts
 - 50 Foot Contours
 - Tax Parcels

DATA SOURCES
 Roads and hydrography obtained from Connecticut's DEP, based on USGS DLG files.
 10-meter resolution DEMs from the National Elevation Dataset were used for the watershed
 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 overlying slopes >= 15%.

CERTIFICATE OF SERVICE

This is to certify that a true copy of the above Affidavit of Connie A. Manes was or will immediately be delivered electronically on July 16, 2020 to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will immediately be electronically served.

Ms. Melanie Bachman, Executive Director
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Dated: July 16, 2020
Danbury, CT


Daniel E. Casagrande, Esq.