

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, CONNECTICUT : JUNE 20, 2022

**New Canaan Neighbors Request for Administrative Notice**

New Canaan Neighbors (“NCN”) respectfully request that the Siting Council take administrative notice of the following items found in the public record, as well as judicially cognizable facts and generally recognized technical or scientific facts within the Council’s specialized knowledge, and facts not subject to reasonable dispute and known within the jurisdiction of the Council or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned:

1. Town of New Canaan Public Session on Cell Towers. Held on January 24, 2022 at 7:30 P.M.
  - a. <https://us02web.zoom.us/rec/share/CCBu2RwkmucfHdMeB3dacPz993nptJSB-GS57RfWLA94giiZglJU0u9HLKYIUqx2.VTFaLgaWd7KPhAyn>

- b. Access Passcode: @059z#\$A
  - c. Last visited on June 12, 2022.
2. DOCKET NO. 501 - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 106 Sharon Road, Lakeville (Salisbury), Connecticut.: Council on Environmental Quality Comments (5/26/21); and Application.
  3. Town of Salisbury website: “Town Grove”- <https://www.salisburyct.us/town-grove/> (Last visited on June 12, 2022).
  4. Lake Wononscopomuc Association website: Homepage, statement that the lake is a “premiere recreational asset for swimming, sailing, canoeing and fishing in the summer and skating and cross country skiing in the winter.” <https://lakewononscopomuc.com/> (last visited on June 12, 2022)
  5. DOCKET NO. 498 – Diamond Towers V, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 185 Academy Road (Route 68/Route 70), Cheshire, Connecticut.: Location of cell tower site to the Broad Brook Reservoir presented in the Bulk Filing (3/11/21) pg. 516 – 518 and 567; and Application.

6. Google Maps – ‘Measure Distance’ between cell tower site at 185 Academy Road in Cheshire and the Broad Brook Reservoir. (Nearest point of cell tower compound to nearest point of Broad Brook Reservoir approximately 1.72 miles away. Last checked on June 13, 2022).
7. DOCKET NO. 489 – The First Taxing District Water Department of Norwalk application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 173 ½ West Rocks Road, Norwalk, Connecticut.: Application, Attachment 9, Wetland Inspection Form.
8. DOCKET NO. 455 – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Southington Tax Assessor Map/Lot 066053, 99 East Street, Southington, Connecticut.: Application, Tab 14.
9. DOCKET NO. 449 – Message Center Management and New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Redding Tax Assessor Map 23, Lot 72, Redding Ridge Fire Department, 186 Black Rock Turnpike, Redding, Connecticut.: Application, Tab 4, Wetlands Investigation.

10. Google Maps – ‘Measure Distance’ between nearest portion of cell tower site at Redding Tax Assessor Map 23, Lot 72, Redding Ridge Fire Department, 186 Black Rock Turnpike in Redding, and the Saugatuck Reservoir, Hemlock Reservoir, and the Easton Reservoir. (Nearest point of cell tower compound to nearest point of Saugatuck Reservoir is 2 miles, nearest point of Hemlock Reservoir is 3.84 miles, and the nearest point of Easton Reservoir is 3.92 miles. Last checked on June 13, 2022).
11. DOCKET NO. 423 – American Towers LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located off Route 198, Woodstock, Connecticut.: Application, pg. 17; Application, Attachment 3; Application, Attachment 4; and Application, Attachment 10.
12. Google Maps – ‘Measure Distance’ between nearest point of cell tower site compound on Route 198 in Woodstock to the nearest point of the Mansfield Hollow Lake Reservoir. (Nearest point of the cell compound located at 1825/1839 Route 198 in Woodstock, Connecticut is approximately 16.9 miles from the nearest point of the Mansfield Hollow Lake Reservoir. Last checked on June 13, 2022).
13. DOCKET NO. 422- American Towers LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance and

management of a telecommunications facility located at 655 Basset Road, Watertown, Connecticut.: Application, Attachment 3.

14. Google Maps – ‘Measure Distance’ between nearest point of cell tower site compound at 655 Basset Road in Watertown to nearest stream and wetland that feeds into the Wigwam Reservoir; ‘Measure Distance’ between nearest point of cell tower site compound at 655 Basset Road in Watertown to the nearest point of the Wigwam Reservoir. (Nearest point of cell compound to nearest stream and wetlands that feeds into the Wigwam Reservoir is approximately 918 feet away from the nearest point of the stream, and the nearest point of the cell compound to the Wigwam Reservoir is approximately 2922 feet away from the nearest point of the Wigwam Reservoir. Last checked on June 13, 2022).
15. DOCKET NO. 397 - Cellco Partnership d/b/a Verizon Wireless Certificate of Environmental Compatibility and Public need for the construction, maintenance and operation of a telecommunications facility at 445 Prospect Street, Woodstock, Connecticut.: Application, Factual Summary and Project Plans; and DPH Comment, 2/26/10.
16. Google Maps – ‘Measure Distance’ between nearest point of cell tower site compound at 445 Prospect Street in Woodstock, Connecticut, to the nearest point of the Quinebaug River and the Quinebaug River Reservoir. (Nearest

point of cell tower compound is approximately 1.42 miles from the nearest point of the Quinebaug River and approximately 6 miles from the Quinebaug River Reservoir. Last checked on June 13, 2022).

17. DOCKET NO. 388 – New Cingular Wireless, PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1990 Litchfield Turnpike, Woodbridge, Connecticut.: Application, pgs. 28, 37-42; and DPH Comments.

18. Google Maps – ‘Measure Distance’ between nearest point of parcel located at 1990 Litchfield Turnpike to the Lake Dawson Reservoir; and ‘Measure Distance’ between nearest point of the access road for the cell tower facility to the Lake Dawson Reservoir. (Nearest point of the 1990 Litchfield Turnpike property line is approximately 306 feet from the nearest point of the Lake Dawson Reservoir, and the nearest point of the cell tower compound access road is approximately 416 feet from the nearest point of the Lake Dawson Reservoir. Last checked on June 13, 2022).

19. DOCKET NO. 380 – Bay Communications, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 170

Southeast Road, New Hartford, Connecticut.: Comments from the Department of Public Health.

20. Google Maps – ‘Measure Distance’ between nearest point of parcel located at 170 Southeast Road in New Hartford to the nearest point of Spruce Brook; and ‘Measure Distance’ between nearest point of Spruce Brook to the Nepaug Reservoir. (Nearest point of the property line at 170 Southeast Road is approximately 1300 feet from the nearest point of the Spruce Brook, and the nearest point of the Spruce Brook is approximately 2300 feet from the nearest point of the Nepaug Reservoir. Last checked on June 16, 2022).
21. DOCKET NO. 351 – Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 93 Lake Street, Manchester, Connecticut.: Application, Exhibit B; Department of Public Health Comment; and CSC Draft Findings of Fact.
22. Google Maps – ‘Measure Distance’ between nearest point of cell tower compound and the nearest points of the Willow Brook stream, Risley Reservoir, and the Porter Reservoir; (Nearest point of the cell tower compound is approximately 1380 feet from the nearest point of Willow Brook, 3600 feet

away from the nearest point of Risley Reservoir, and 3900 feet from the nearest point of the Porter Reservoir. Last checked on June 13, 2022).

23. DOCKET NO. 223 – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a cellular telecommunications facility at 484 Meriden Road, Middlefield, Connecticut.

24. Google Maps – ‘Measure Distance’ between nearest point of cell tower compound and the nearest point of the nearest stream, and the nearest point of the and the Mt. Higby Reservoir; (Nearest point of the cell tower compound is approximately 1000 feet from the nearest point of Fall Brook, and approximately 1400 feet away from the nearest point of the Mt. Higby Reservoir. Last checked on June 13, 2022).

