

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 CANAAN, : July 8, 2022
CONNECTICUT :

**NEW CANAAN NEIGHBORS (“NCN”) RESPONSE TO THE APPLICANT’S
INTERROGATORIES**

Q1. Provide Chuck Dutil’s report referenced in NCN response to Siting Council interrogatory 1.

A1. The NCN objects to the term “report” as used by the Applicant as vague, and further, objects that the question assumes facts not in evidence. Subject to and without waiving these objections, NCN responds as follows: Mr. Dutil did not provide a written report.

Q2. Provide the names and addresses of the 500 people that NCN represents as noted in NCN response to Siting Council interrogatory 6.

A2. NCN does not have the names and addresses of the 500 or more people whose

interests align with its purpose. Admittedly, NCN cannot attest with certainty to the multitude of reasons each resident opposes the proposed facility. But all opponents seem to share the same general spirit, which is that the public need for a large macro cell tower does not outweigh the adverse environmental impacts.

Multiple petitions have been distributed and signed by hundreds of residents in opposition to the proposed tower. Facebook forums have erupted with activity. Residents have shown up to recent public meetings where cell towers were discussed and vocalized their opposition to macro cell tower projects which they see as anathema to New Canaan's character. (*See*, NCN Public Record No. 24, p. 1, whereby the former CERT Director, Stuart Sawabini, stated that “[d]uring the public hearing, as you can imagine, there was plenty of anti-sentiment toward the cell tower on Ponus Ridge.”; *See also*, Public Comments for Docket No. 509, which included 37 letters as of July 5th, 36 of which are opposed to a macro cell tower.)

NCN objects to the term “represents” as used by the Applicant as vague. Subject to and without waiving this objection, for information about the members of the NCN, please see NCN's response to Council interrogatory 6.

Q3. Has Robert Smith, previous owner of 59 Squires Lane in New Canaan, signed the petition against the tower and is that individual represented by NCN?

A3. Yes, Mr. Smith signed the petition. NCN objects to the term “represented” as used by the Applicant as vague as stated in its above answer to Question 2. Subject

to and without waiving this objection, for information about the members of NCN, please see NCN's response to Council interrogatory 6.

Q4. If the response to question #3 is yes, provide the contact name and any correspondence from 1837 LLC that authorized Mr. Smith to enter onto the parcel of 1837 to conduct his own balloon float.

A4. NCN is mystified by the insinuation made by Applicant's Question 4. Mr. Smith was invited onto the property by Ray Vergati. At the invitation of Mr. Vergati, Mr. Smith entered the 1837 Ponus Ridge Road parcel. During Mr. Smith's site visit with Mr. Vergati, Mr. Smith was told by Mr. Vergati that it was highly unlikely that a tower would be placed on the 1837 Ponus Ridge Road parcel. Though not stated directly, Mr. Smith believes that Mr. Vergati recognized the unsuitability of the parcel, which is why Mr. Smith believes Mr. Vergati stated that of the many locations being considered, 1837 Ponus Ridge Road was the least likely candidate.

Mr. Smith and Mr. Vergati then discussed the location and height of the tower. Mr. Vergati stated that a balloon float would not occur anytime soon, but that if Mr. Smith wanted to do a balloon float test on the site himself, that Mr. Vergati recommended using a thick string and a thick rubber balloon that can withstand getting through the tree branches. Soon thereafter, Mr. Smith conducted a balloon float test based on Mr. Vergati's invitation to do so.

Mr. Smith does not have any written correspondence responsive to this interrogatory.

Q5. Have Julia Flanagan and/or Robert Bazata of 1937 Ponus Ridge Road, New Canaan, signed the petition against the tower and are they represented by NCN?

A5. NCN contacted Julia Flanagan in relation to this interrogatory. Both Julia Flanagan and Robert Bazata signed the petition, as well as their adult daughter.

Ms. Flanagan opposes the proposed tower and submitted a letter to the Siting Council in opposition to the selected site. It stated the following:

“Sir/Madam, I am writing to express my opposition to the cell phone tower proposed at 1837 Ponus Ridge Rd.

