

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:	:	
	:	
APPLICATION OF HOMELAND	:	DOCKET NO. 509
TOWERS, LLC FOR A CERTIFICATE OF	:	
ENVIRONMENTAL COMPATIBILITY AND	:	
PUBLIC NEED FOR THE	:	
CONSTRUCTION, MAINTENANCE AND	:	
OPERATION OF A	:	
TELECOMMUNICATIONS FACILITY AT	:	
1837 PONUS RIDGE ROAD, NEW	:	JUNE 14, 2022
CANAAN, CONNECTICUT	:	

MOTION FOR SITE INSPECTION

Party Mark Buschmann, Trustee, and Mark Buschmann, as intervenor in this proceeding pursuant to C.G.S. § 22a-19, moves for a viewing of the property involved in this application by the Siting Council. In a judicial proceeding, whether and to what extent a view of the subject matter in dispute is to be taken rests in the sound discretion of the court. *O'Connor v. Dory Corporation*, 174 Conn. 65, 72 (1977); *LaVoie v. Marshall*, 141 Conn. 681, 687 (1954). The inspection may be limited to those areas where a view would give the finder of fact a clearer understanding of the issues in dispute. *Dickson v. Yale University*, 141 Conn. 250, 256 (1954). In this application, the adjudicative body is the Siting Council, and a view is necessary and important to a clearer understanding of the issues and evidence to be presented. *Dickson v. Yale University*, 141 Conn. 250, 256 (1954).

The purpose of a site inspection is to acquaint the members of a commission with the property at issue, and “may be necessary for commissioners thoroughly to evaluate property that is the subject of an application.” *Grimes v. Conservation Commission*, 243 Conn. 266, 277 (1997). The vegetation and the topography of the proposed location for the telecommunications facility, as well as its relationship to adjacent properties, may best be understood by a physical inspection. Provided that no *ex-parte* communication takes place, a site inspection is neither a hearing nor an integral part of the hearing process, and so no public notice is necessary. *Id.*, 278-9.

Respectfully submitted,

MARK BUSCHMANN, TRUSTEE, PARTY
MARK BUSCHMANN, INTERVENOR

By 

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically mailed to the following service list on June 14, 2022.


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David F. Sherwood
Commissioner of the Superior Court