25. DOCKET NO. 117A – An amended application of Cellco Partnership d/b/a Bell Atlantic Mobile for a Certificate of Environmental Compatibility and Public Need for a two cell-site configuration in the Town of Orange. The proposed Prime A site would be located approximately 875 feet east of Orange Center Road at the rear of the High Plains Community Center, 525 Orange Center Road, with the Prime B site located approximately 400 feet northwest from the end of Ogg Meadow Road. These sites would replace the previously proposed Camp Cedarcrest site. A proposed alternate site is located within a 5.5 acre



parcel of property approximately 250 feet south and west of Robert Treat Drive Extension, Orange, Connecticut.: Findings of Fact.

26. Administrative notice of fact that the Wepawaug River flows south into Milford Harbor on Long Island Sound. (Wikipedia, 'Wepawaug River,'

[https://en.wikipedia.org/wiki/Wepawaug\\_River](https://en.wikipedia.org/wiki/Wepawaug_River), last visited on June 16, 2022.)

27. DOCKET NO. 40 – SNET application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of facilities to provide cellular service in the Hartford and Middlesex Counties.: Findings of Fact; and Status Report.

28. Google Maps – 'Measure Distance' between nearest point of cell tower compound and the nearest point of the nearest reservoirs for the Berlin, Southington, East Hartford, and South Windsor cell facility locations; (Nearest point of 260 Beckley Road in Berlin is approximately 1850 feet from the nearest point of Spruce Brook and approximately 3000 feet from the nearest point of the Mattabeset River. Nearest point of Shuttle Meadow Road in Southington is approximately 1000 feet from the nearest point of Crescent Lake. Nearest point of 183 Prestige Park Road in East Hartford is approximately 2300 feet away from the nearest point of the Hockanum River Reservoir. Nearest point of 391 Niederwerfer Road in South Windsor to the nearest point of Barkhamstead

Reservoir and Nepaug Reservoir is approximately 21 miles. Last checked on June 16, 2022).

- 29.** DOCKET NO. 487 – Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 183 Soundview Lane, New Canaan, Connecticut.: Hearing Transcript, pgs. 91, 117 - 119 (07/09/2020)
- 30.** DOCKET NO. 507 – Homeland Towers, LLC and Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a wireless telecommunications facility located at 222 Clintonville Road, North Branford, Connecticut.: Hearing Transcript 2 p.m., 03/15/22, pgs. 25-27.
- 31.** DOCKET NO. 502 – Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 118 Newton Road, Woodbridge, Connecticut.: Hearing Transcript 2 p.m., 7/13/21, pgs. 32 – 42.
- 32.** PETITION NO. 1056 – GRE 314 East Lyme, LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed construction and operation of a 5.0 MW Solar

- Photovoltaic Renewable Energy Generating Project located on Grassy Hill Road and Walnut Hill Road, East Lyme, Connecticut.: Petition, Stormwater Management Report; and Council Decision on Revision to D&M Plan, 6/16/14.
33. United States Environmental Protection Agency website, Potential Well Water Contaminants and Their Impacts, <https://www.epa.gov/privatewells/potential-well-water-contaminants-and-their-impacts> (last visited on June 13, 2022).
34. United States Environmental Protective Agency website, Climate Adaptation and Erosion Sedimentation, <https://www.epa.gov/arc-x/climate-adaptation-and-erosion-sedimentation> (last visited on June 16, 2022).
35. Connecticut Department of Energy and Environmental Protection, ‘Connecticut: Our Changing Climate,’ <https://portal.ct.gov/-/media/DEEP/education/kellogg/CT-Changing-Climate-Booklet.pdf> (last visited on June 16, 2022).
36. Connecticut Department of Public Health, ‘Sodium & Chloride in Well Water Health Considerations,’ [https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental\\_health/private\\_wells/Sodium--Chloride-FS-sept-2018-update.pdf](https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/environmental_health/private_wells/Sodium--Chloride-FS-sept-2018-update.pdf) (last visited June 16, 2022).
37. In the Matter of the Appeal of Chris Nubbe and Alison Baker, Thurston County, WA, Albert Manville II Hearing Testimony, Applicant’s Response to Appellant’s Dispositive Motion, August 13, 2018,

<https://www.co.thurston.wa.us/permitting/hearing/2015103966/Exhibit-D38-Albert-Manville-8-13-18.pdf> (last visited on June 16, 2022).

38. Department of Administrative Services website, 'Lease State-Owned Real Estate,' <https://portal.ct.gov/DAS/Leasing-and-Property-Transfer/Lease-State-Owned-Real-Estate> (last visited June 18, 2022).
39. Government of Canada, Species at Risk Act, Listing of Little Brown Bat, <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/little-brown-myotis-2018.html> (last visited June 19, 2022).
40. Government of Newfoundland and Labrador, Canada, 'Two Bats Receive Protection under Endangered Species Act,' <https://www.gov.nl.ca/releases/2021/ffa/0527n02/> (last visited on June 19, 2022).
41. Wikipedia, Little Brown Bat, [https://en.wikipedia.org/wiki/Little\\_brown\\_bat](https://en.wikipedia.org/wiki/Little_brown_bat) (last visited June 19, 2022).
42. eBird, Sightings, 'Laurel Reservoir,' <https://ebird.org/hotspot/L1305427?yr=all&m=&rank=mrec> (last visited on June 20, 2022).
43. Department of Energy & Environmental Protection, 'Endangered, Threatened, and Special Concern Birds,' <https://portal.ct.gov/DEEP/Endangered->

[Species/Endangered-Species-Listings/Endangered-Threatened--Special-Concern-Birds](#) (last visited June 20, 2022).

44. New York Natural Heritage Program, 'Pied-billed Grebe,'

<https://guides.nynhp.org/pied-billed-grebe/> (last visited on June 20, 2022).

45. Public records (attached) held by the State of Connecticut and/or the Town of New Canaan:

- a. Public Record 1. Email exchange, Town of New Canaan.
- b. Public Record 2. Homeland & AT&T Technical Report, excerpt, Town of New Canaan.
- c. Public Record 3. Public Comment by Aquarion Water Company, Docket No. 509, Connecticut Siting Council.
- d. Public Record 4. 1837 LLC Annual Report, Secretary of State of Connecticut.
- e. Public Record 5. Tom and Emily Nissley Property Transactions, Town of New Canaan Clerk's Office, Town of New Canaan.
- f. Public Record 6. 1837 Ponus Ridge Road water examination, Town of New Canaan.
- g. Public Record 7. Email exchange, Town of New Canaan.
- h. Public Record 8. FOIA response email exchange, Department of Administrative Services.

- i. Public Record 9. FOIA response email exchange, Connecticut Siting Council.
- j. Public Record 10. Office of Legislative Research, Class I and II Water Company Lands, April 23, 2002, Connecticut General Assembly.
- k. Public Record 11. Office of Legislative Research, Siting Telecommunications Towers on State Land or in Watersheds, December 3, 2010, Connecticut General Assembly.
- l. Public Record 12. DEEP Natural Diversity Data Base, Areas in New Canaan, December 2021, Connecticut Department of Energy & Environmental Protection.
- m. Public Record 13A/B. 59 Squires Lane and 60 Squires Lane land swap map filed with Town of New Canaan and Lot Line Approval, Town of New Canaan.
- n. Public Record 14. 1837 Ponus Ridge Road well system blueprint, Town of New Canaan.
- o. Public Record 15. 1837 Ponus Ridge Road map of well, Town of New Canaan.
- p. Public Record 16. 1837 Ponus Ridge Road driveway map, Town of New Canaan.
- q. Public Record 17. Email exchange, Town of New Canaan.