There are many negative health, environmental and aesthetic impacts that must be carefully scrutinized before erecting a 115ft structure. In addition, solutions have been presented that will satisfy the emergency responder requirements for our area. I urge the council to reject the proposal for this site.

Thank you.” (Public Comment, CSC Docket No. 509.)

These are not the only reasons Ms. Flanagan opposes the tower. Ms. Flanagan noted that she had a conversation with Joan Baron, 1837 Ponus Ridge Road’s previous owner, in Ms. Baron’s driveway during the Baron’s tag sale. During this conversation, Ms. Baron told Ms. Flanagan that Ms. Baron’s house was sold to a Land Trust, and that Ms. Baron seemed pleased with that purchaser, stating specifically that it was good that a cell tower would not be constructed on the parcel.

Out of a desire to do right by the environment and the neighbors, Ms. Baron felt that she and her husband were doing the right thing in selling their home to the Land Trust. Ms. Flanagan's impression was that Ms. Baron was very sure of herself and seemed pleased that the property was sold to an entity that would not erect a cell facility destroying the parcel's beautiful, unblemished natural environment. (See also, NCN Request for Administrative Notice item 1, Public Comment at 01:03:56 – 01:04:29, whereby a similar conversation with the Barons was discussed: "Dr. Baron had been previously approached by Homeland to sell the property to them. They did not want that. They did not want a cell tower on their property. However, they were happy to sell to 1837 LLC because that was someone who wanted to buy the home and keep the land as is, as Ms. Baron told us."; See also, Homeland Option Lease Proposal to Dr. Bruce Baron with attached email from Dr. Bruce Baron to Mark Buschmann, Exhibit 8, supporting the assertions that the Barons were not interested in selling or leasing their home for the purpose of a cell facility; See also, Email exchange with the New Canaan Land Trust, 2/18/2022, Exhibit 9: "We are familiar with the recent proposals for cell tower installation around town, and have actually received solicitations from companies interested in placing towers on some of our other properties around town. In most cases, this is not permissible because our properties have deed restrictions that state they must be preserved as open space and wildlife sanctuaries. Any cell tower construction would necessitate clearing trees, pouring a concrete slab, creating a service road, and otherwise disturbing the open space and habitats that we strive to

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically mailed to the following service list on July 8, 2022.

Attorney Lucia Chiocchio
Attorney Kristel Motel
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601
LChiocchio@cuddyfeder.com
KMotel@cuddyfeder.com

Raymond Vergati
Manuel Vicente
Homeland Towers, LLC
9 Harmony Street, 2nd Floor
Danbury, CT 06810
rv@homelandtowers.us
mv@homelandtowers.us

Brian Leyden
Harry Carey
AT&T
84 Deerfield Lane
Meriden, CT 06067
bl5326@att.com
hc3635@att.com

Attorney Kenneth C. Baldwin
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
(860) 275-8200
KBALDWIN@rc.com

Attorney David F. Sherwood
Moriarty, Paetzold & Sherwood

2230 Main Street, P.O. Box 1420
Glastonbury, CT 06033-6620
(860) 657-1010
dfsherwood@gmail.com

/s/Justin Nishioka
Justin Nishioka, NCN Representative

Exhibit 8



October 18, 2018

Via Email & Certified Letter

Dr. Bruce R. Baron
1837 Ponus Ridge Road
New Canaan, CT 06840

Re: Homeland Towers Wireless Facility Proposal for Dr. Bruce Baron, 1837 Ponus Ridge Road, New Canaan, CT 06840
Section/Block/Lot (0023/ 0027/ 0057) (CT050 New Canaan Northwest)

Dear Dr. Baron:

As a follow up to our prior meetings and conversations, this proposal letter is being sent to your attention in hopes that you will be interested in leasing or selling a portion of your property located at 1837 Ponus Ridge Road for the purpose of a "stealth" wireless facility. Homeland Towers, a tower developer out of Danbury, Connecticut, has identified your property as a prime candidate for a wireless facility which would create a revenue stream for you. In addition to this revenue opportunity, this wireless site would provide enhanced cellular coverage and critical infrastructure for public safety in this area of town.

