

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 :
CANAAAN, CONNECTICUT ::
:
: JULY 6, 2022

**RESPONSE OF PARTIES MARK BUSCHMANN, TRUSTEE AND JAMIE
BUSCHMANN, TRUSTEE, AND MARK BUSCHMANN, INTERVENOR UNDER C.G.S.
§ 22A-19 (“JMB”) TO APPLICANTS HOMELAND TOWERS LLC AND NEW
CINGULAR WIRELESS PCS LLC (“AT&T”) INTERROGATORIES**

Q1. Identify the number, size and fuel type for any source of heating for the property located at 359 Dan’s Highway.

Response: One propane gas furnace.

Q2. Identify the number and approximate size of any trees removed for the additions/renovations, including the addition, the in-ground pool and the cabana project at 359 Dan’s Highway.

Response: No trees were removed for JMB additions/renovations at 359 Dan’s Highway.

Q3. Identify what permits were required and what environmental review was conducted for the additions/renovations, in-ground pool and the cabana project at 359 Dan’s Highway.

Response: The following permits were required and obtained for the additions/renovations, in-ground pool and the cabana project at 359 Dan's Highway:

21-00517 Residential Addition 06/22/2021 NEW 2 1/2 STORY ADDITION. NEW FAM RM, MUDRM & PWDR (1ST FL), ADD 2 BEDS W/SHARED BATH (2ND FLR). DEM

16-00599 Residential 08/17/2016 CABANA... "INSTALLATION OF 19'6" X 24'6" CABANA WITH OVERHANG. INSTALL MASONARY COUNTERS WITH BBQ,

16-00208 Pool 04/21/2016 INGROUND POOL 22 X 50 WITH 6 X 9 HOT TUB, SEVERAL PATIOS, PERGOLA (ATTACHED TO HOUSE PER GLEN GATE)

No environmental review was required or warranted in connection with any of these activities because the property contains no inland wetlands or watercourses.

Q4. It appears that the Natural Resources Management Agreement submitted does not apply to the proposed Site. Confirm.

Response:

The Natural Resources Management Agreement (JMB Administrative Notice Item No. 25) was submitted into the record by JMB for the following purposes:

1. To establish, in conjunction with JMB Administrative Notice Items Nos. 5 and 26, that the Centennial Watershed State Forest was constituted in 2004 and includes the inlands within and the land along the easterly and westerly shores of Laurel Reservoir, such that the telecommunications facility at the proposed site will be plainly visible from the Centennial Watershed State Forest.
2. To demonstrate, in conjunction with JMB Administrative Notice Item No. 11, that public use of certain portions of the Centennial Watershed State Forest are currently open to public use pursuant to § 5.4.1 of the Agreement, and that public use of Laurel Reservoir and its surrounds may be permitted in the future.

The applicants are correct that Natural Resources Management Agreement (JMB Administrative Notice Item No. 25) does not apply to the proposed site. The Agreement, by its terms, applies only to "Conservation Land," defined in Article II of the Agreement as "Class I Land and Class II Land as described in Section 1.1 of the Contract; any Class III Land described in Section 1.1 of the Contract which may hereafter be proposed for inclusion by the owner of the land and accepted by action of the Conservation Land Committee, as more particularly described in Section 4.1 below, and any other lands owned jointly or individually by the

Conservators which may be proposed for inclusion by the owner(s) and accepted by the Conservation Land Committee.”

However, the proposed site is located within the watershed of Aquarion’s Laurel Reservoir, a public water supply. A watercourse and associated wetlands along the north boundary of the property flow directly to Laurel Reservoir.

All lands owned by a water company falls into three classes. Class I includes watershed land nearest to water supply sources, (e.g., within 250 feet of a reservoir, 200 feet of a well, or 100 feet of a watercourse). It also includes certain environmentally sensitive lands, such as those that are steeply sloped or where bedrock is less than 20 inches from the soil surface. Class II land is (1) in the public drinking supply watershed but not included in Class I and (2) completely out of the watershed but within 150 feet of a reservoir or a major stream that runs into it. Class III consists of the rest of the company's land. Regs. Conn. State Agencies § 25-37c-1. Connecticut Department of Health regulations establish criteria and performance standards for the three classes (C.G.S. § 25-37c).