- r. Public Record 18. 1837 Ponus Ridge Road water and wet soil map, Town of New Canaan.
- s. Public Record 19. Email exchange, Town of New Canaan.
- t. Public Record 20. Email exchange, Town of New Canaan.
- u. Public Record 21. Email exchange, Town of New Canaan.
- v. Public Record 22. Map of 1837 Ponus Ridge Road and abutting properties, Town of New Canaan.
- w. Public Record 23. Email exchange, Town of New Canaan.
- x. Public Record 24. Email exchange, Town of New Canaan.
- y. Public Record 25. Email exchange, Town of New Canaan.
- z. Public Record 26. Email exchange, Town of New Canaan.
- aa. Public Record 27. Email exchange, Town of New Canaan.
- bb. Public Record 28. Email exchange, Town of New Canaan.
- cc. Public Record 29. FOIA request response email exchange, Town of New Canaan.

Respectfully submitted,

*/s/Justin Nishioka*  
Justin Nishioka, NCN Representative

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically mailed to the following service list on June 20, 2022.

Attorney Lucia Chiocchio  
Attorney Kristel Motel  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601  
[LChiocchio@cuddyfeder.com](mailto:LChiocchio@cuddyfeder.com)  
[KMotel@cuddyfeder.com](mailto:KMotel@cuddyfeder.com)

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Manuel Vicente  
Homeland Towers, LLC  
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Danbury, CT 06810  
[rv@homelandtowers.us](mailto:rv@homelandtowers.us)  
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Moriarty, Paetzold & Sherwood



2230 Main Street, P.O. Box 1420  
Glastonbury, CT 06033-6620  
[dfsherwood@gmail.com](mailto:dfsherwood@gmail.com)

*/s/Justin Nishioka*  
Justin Nishioka, NCN Representative

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 1**

## Justin Nishioka

---

**From:** Pitt, Mimi  
**Sent:** Wednesday, April 20, 2022 3:24 PM  
**To:** Pitt, Mimi  
**Subject:** FW: Re: 1837 Ponus Ridge Road, New Canaan field card

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

From: Mann, Tiger [mailto:Tiger.Mann@newcanaanct.gov]  
Sent: Wednesday, May 6, 2020 11:13 AM  
To: Moynihan, Kevin <kevin.moynihan@newcanaanct.gov>  
Subject: Re: 1837 Ponus Ridge Road, New Canaan field card

Ok

Tiger Mann  
Director of Public Works  
Town of New Canaan  
(203) 594-3056 (w)  
(203) 594-3709 (f)  
(203) 943-8486 (c)

Sent from my iPhone so please excuse any typographical errors or omissions. Thank you.

> On May 6, 2020, at 10:07 AM, Moynihan, Kevin <kevin.moynihan@newcanaanct.gov> wrote:  
>  
> Tiger,  
>  
> I need a GIS map of this property, confidentially.  
>  
> Kevin J. Moynihan  
> First Selectman  
> Town of New Canaan  
> 77 Main Street, New Canaan CT 06840  
> O: 203-594-3000  
> C: 203-331-2016  
> F: 203-594-3123  
> www.newcanaan.info  
>

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 2**



## Tree Inventory

December 3, 2021

Cuddy & Feder, LLP  
Attn: Lucia Chiocchio  
445 Hamilton Avenue  
14<sup>th</sup> Floor  
White Plains, NY 10601

RE: Tree Inventory  
Site: New Canaan Northwest CT050  
1837 Ponus Ridge Road  
New Canaan, CT 06840

Dear Ms. Chiocchio:

A Tree Inventory was completed at the subject site during the month of April 2021 to determine the size and quantity of existing trees that will need to be removed for the installation of the proposed facility. The proposed site has suitable access, but clearing and earthwork will be required to improve the access route and to construct the compound area. Installation of the proposed compound area and access driveway improvements will require the removal of 118 trees.

6" - 10" dbh	40 trees
10" - 14" dbh	37 trees
14" or greater dbh	41 trees

The interior wooded area to be disturbed for construction of the compound area will be approximately 5,100 square feet. A new access driveway will be installed to provide access and utility corridor to the proposed compound. The total combined area of disturbance for compound, access drive, and utility improvements is 40,000 sf.

Sincerely,

ALL-POINTS TECHNOLOGY CORPORATION, P.C.

Robert C. Burns, P.E.  
Program Manager

**ALL-POINTS TECHNOLOGY CORPORATION, P.C.**

567 VAUXHALL STREET EXTENSION – SUITE 311 · WATERFORD, CT 06385 · PHONE 860-663-1697 · FAX 860-663-0935

## **SECTION 4**

### **Environmental Assessment Statement**

#### **I. PHYSICAL IMPACT**

##### **A. WATER FLOW AND QUALITY**

A wetland delineation was conducted at the site and there were no wetlands identified in or immediately adjacent to the proposed access drive or facility compound. The wetlands are located approximately 240' west of the proposed compound and 137' west of the proposed gravel access drive at its closest point. Proposed sedimentation and erosion controls will be designed, installed and maintained during construction activities in accordance with the 2002 Connecticut Guidelines For Soil Erosion and Sediment Control which will minimize temporary impacts. No wetlands or inland waterways will be impacted by the proposed Facility.

##### **B. AIR QUALITY**

Under ordinary operating conditions, the equipment that would be used at the proposed facility would emit no air pollutants of any kind. An emergency backup power diesel generator would be exercised once a week and comply with the CT DEEP "permit by rule" criteria pursuant to R.C.S.A. §22a-174-3b.

##### **C. LAND**

Approximately 118 trees will need to be removed in order to construct the compound and the new access drive. Of the 118 trees slated for removal, 41 are 14" or greater dbh. The total area of clearing and grading disturbance will be approximately 40,000 s.f. The remaining land of the lessor would remain unchanged by the construction and operation of the facility.

##### **D. NOISE**

The equipment to be in operation at the facility would not emit noise other than that provided by the operation of the installed heating, air-conditioning and ventilation system. Some construction related noise would be anticipated during facility construction, which is expected to take approximately four to six weeks. Temporary power outages could involve sound from the emergency generator which is tested weekly.

##### **E. POWER DENSITY**

The worst-case calculation of power density from AT&T's operations at the facility would be 49.21% of the federal MPE standard. Attached is a copy of a Radio Frequency Emissions Analysis Report for the facility.