As you may be aware, Homeland Towers has partnered with the Town of New Canaan to assist in providing comprehensive cell and public safety coverage. First Selectman Kevin Moynihan has made this a priority for his administration and he will be very supportive on a facility being located in the northwest section of town. Currently, both Homeland and the Town have identified a possible location for new cell tower. This potential location is within the Town's right of way and partially on Aquarion property, approximately 75' north of your driveway entrance. However, a tower located on the rear portion of your property may be better suited for these reasons:

1. Your property is approximately 60 feet higher in elevation than Ponus Ridge Road which could allow for a shorter tower
2. Your property has better setbacks from the Town Right of Way on Ponus Ridge Road
3. Your property has better screening due to existing, mature trees
4. Less of a visual impact to you, and potentially the community, as tower would be located up behind your house and not across the street

I have spoken to some of the residents in the area. They are supportive on having reliable coverage and public safety but want to ensure the tower is located in the best spot. Some concerns we have heard to date are to not have a tower located directly on the road and for it to be set back further into a wooded property. Some residents would like it to be located on higher ground so the tower can be shorter in height. I believe we can address both of these concerns by locating a tower on your property.



When we met, you had inquired if Homeland Towers would be willing to purchase the property, this is something that we rarely do but in this case are willing to purchase an easement from you. Homeland offers the following (2) options:

1. **Option 1:** One-time purchase of an easement from you in the amount of \$500,000 to locate the tower on the rear portion of your property. You still own the land, we simply have an easement that allows for the tower. The easement would be for a 75' x 75' area for the tower along with a 12' access drive to get to the site.
2. **Option 2:** A monthly rent of One Thousand Eight Hundred Dollars (\$1,800.00) per month with Two Percent (2%) annual increases or Twenty Five Percent (25%) of all gross rents collected by Homeland Towers, whichever is greater. Attached you will find a projected rent schedule totaling over \$2 million over the term of the lease.

Below is aerial view showing your property along with the proposed tower location in Town's Right of Way and a proposed location on rear portion of your property. The "red arrows" represent orientation of views from surrounding homes.





HOMELAND TOWERS

All project costs associated with our proposal, including municipal and state approvals along with construction costs are at the sole expense of Homeland Towers. Once construction is complete, we take full responsibility for managing the site and coordinating its use by telecommunications providers.

Please contact me at your earliest convenience to discuss the above proposal. I look forward to speaking with you.

Sincerely,

Raymond Vergati
Regional Manager
203-605-9646

rv@homelandtowers.us



HOMELAND TOWERS

Dr. Bruce Baron, greater of \$1800/mo. or 25% of gross rents collected by Homeland