C.G.S. § 25-32 requires a water company to obtain a Connecticut Department of Public Health permit to (1) sell, lease, assign, or otherwise dispose of Class I or Class II land or (2) change the use of such land except under limited circumstances related to recreational uses. Transactions involving Class I land are severely restricted. A water company cannot lease or assign such land and can only sell it to the state, a municipality, or another water company. The buyer must agree to maintain the land subject to the statutory restrictions and those imposed by the Department of Public Health permit. The buyer cannot sell, lease, assign, or change the use of the land without a permit. Somewhat less restrictive provisions apply to transfers of Class II land. DPH can grant a permit for a transaction involving Class II land or a change of its use if the company demonstrates that its proposal will not significantly harm the purity and adequacy of water supply and that any use restriction DPH imposes can be enforced against subsequent owners, lessees, and assignees. See JMB Administrative Notice Items Nos. 6 and 7.¹

In fact, the proposed site was owned previously by Aquarion Water Company’s predecessor, Stamford Water Company, but was sold in 1968 to a private developer, prior to the enactment of the statutory restrictions discussed above.²

¹ JMB Administrative Notice Item No. 6 is CONNECTICUT OFFICE OF LEGISLATIVE RESEARCH, 2002-R-0460, Class I and Class II Watershed Lands, By Joseph R. Holstead, Research Analyst (April 23, 2002), available at <https://www.cga.ct.gov/2002/rpt/2002-R-0460.htm>. JMB Administrative Notice Item No. 7 is CONNECTICUT OFFICE OF LEGISLATIVE RESEARCH, 2010-R-0504, Siting Telecommunications Towers on State Land or in Watersheds, by Kevin E. McCarthy, Principal Analyst (December 3, 2010), available at <https://www.cga.ct.gov/2010/rpt/2010-R-0504.htm>

² See JMB Administrative Notice Item No. 23, “Map Showing Subdivision of Property Owned by The Stamford Water Company, New Canaan, Connecticut Scale 1” = 100’ Certified Substantially Correct Edward F. Verplanck, L.S. No. 3779 New Canaan, Connecticut, July 2, 1968 Revised October 3, 1968,” on file in the Office of the New Canaan Town Clerk as Map No. 5246

The property where the proposed telecommunications facility is to be located is located approximately 70 feet from Laurel Reservoir, and the facility itself will be only several hundred feet from the Reservoir. Were the property still owned by a water company, it would be classified as Class I watershed land and subject to the restrictions contained in C.G.S. § 25-32. The proximity of the property to Laurel Reservoir, its steep slopes and rocky soil, make the proposed site poorly suited for use as a telecommunications tower location.

Q5. For the 360°RF report, what propagation software was used to prepare the maps and report?

Response: Radio Mobile Online - Online RF propagation simulation software (<http://radiomobileonline.pe1mew.nl>) was used to prepare the maps and report. For its reliability, see Bouleanu, Iulian, Robert Helbet, and Neculai Craiu, *The Quality of the Propagation Prediction with Radio Mobile for TETRA Communication Systems*, International Conference, Knowledge Based Systems, Vol. XXII (2016). Available at: https://www.researchgate.net/publication/305760600_The_Quality_of_the_Propagation_Prediction_with_Radio_Mobile_for_Tetra_Communication_Systems ("The value of 0.907 for correlation coefficient obtained between measured and simulated data sets of power levels, together with the value of 4.4 dB for standard deviation of the mean [demonstrates that] that [the] Radio Mobile application ensures a high degree of confidence regarding forecasting capabilities of radio coverage for the analyzed situation. We believe that this is due to the recognized quality of the ITM PTP radio propagation model and to the high resolution available in the elevation maps allowing a very realistic 3D modeling of land in the city.")

Q6. For the 360°RF report, what propagation model was used to prepare the maps?

Response: Please see the response to Q5. As noted in the report at page 6, "[t]he maps generated by 360°RF do not have the same level of precision as the AT&T maps, but are useful in making direct comparisons of coverage between the proposed site at 1837 Ponus Ridge Road and the prospective alternative sites listed above. . . . The pattern of coverage on the 1837 Ponus Ridge Road coverage map generated by 360°RF is similar to the pattern on the AT&T map, but gives a more generous representation of coverage. 360°RF considers the AT&T 1837 Ponus Ridge Road predicted coverage map credible."

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing responses was electronically mailed
to the following service list on July 6, 2022.

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