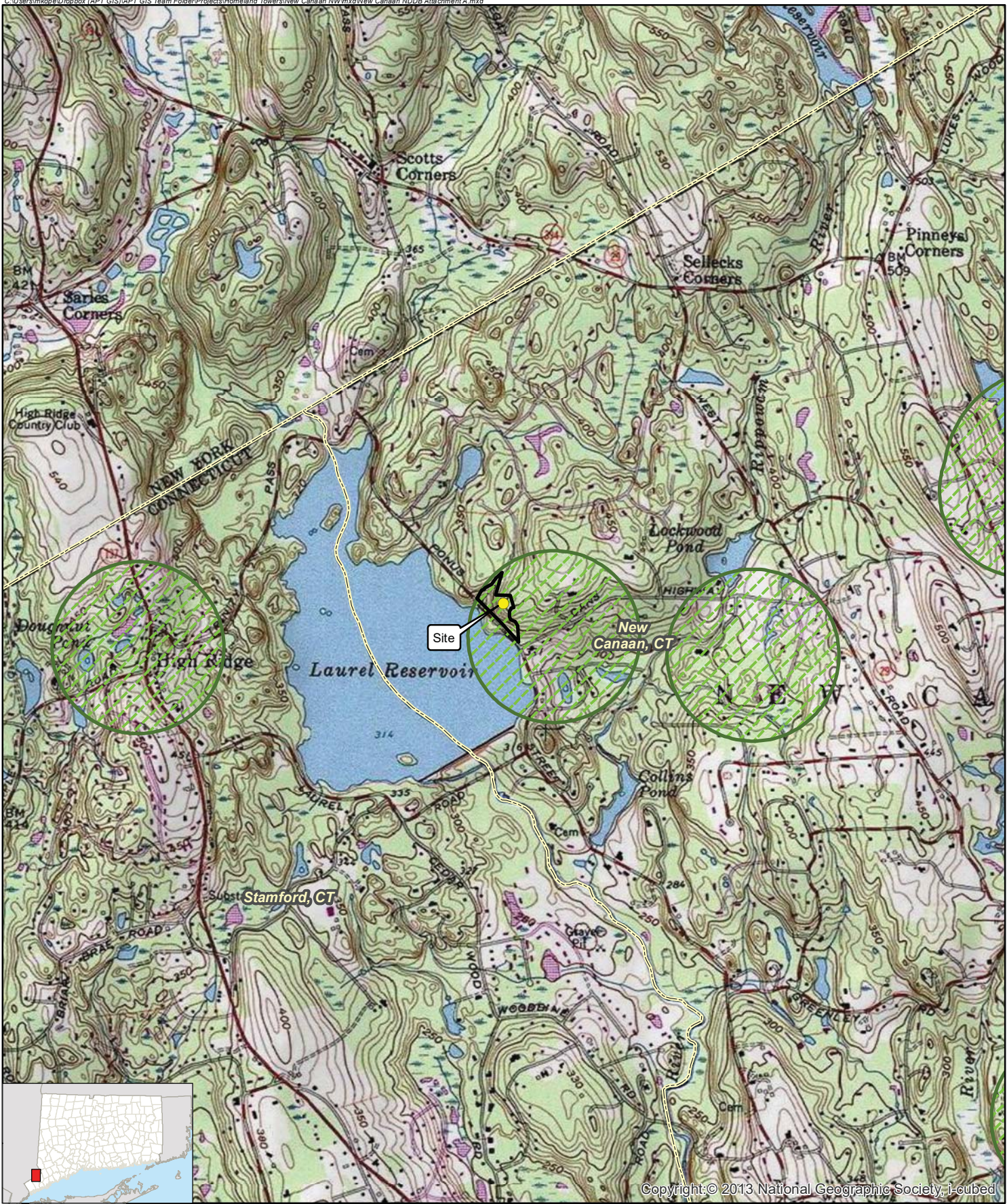
#### **F. SCENIC, NATURAL, HISTORIC & RECREATIONAL VALUES**

An evaluation of the proposed Facility's potential effects on historic resources was conducted and concluded that the proposed Facility will have no effect on historic properties listed or eligible for listing on the National Register of Historic Places. Attached is the Preliminary Historic Resources Determination. As noted therein, Homeland Towers will consult with the CT State Historic Preservation Office ("SHPO") to confirm this preliminary finding.

The proposed site is located within a Natural Diversity Data Base (“NDDB”) buffer zone as shown in the attached map. As such, Homeland Towers will consult with the Department of Energy & Environmental Protection (“DEEP”).





#### G. SCHOOLS/DAY CARE CENTERS

There are no schools or day care centers located within 250’ of the proposed tower site.

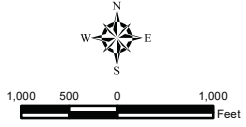


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**Legend**

-  Proposed Tower
-  Subject Property
-  Natural Diversity Database (updated June 2021)
-  Municipal Boundary

**Map Notes:**  
 Base Map Source: USGS 7.5 Minute Topographic  
 Quadrangle Maps, Pound Ridge, NY-CT (1971)  
 Map Scale: 1:24,000  
 Map Date: October 2021



**NDBB Map**

Proposed Wireless  
 Telecommunications Facility  
 CT050 - New Canaan Northwest  
 1837 Ponus Ridge Road  
 New Canaan, Connecticut





NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 3**



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

### VIA ELECTRONIC MAIL

May 19, 2022

Joseph T. Welsh  
Manager, Natural Resources  
Aquarion Water Company  
714 Black Rock Road  
Easton, CT 06612  
[JWelsh@aquarionwater.com](mailto:JWelsh@aquarionwater.com)

RE: **DOCKET NO. 509** - Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 1837 Ponus Ridge Road, New Canaan, Connecticut.

Dear Joe Welsh:

The Connecticut Siting Council (Council) is in receipt of Aquarion Water Company's correspondence concerning Docket No. 509.

In reaching a final decision on an application, the Council carefully considers all of the facts contained in the evidentiary record that is developed by the Council, the applicant, parties and intervenors in the proceeding, and all of the concerns received from members of the public who speak at the public hearing or submit written statements to the Council.

Please note that you can view documents related to this proceeding on our website at [portal.ct.gov/csc](http://portal.ct.gov/csc) under the "Pending Matters" link. You may also keep apprised of Council events on the website calendar and agenda.

Thank you for your interest and concern in this very important matter. Your letter will be entered in the public comment file related to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie A. Bachman".

Melanie A. Bachman  
Executive Director

MAB/RDM/laf

c: Council Members

May 18, 2022

Melanie Bachman, Executive Director  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

RE: DOCKET NO. 509 - Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 1837 Ponus Ridge Road, New Canaan, Connecticut.

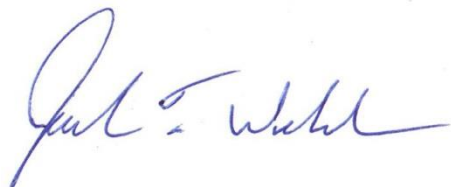
Dear Ms. Bachman and Members of the Siting Council.

Aquarion Water Company Source Protection Staff has received notification and reviewed the plans for this tower which is situated on source water watershed lands. These are also known as Class I and Class II-like lands. This site is located directly across from Laurel Reservoir an important public drinking water supply that serves over 120,000 customers in lower Fairfield County. The proposed facility is upgradient of the reservoir on a site with steep slopes and shallow soils. Any activity from the development of this property or land uses that occur will negatively impact water quality of the nearby wetlands, watercourse, and drainage which enters the public drinking water supply reservoir.

The removal of over 100 trees which make up a protective tree canopy and cut and fill activities on steep slopes to create a 500+- foot driveway to access the structure both will negatively impact the function of this watershed area. Careful consideration should be given by the council to determine if this is the best location and appropriate use given the proximity to the public water supply and negative impacts to water quality. Undeveloped land offers the greatest level of protection to drinking water reservoir quality.

While the applicant seems to acknowledge the sensitivity of this site with multiple stormwater management controls shown in the plans, the removal of vegetation and alterations to the site will degrade stormwater quality which will impact reservoir water quality. Thank you for considering these concerns.

Sincerely,



Joseph T. Welsh  
Manager, Natural Resources  
203-445-7457

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 4**

SECRETARY OF THE STATE OF CONNECTICUT

Annual Report

165 CAPITOL AVENUE  
P.O. BOX 150470  
HARTFORD, CT 06115-0470

FILING #0007215396 PG 1 OF 3  
VOL A-00758 PAGE 1789  
FILED 03/10/2021 10:58 AM  
SECRETARY OF THE STATE OF CONNECTICUT

- 1. Name of Limited Liability Company: 1837 LLC
- 2. Business ID: 1349175
- 3. Report due in the month of: March, 2021
- 4. NAICS Code: 551112 (Offices of Other Holding Companies)

Changes:

- 5. This Limited Liability Company is: DOMESTIC
- Fee is: \$80.00
- Business Name: 1837 LLC

- 6. Mailing Address: C/O RUCCI LAW GROUP, LLC  
19 OLD KINGS HIGHWAY SOUTH  
DARIEN,CT 06820 USA

Changes:

- 7. Principal Office Address: C/O RUCCI LAW GROUP, LLC  
19 OLD KINGS HIGHWAY SOUTH  
DARIEN,CT 06820 USA

Changes:

- 8. Address Required in State of Formation  
(Foreign Limited Liability Company):

Changes:

9. Agent Information

Agent Type: BUSINESS  
Agent Name: RUCCI LAW GROUP, LLC  
Agent's Business Address: 19 OLD KINGS HIGHWAY SOUTH  
DARIEN,CT 06820

Agent's Residence Address:

Agent's Mailing Address: 19 OLD KINGS HIGHWAY SOUTH  
DARIEN,CT 06820

Agent's Business Address Changes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Agent's Residence Address Changes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Agent's Mailing Address Changes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of person accepting appointment: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature Accepting Appointment: \_\_\_\_\_

(if agent is a business also print name and title of person signing)

10. Date: 03/10/2021

11. Email Address: tniss@optonline.net

12. I hereby certify and state, under penalties of false statement, that all of the information set forth on this annual report is true. I hereby electronically sign this report.