<u>Year of Lease</u>	<u>Monthly Rent</u>	<u>Yearly Rent Total</u>	<u>Cumulative 5 Year Rent Total</u>
1	\$ 1,800.00	\$ 21,600.00	
2 (2 Carriers)	\$ 1,836.00	\$ 22,032.00	
3 (3 Carriers)	\$ 2,250.00	\$ 27,000.00	
4 (4 Carriers)	\$ 3,000.00	\$ 36,000.00	
5	\$ 3,060.00	\$ 36,720.00	\$ 143,352.00
6	\$ 3,121.20	\$ 37,454.40	
7	\$ 3,183.62	\$ 38,203.49	
8	\$ 3,247.30	\$ 38,967.56	
9	\$ 3,312.24	\$ 39,746.91	
10	\$ 3,378.49	\$ 40,541.85	\$ 338,266.20
11	\$ 3,446.06	\$ 41,352.68	
12	\$ 3,514.98	\$ 42,179.74	
13	\$ 3,585.28	\$ 43,023.33	
14	\$ 3,656.98	\$ 43,883.80	
15	\$ 3,730.12	\$ 44,761.48	\$ 553,467.23
16	\$ 3,804.73	\$ 45,656.70	
17	\$ 3,880.82	\$ 46,569.84	
18	\$ 3,958.44	\$ 47,501.24	
19	\$ 4,037.61	\$ 48,451.26	
20	\$ 4,118.36	\$ 49,420.29	\$ 791,066.55
21	\$ 4,200.72	\$ 50,408.69	
22	\$ 4,284.74	\$ 51,416.86	
23	\$ 4,370.43	\$ 52,445.20	
24	\$ 4,457.84	\$ 53,494.11	
25	\$ 4,547.00	\$ 54,563.99	\$ 1,053,395.41
26	\$ 4,637.94	\$ 55,655.27	
27	\$ 4,730.70	\$ 56,768.37	
28	\$ 4,825.31	\$ 57,903.74	
29	\$ 4,921.82	\$ 59,061.82	
30	\$ 5,020.25	\$ 60,243.05	\$ 1,343,027.66
31	\$ 5,120.66	\$ 61,447.91	
32	\$ 5,223.07	\$ 62,676.87	
33	\$ 5,327.53	\$ 63,930.41	
34	\$ 5,434.08	\$ 65,209.02	
35	\$ 5,542.77	\$ 66,513.20	\$ 1,662,805.07
36	\$ 5,653.62	\$ 67,843.46	
37	\$ 5,766.69	\$ 69,200.33	
38	\$ 5,882.03	\$ 70,584.34	
39	\$ 5,999.67	\$ 71,996.02	
40	\$ 6,119.66	\$ 73,435.94	\$ 2,015,865.16
	Total Rent Amount	\$ 2,015,865.16	
Assumptions:			
4 carriers on tower by year 4 each paying \$3000/mo. with 2% escalation, landlord receives 25% of these rents			



HOMELAND TOWERS

Photos of various stealth tower designs



120' tall stealth stealth monopine by Homeland Towers at the Pehquenakonck County Club, North Salem, NY.
Verizon and AT&T antennas concealed within branches.



Distant view of 120' tall stealth monopine in North Salem



Justin Nishioka <justin.nishioka@gmail.com>

FW: 989536C5-C11E-4CC4-A284-8EDB85A916B3.pdf

Buschmann, Mark <Buschmann@pjtpartners.com>
To: Justin Nishioka <justin.nishioka@gmail.com>

Mon, Feb 14, 2022 at 6:32 PM

-----Original Message-----

From: Bruce Baron <bbarondubby@yahoo.com>
Sent: Saturday, October 20, 2018 3:34 PM
To: Buschmann, Mark <Buschmann@pjtpartners.com>
Subject: [External] 989536C5-C11E-4CC4-A284-8EDB85A916B3.pdf

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2 attachments**989536C5-C11E-4CC4-A284-8EDB85A916B3.pdf**
2217K**ATT00001.txt**
1K

Exhibit 9



Justin Nishioka <justin.nishioka@gmail.com>

Please Save Our Neighborhood

New Canaan Land Trust <info@newcanaanlandtrust.org>

Fri, Feb 18, 2022 at 9:39 AM

To: Justin Nishioka <justin.nishioka@gmail.com>

Cc: Rose Nishioka <nishioka.rose@gmail.com>

Greetings Justin and Rose,

Thank you for reaching out to the New Canaan Land Trust. We are familiar with the recent proposals for cell tower installation around town, and have actually received solicitations from companies interested in placing towers on some of our other properties around town. In most cases, this is not permissible because our properties have deeded restrictions that state they must be preserved as open space and wildlife sanctuaries. Any cell tower construction would necessitate clearing trees, pouring a concrete slab, creating a service road, and otherwise disturbing the open space and habitats that we strive to protect.

The 40 acres on Wellesley Drive, commonly known as the Watson-Symington Preserve, is one of the Land Trust's crown jewels. It is by far our most visited preserve, and is one of the largest parcels of intact woodlands town. Placing a cell tower in the middle of the property would be antithetical to the Land Trust's work to protect and steward open space, and as mentioned above, would violate a deeded restriction on the property.

I appreciate your reaching out, but the Land Trust is not in a position to assist with this project.

All the best,

Aaron Lefland
Executive Director
New Canaan Land Trust

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End of Exhibits