Print Capacity: MANAGER MEMBER

13. Signature of Authorizer: THOMAS NISSLEY

1. Full Legal Name:  
Title(s):  
Residence Addr:

RUCCI LAW GROUP, LLC  
MANAGER

Business Addr:

19 OLD KINGS HIGHWAY SOUTH  
DARIEN,CT 06820 USA

Res Changes:

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Bus Changes:

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NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 5**



Return to:

Kay Parker Jex, LLC  
Attorney at Law  
161 Cherry Street  
New Canaan, CT 06840



Doc ID: 002563900002 Type: LAN  
Book 956 Page 679 - 680  
File# 3547

**STATUTORY WARRANTY DEED**

We, MORDECHAI ABEL and SAVYONA ABEL, of 1385 Smith Ridge Road,  
New Canaan, CT for ONE MILLION FIVE HUNDRED THOUSAND  
(\$1,500,000.00) DOLLARS consideration paid, grant to EMILY B. NISSLEY of 30  
Oenoke Lane, New Canaan, CT with WARRANTY COVENANTS:

(See Schedule A attached hereto and made a part hereof)

Said premises being known as 441 Canoe Hill Road, (formerly known as 8 Ferris Hill  
Road) New Canaan, CT.

Signed this 11<sup>th</sup> day of June, 2016.

\_\_\_\_\_  
ALAN R. SPIRER

\_\_\_\_\_  
Mordechai Abel

\_\_\_\_\_  
Sandra J. Kuhn

\_\_\_\_\_  
Savyona Abel

STATE OF CONNECTICUT    )  
  ) ss.  
COUNTY OF FAIRFIELD    )

Personally appeared Mordechai Abel and Savyona Abel signers and sealers of  
the foregoing instrument who acknowledged the same to be their free act and deed before  
me, this 6<sup>th</sup> day of June, 2016.

\_\_\_\_\_  
Alan R. Spirer  
Commissioner of the Superior Court

**CONVEYANCE TAX RECEIVED**  
Town 3750.00 State 14750.00  
New Canaan Town Clerk

SCHEDULE A

All that certain piece or tract of land, in the area 2.138 acres together with the buildings, improvements and appurtenances thereon or thereto appertaining, situated in Town of New Canaan, County of Fairfield and State of Connecticut, shown and delineated as "Parcel A" on a certain map entitled, "Map Prepared for Anna B. Morse, New Canaan, Connecticut", certified "Substantially Correct", Henrici Associates, Henry F. Henrici, Land Surveyor, New Canaan, Conn., May 9, 1955 which map is on file in the Town Clerk's Office of said Town of New Canaan, as Map No. 2482, to which map reference is hereby made, and in accordance with which map said Parcel A is bounded as follows:

- Northerly: 310.00 feet by land now or formerly of The Estate of Casilda Stevens;
- Easterly: 18.07 feet by Parcel C, as shown on said map; and 369.65 feet by Parcel B, as shown on said map;
- Southerly: 193.52 feet by Ferris Hill Road;
- Southwesterly: 14.11 feet by the curved intersection of Ferris Hill Road and Canoe Hill Road;
- Westerly: 366.51 feet by Canoe Hill Road.

Said Premises are conveyed subject to:

1. Any and all provisions of any municipal, ordinance or regulation or public or private law with special reference to the provisions of any zoning regulations and regulations governing the said Premises.
2. Real property taxes on the current Grand List and any municipal liens or assessments becoming due and payable on or after the delivery of this Deed.
3. Right of Way as set forth in a Deed dated August 23, 1957 and recorded in Volume 121 at Page 595 of the New Canaan Land Records; and as shown on said Map.

Received for record on 6-7-16 at 10:30 AM  
and recorded by Claudia A. Weber  
TOWN CLERK

CT Trust for Historic Preservation  
940 Whitney Avenue  
Hamden CT 06517

VOL 956 PG 0980

**DECLARATION AND GRANT OF PRESERVATION RESTRICTIONS AND COVENANTS**

THIS PRESERVATION RESTRICTION AND COVENANT ("Restriction"), made as of the 9th day of June, 2016, by and between Emily B. Nissley ("Grantor") and the Connecticut Trust for Historic Preservation ("Grantee"), a nonprofit corporation specially chartered in the State of Connecticut.

WITNESSETH:

WHEREAS, Grantor is owner in fee simple of certain real property located in the town of New Canaan, Connecticut, more particularly described in Exhibit A attached hereto and incorporated herein (hereinafter "the Property"), said Property including the Hoyt-Burwell-Morse house, built between 1730 and 1740 and later expanded (hereinafter "the Building"), with an associated fieldstone Well and a separate frame Garage constructed between 1967 and 1973; and

WHEREAS, Grantee is authorized to accept preservation and conservation restrictions to protect property significant in national and state history and culture under the provisions of Connecticut General Statutes §§ 47-42a to 47-42d (hereinafter "the Act"); and

WHEREAS, because of its architectural, historic, and cultural significance the Property was listed in the Connecticut State Register of Historic Places on 1 June 2016; and

WHEREAS, the Property is historically significant for its association with the origin of New Canaan as a distinct geographic entity; for its apparent occupancy by Onesimus Brown, who is thought to have been the last living person born into slavery in Connecticut; and for its association with the Birdsall, Steven, and Morse families, who were instrumental in transforming the town from a declining rural area to a fashionable suburb in the late nineteenth and early twentieth centuries; and

WHEREAS, the Property possesses integrity of materials and workmanship and is architecturally significant as a well-preserved example of an early eighteenth-century center-chimney house with an integral leanto which has been expanded and modified over the years in ways that preserve and enhance its original character; and

WHEREAS, Grantor and Grantee recognize the architectural, historic, and cultural values (hereinafter "conservation and preservation values") and significance of the Property, and have the common purpose of conserving and preserving the aforesaid conservation and preservation values and significance of the Property; and

WHEREAS, the Property's conservation and preservation values are documented in a set of reports, drawings, and photographs listed and described in Exhibit B (hereinafter, "Baseline Documentation") incorporated herein by reference, which Baseline Documentation the parties agree provides an accurate representation of the Property as of the effective date of this grant. In the event of any discrepancy between the two counterparts produced, the counterpart retained by Grantee shall control; and

WHEREAS, the grant of a preservation and conservation restriction by Grantor to Grantee on the Property will assist in preserving and maintaining the Property and its architectural, historic, and cultural features for the benefit of the people of the Town of New Canaan, the State of Connecticut, and the United States of America; and

WHEREAS, to that end, Grantor desires to grant to Grantee, and Grantee desires to accept, a preservation and conservation restriction in perpetuity on the Property pursuant to the Act;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and pursuant to Connecticut General Statutes

**NO CONVEYANCE TAX  
COLLECTED**  
New Canaan Town Clerk

  
Doc ID: 002564420012 Type: LAN  
Book 956 Page 980 - 991  
File# 3609

§§ 47-42a to 47-42d, Grantor does hereby voluntarily grant and convey unto the Grantee a preservation and conservation restriction in perpetuity over the Property described in Exhibit A.

### PURPOSE

**1. Purpose.** It is the purpose of this Restriction to assure that the architectural, historic, cultural, and archaeological features of the Property will be retained and maintained forever substantially in their current or better condition for conservation and preservation purposes and to prevent any use or change of the Property that will significantly impair or interfere with the Property's conservation and preservation values (hereinafter the "Purpose").

### GRANTOR'S COVENANTS

#### 2.1 Grantor's Covenants: Covenant to Maintain.

(a) Grantor agrees at all times to maintain the Building in the same or better structural condition and state of repair as that existing on the effective date of this Restriction. Grantor's obligation to maintain shall require repair, reconstruction, and/or replacement by Grantor whenever necessary to preserve the Building in substantially the same structural condition and state of repair as that existing on the date of this Restriction.

(b) Subject to the casualty provisions of paragraphs 7 and 8, the obligation to maintain shall require repair, reconstruction, and/or replacement of the exterior portions of the Building whenever necessary in accordance with The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes (36 C.F.R. 68), as these may be amended from time to time (hereinafter the "Secretary's Standards"); a summary of the Secretary's Standards is attached to this agreement as Exhibit C. As used in this subparagraph, the right to maintain and repair shall mean the use by Grantor of in-kind materials, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the Building. The right to maintain and repair as used in this paragraph shall not include the right to make changes in appearance, materials, and workmanship from that existing prior to the maintenance and repair without the prior written approval of Grantee in accordance with the provisions of paragraphs 3.1 and 3.2.

#### 2.2 Grantor's Covenants: Prohibited Activities.

The following acts or uses are expressly forbidden on, over, or under the Property:

(a) The Building and Well shall not be demolished, removed, or razed except as provided in paragraphs 7 and 8.

(b) Nothing shall be erected or allowed to grow on the Property which would impair the visibility of the Property and the Building from the street level or other public rights of way.

(c) The Property shall not be divided or subdivided in law or in fact and the Property shall not be devised or conveyed except as a unit. For the purposes of this Restriction the term "subdivision" shall include a long term lease or other use of the Property that creates the characteristics of a subdivision of the Property, as determined in the sole discretion of the Grantee.

(d) The dumping of trash, rubbish, ashes, or any other unsightly or offensive materials is prohibited on the Property.

(e) No above-ground utility transmission lines, except those reasonably necessary for the existing Building, may be created on the Property, subject to utility easements already recorded.

### GRANTOR'S CONDITIONAL RIGHTS SUBJECT TO APPROVAL

**3.1 Conditional Rights Requiring Approval by Grantee.** The following acts require the prior express written approval of the Grantee, which approval shall not be unreasonably withheld or conditioned:

(a) Increasing or decreasing the height of, making additions to, changing the exterior construction materials of, or moving, improving, altering, reconstructing, or changing the facades (including fenestration) and roofs of the Building.

(b) Erecting additional structures on the Property, such as garages, sheds, barns, or other outbuildings.

(c) Erecting or allowing to be erected any external signs or external advertisements except: (i) such plaque permitted under paragraph 19 of this Restriction; (ii) a sign stating solely the address of the Property; and (iii) a temporary sign to advertise the sale or rental of the Property, and (iv) temporary signs associated with local, state, or federal elections, as permitted by town regulations.

(d) Making permanent substantial topographical changes, such as, by example, excavation for the construction of roads, swimming pools, and recreational facilities.

(e) Erecting satellite receiving dishes, antennas, cellular communications transmitters, or similar electronic frequency receiving or emitting devices on the property.

### **3.2 Review of Grantor's Requests for Approval.**

(a) Pursuant to paragraph 3.1, Grantor shall submit in writing to Grantee for Grantee's approval information (including plans, specifications, and designs where appropriate) together with a specific request identifying the proposed activity. In addition, Grantor shall also submit to Grantee a timetable for the proposed activity which is sufficient to permit Grantee to monitor such activity. Grantor shall not make changes or take any action subject to the approval of Grantee unless expressly authorized in writing by an authorized representative of Grantee.

(b) Grantee reserves the right to consult with governmental agencies, nonprofit preservation and conservation organizations, and/or other advisors deemed appropriate by the Grantee, concerning the appropriateness of any activity proposed under this Restriction.

(c) All approval rights of the Grantee shall be exercised in the reasonable discretion of Grantee.

(d) Grantee shall respond in writing to any request for approval within 60 days of receipt; if Grantee does not respond, the request shall be deemed approved.

(e) In the event that the Grantor does not implement any approval granted pursuant to 3.1 and 3.2, for a period of one (1) year, such approval shall be void. Grantor may resubmit the request for approval; however, such approval may be given or denied in the sole discretion of the Grantee.

**4. Standards for Review.** In exercising any authority created by this Restriction to inspect the Property or the exterior or interior of the Building; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Building following casualty damage, Grantee shall apply the Secretary's Standards.

## **GRANTOR'S RESERVED RIGHTS**

**5. Grantor's Reserved Rights Not Requiring Further Approval by Grantee.** Subject to the provisions of paragraphs 2.1, 2.2, and 3.1, the following rights, uses, and activities of or by Grantor on, over, or under the Property are permitted by this Restriction and by Grantee without further approval by Grantee:

(a) the right to engage in all those acts and uses that: (i) are permitted by governmental statute or regulation; (ii) do not substantially impair the conservation and preservation values of the Property; and (iii) are not inconsistent with the Purpose of this Restriction;

(b) pursuant to the provisions of paragraph 2.1, the right to maintain and repair the Building strictly according to the Secretary's Standards. As used in this subparagraph, the right to maintain and repair shall mean the use by Grantor of in-kind materials, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the Building. The right to maintain and repair as used in this paragraph shall not include the right to make changes in appearance, materials, and workmanship from that existing prior to the maintenance and repair without the prior written approval of Grantee in accordance with the provisions of paragraphs 3.1 and 3.2; and

VOL 956 PG 0983.

(c) the right to continue all manner of existing use and enjoyment of the Building, including but not limited to the maintenance, repair, and restoration of existing fences; the right to maintain the existing driveway with the use of same or similar surface materials; the right to maintain existing utility lines, gardening and building walkways, steps, and garden fences; the right to cut, remove; and clear grass or other vegetation and to perform routine maintenance, landscaping, horticultural activities, and upkeep, consistent with the Purpose of this Restriction.

#### **PUBLIC ACCESS AND STUDY**

**6. Public Access and Study.** At reasonable times, upon request of Grantee made with reasonable notice to Grantor, persons affiliated with educational organizations, professional architectural associations, and historical societies shall be admitted to study the Property. In addition, Grantee may make photographs, drawings, or other representations documenting the significant historical, cultural, and architectural character and features of the property and may use or publish them (or authorize others to do so) to fulfill its charitable or educational purposes.

#### **CASUALTY DAMAGE OR DESTRUCTION; INSURANCE**

**7. Casualty Damage or Destruction.** In the event that the Building or any part thereof shall be damaged or destroyed by fire, flood, windstorm, hurricane, earth movement, or other casualty, Grantor shall notify Grantee in writing within fourteen (14) days of the damage or destruction, such notification including what, if any, emergency work has already been completed. No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Building and to protect public safety, shall be undertaken by Grantor without Grantee's prior written approval. Within thirty (30) days of the date of damage or destruction, if required by Grantee, Grantor at its expense shall submit to the Grantee a written report prepared by a qualified restoration architect and an engineer who are acceptable to Grantor and Grantee; this report shall include the following:

- (a) an assessment of the nature and extent of the damage;
- (b) a determination of the feasibility of the restoration of the Building and/or reconstruction of damaged or destroyed portions of the Building; and
- (c) a report of such restoration/reconstruction work necessary to return the Building to the condition existing at the effective date of this instrument.

**8. Review after Casualty Damage or Destruction.** If, after reviewing the report provided in paragraph 7 and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 9, Grantor and Grantee agree that the Purpose of the Restriction will be served by such restoration/reconstruction, Grantor and Grantee shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Building in accordance with plans and specifications consented to by the parties up to at least the total of the casualty insurance proceeds available to Grantor.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under paragraph 9, Grantor and Grantee agree that restoration/reconstruction of the Property is impractical or impossible, or agree that the Purpose of the Restriction would not be served by such restoration/reconstruction, Grantor may, but only with the prior written consent of Grantee, alter, demolish, remove, or raze the Building, and/or construct new improvements on the Property. Grantor and Grantee may agree to extinguish this Restriction in whole or in part in accordance with the laws of the State of Connecticut and paragraph 23.1 of this instrument.

#### **9. Insurance.**

(a) Grantor shall keep the Property insured by an insurance company rated "Secured" by Best's, or another insurance agency that meets with the prior express written approval of Grantee, for the full replacement value against loss from the perils commonly insured under standard fire and extended

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coverage policies and comprehensive general liability insurance against claims for personal injury, death, and property damage.

(b) Property damage insurance shall include change in condition and building ordinance coverage, in form and amount sufficient to replace fully the damaged Property and Building without cost or expense to Grantor or contribution or coinsurance from Grantor. Such insurance shall include Grantee's interest and name Grantee as an additional insured.

(c) Grantor shall deliver to Grantee a certificate of insurance annually or when coverage is renewed by Grantor. If Grantor fails to submit proof of insurance coverage annually or at the time of renewal, Grantor must deliver proof of coverage, within ten (10) business days of Grantee's written request for documentation of coverage.

(d) Whenever the Property is encumbered with a mortgage or deed of trust, nothing contained in this paragraph shall jeopardize the prior claim, if any, of the mortgagee/lender to the insurance proceeds.

### INDEMNIFICATION AND TAXES

**10. Indemnification.** Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend at its own cost and expense, Grantee, its agents, trustees, directors, officers and employees, or independent contractors from and against any and all claims, liabilities, expenses, costs, damages, losses, and expenditures (including reasonable attorneys' fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person; physical damage to the Property; the presence or release in, on, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance, or regulation as a hazardous, toxic, polluting, or contaminating substance; the Grantor's independent valuation of or application for public incentives, rebates, or credits related to this Restriction; or other injury or other damage occurring on or about the Property, unless such injury or damage is caused by Grantee or any agent, trustee, director, officer, employee, or independent contractor of Grantee. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property with the same effect and priority as a mechanic's lien. Provided, however, that nothing contained herein shall jeopardize the priority of any recorded lien of mortgage or deed of trust given in connection with a promissory note secured by the Property.

**11. Taxes.** Grantor shall pay immediately, when first due and owing, all general taxes, special taxes, special assessments, water charges, sewer service charges, and other charges which may become a lien on the Property unless Grantor timely objects to the amount or validity of the assessment or charge and diligently prosecutes an appeal of the charge, in which case the obligation to pay such charges as defined in this paragraph shall be suspended for the period permitted by law for prosecuting such appeal and any applicable grace period following completion of such action. In place of Grantor, Grantee is hereby authorized, but in no event required or expected, to make or advance upon three (3) days prior written notice to Grantor any payment relating to taxes, assessments, water rates, sewer rentals and other governmental or municipality charge, fine, imposition, or lien asserted against the Property. Grantee may make such payment according to any bill, statement, or estimate procured from the appropriate public office without inquiry into the accuracy of such bill, statement, or assessment or into the validity of such tax, assessment, sale, or forfeiture. Such payment if made by Grantee shall constitute a lien on the Property with the same effect and priority as a mechanic's lien, except that such lien shall not jeopardize the priority of any recorded lien of mortgage or deed of trust given in connection with a promissory note secured by the Property.

### ADMINISTRATION AND ENFORCEMENT

**12. Written Notice.** Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing and shall be delivered by one of the following methods: by overnight courier postage prepaid, facsimile transmission, registered or certified mail with return receipt

requested, or hand delivery; if to Grantor, to \_\_30 Oenoke Lane, New Canaan, CT 06840\_\_, and if to Grantee, then to 940 Whitney Avenue, Hamden, Connecticut 06517.

Each party may change its address set forth herein by a notice to such effect to the other party.

**13. Evidence of Compliance.** Upon request by Grantor, Grantee shall promptly furnish Grantor with a certification that, to the best of Grantee's knowledge, Grantor is in compliance with the obligations of this Restriction, or that otherwise describes the status of this Restriction to the extent of Grantee's knowledge.

**14. Inspection.** With appropriate prior notice to Grantor, Representatives of Grantee shall be permitted at all reasonable times to inspect the Property, including the interior of the Building.

**15. Grantee's Remedies.** Grantee may, following reasonable written notice to Grantor, institute suit(s) to enjoin any violation of the terms of this Restriction by ex parte, temporary, preliminary, and/or permanent injunction, including prohibitory and/or mandatory injunctive relief, and to require the restoration of the Property and Building to the condition and appearance that existed prior to the violation complained of in the suit. Grantee shall also have available all legal and other equitable remedies to enforce Grantor's obligations contained in this instrument.

In the event Grantor is found to have violated any of its obligations, Grantor shall reimburse Grantee for any costs or expenses incurred in connection with Grantee's enforcement of the terms of this Restriction, including but not limited to all reasonable court costs, and attorney's, architectural, engineering, and expert witness fees.

Exercise by Grantee of one remedy hereunder shall not have the effect of waiving or limiting any other remedy, and the failure to exercise any remedy shall not have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

**16. Notice from Government Authorities.** Grantor shall deliver to Grantee copies of any notice of violation or lien relating to the Property received by Grantor from any government authority within five (5) days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

**17. Notice of Proposed Sale.** Grantor shall promptly notify Grantee in writing of any proposed offer to sell the Property or of any listing of the Property for sale and provide the opportunity for Grantee to explain the terms of the Restriction to the real estate listing agent and potential new owners prior to sale closing.

**18. Liens.** Any lien on the Property created pursuant to any paragraph of this Restriction may be confirmed by judgment and foreclosed by Grantee in the same manner as a mechanic's lien, except that no lien created pursuant to this Restriction shall jeopardize the priority of any recorded lien of mortgage or deed of trust given in connection with a promissory note secured by the Property.

**19. Plaque.** Grantor agrees that Grantee may provide and maintain a plaque on the Property, which plaque shall not exceed 24 by 24 inches in size, giving notice of the significance of the Property and the existence of this Restriction.

#### **BINDING EFFECT AND ASSIGNMENT**

**20. Runs with the Land.** Except as provided in paragraphs 8 and 23.1, the obligations imposed by this Restriction shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Property. This Restriction shall extend to and be binding upon Grantor and Grantee, their respective successors in interest and all such persons in the future claiming under or through Grantor and



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Grantee; the words "Grantor" and "Grantee" when used in this instrument shall include all such persons. Any right, title, or interest granted in this instrument to Grantee also shall be deemed granted to each successor and assign of Grantee and each following successor and assign; the word "Grantee" shall include all such successors and assigns.

An owner of the Property shall have no obligation pursuant to this instrument where such owner shall cease to have any ownership interest in the Property by reason of a bona fide transfer. The restrictions, stipulations, and covenants contained in this Restriction shall be inserted by Grantor, verbatim or by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title to or any lesser estate in the Property or any part thereof, including by way of example and not limitation, a lease of all or a portion of the Property.

**21. Assignment.** Grantee may convey, assign, or transfer this Restriction to a unit of federal, state, or local government or to a similar local, state, or national organization that is a "qualified organization" under Section 170(h) of the Code whose purpose, among other things, is to promote preservation or conservation of historical, cultural, or architectural resources, provided that any such conveyance, assignment, or transfer requires that the Purpose for which the Restriction was granted will continue to be carried out.

**22. Recording and Effective Date.** Grantee shall do and perform at its own cost all acts necessary to the prompt recording of this instrument in the land records of the Town of New Canaan, Connecticut. Grantor and Grantee intend that the restrictions arising under this Restriction take effect on the day and year this instrument is recorded in the land records of the Town of New Canaan, Connecticut.

#### EXTINGUISHMENT

**23.1 Extinguishment.** Grantor and Grantee hereby recognize that circumstances may arise that may make the continued ownership or use of the Property in a manner consistent with the Purpose of this Restriction impossible and that extinguishment of the Restriction may be necessary. Such circumstances may include, but are not limited to, partial or total destruction of the Building resulting from casualty. Extinguishment must be the result of a judicial proceeding in a court of competent jurisdiction.

**23.2 Condemnation.** If all or any part of the property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking.

#### INTERPRETATION

**24. Interpretation.** The following provisions shall govern the effectiveness, interpretation, and duration of the Restriction.

(a) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of Property shall not apply in the construction or interpretation of this Restriction, and this instrument shall be interpreted broadly to effect its Purpose and the transfer of rights and the restrictions on use contained in this instrument.

(b) This instrument may be executed in two counterparts, one of which may be retained by Grantor and the other, after recording, to be retained by Grantee. In the event of any disparity between the counterparts produced, the recorded counterpart shall in all cases govern.

(c) This instrument is made pursuant to the Act, but the invalidity of such Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors, and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law,

or private agreement in existence either now or hereafter. The invalidity or unenforceability of any provision of this instrument shall not affect the validity or enforceability of any other provision of this instrument or any ancillary or supplementary agreement relating to its subject matter.

(d) Nothing contained in this instrument shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods, or use. In the event of any conflict between any such ordinance or regulation and the terms of this instrument, Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this Restriction and such ordinance or regulation.

(e) To the extent that Grantor owns or is entitled to development rights which may exist now or hereafter under any applicable zoning or similar ordinance, that would permit the Property to be developed to a use or uses more intensive (in terms of height, bulk, number of structures, assemblage of lots, subdivision, or other criteria related by such ordinances) than that to which the Property is devoted as of the date of this Restriction, such development rights shall not be exercisable on, above, or below the Property during the term of the Restriction, nor shall they be transferred to any adjacent or other parcel.

(f) To the extent that any action taken by Grantee pursuant to this Restriction gives rise to a claim of breach of contract, Grantor and Grantee agree that the sole remedy on the part of Grantor shall be reimbursement of actual direct out-of-pocket expenses reasonably incurred by Grantor as a result of such breach and that Grantor shall not have any right to indirect, consequential, or monetary damages in excess of such actual, direct, and reasonable out-of-pocket expenses.

#### OTHER PROVISIONS

**25. Amendment.** If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this Restriction, provided that no amendment shall be made that will adversely affect the qualification of this Restriction or the status of Grantee under any applicable laws, including Sections 170(h) and 501(c)(3) of the Code and the laws of the State of Connecticut. Any such amendment shall, to the extent practically feasible: be consistent with the protection of the conservation and preservation values of the Property and the Purpose of this Restriction; not affect its perpetual duration; not permit any private inurement to any person or entity; and not adversely impact the overall architectural, historic, natural habitat, and open space values protected by this Restriction. Any such amendment shall be recorded in the land records of New Canaan, Connecticut. Nothing in this paragraph shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

**26. Protection of Entire Building.** Grantor and Grantee agree that that the restrictions of this Restriction shall apply to the entire exterior of the Building (including the front, sides, rear, and height of the Building), as well as to interior spaces and features as listed in Section 3.1, and that no change to the exterior of the Building may be made by Grantor except as provided herein.

**27. Inconsistent Changes Prohibited.** Grantor and Grantee agree that Grantor shall not undertake, and Grantee shall not permit, any change to the exterior of the Building which would be inconsistent with the historical character of such exterior.

**28. Mediation.** In the event that one party notifies the other in writing that it disagrees with the other party's determinations or actions under any provision of this Restriction, the parties shall participate in good faith in mediation before a mutually agreed mediator who has substantial education or experience regarding preservation of historically significant properties within thirty (30) days of such notice. Mediation shall occur at a place to be agreed upon by both parties, and each party shall bear its own costs of mediation. If the parties cannot agree on one mediator, the parties shall request that the American Arbitration Association propose a list of mediators. If the parties are unable to agree upon a single mediator from that list, each party shall select one qualified mediator and the other two mediators so named shall within ten (10) days select a third qualified mediator.

THIS RESTRICTION reflects the entire agreement of Grantor and Grantee. Any prior or simultaneous correspondence, understandings, agreements, and representations are null and void upon execution of this agreement, unless set out in this instrument.

TO HAVE AND TO HOLD, the said Preservation and Conservation Easement, unto the said Grantee and its successors and permitted assigns forever. This DEED OF PRESERVATION RESTRICTION AND COVENANT may be executed in two counterparts and by each party on a separate counterpart, each of which when so executed and delivered shall be an original, but both of which together shall constitute one instrument.

IN WITNESS WHEREOF, Grantor and Grantee have set their hands under seal on the days and year set forth below.

WITNESSES:

Kay P. Jex

Kay P. Jex

Worvine Hession

WORVINE HESSON

Emily B. Missley  
GRANTOR: Emily B. Missley

Daniel Mackay  
GRANTEE: CONNECTICUT TRUST FOR  
HISTORIC PRESERVATION  
By Daniel Mackay, its duly  
authorized Executive Director

STATE OF CONNECTICUT )  
COUNTY OF FAIRFIELD )

ss. New Canaan June 9, 2016

Personally appeared Emily B. and Missley, signers and sealers of the foregoing instrument, and acknowledged the same to be his/her free act and deed and the free act and deed of said corporation, before me,



Kay P. Jex  
Notary Public  
My commission expires \_\_\_\_\_  
Commissioner of the Superior Court

STATE OF CONNECTICUT )  
COUNTY OF NEW HAVEN )

ss. June 9, 2016

Personally appeared Daniel Mackay, Executive Director of the Connecticut Trust for Historic Preservation, signer and sealer of the foregoing instrument, and acknowledged the same to be his/her free act and deed and the free act and deed of said corporation, before me

[Signature]  
Notary Public  
My commission expires \_\_\_\_\_  
Commissioner of the Superior Court

**EXHIBIT A: Legal Property Description**

All that certain piece or tract of land, in the area 2.138 acres together with the buildings, improvements and appurtenances thereon or thereto appertaining, situated in Town of New Canaan, County of Fairfield and State of Connecticut, shown and delineated as "Parcel A" on a certain map entitled, "Map Prepared for Anna B. Morse, New Canaan, Connecticut", certified "Substantially Correct", Henricl Associates, Henry F. Henricl, Land Surveyor, New Canaan, Conn., May 9, 1985 which map is on file in the Town Clerk's Office of said Town of New Canaan, as Map No. 2482, to which map reference is hereby made, and in accordance with which map said Parcel A is bounded as follows:

- Northerly: 310.00 feet by land now or formerly of The Estate of Casilda Stevens;
- Easterly: 18.07 feet by Parcel C, as shown on said map; and 369.65 feet by Parcel B, as shown on said map;
- Southerly: 183.82 feet by Ferris Hill Road;
- Southwesterly: 14.11 feet by the curved intersection of Ferris Hill Road and Canoe Hill Road;
- Westerly: 365.51 feet by Canoe Hill Road.

Said Premises are conveyed subject to:

1. Any and all provisions of any municipal, ordinance or regulation or public or private law with special reference to the provisions of any zoning regulations and regulations governing the said Premises.
2. Real property taxes on the current Grand List and any municipal liens or assessments becoming due and payable on or after the delivery of this Deed.
3. Right of Way as set forth in a Deed dated August 23, 1967 and recorded in Volume 121 at Page 585 of the New Canaan Land Records; and as shown on said Map.

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**EXHIBIT B: List and Description of Baseline Documentation**

The following materials documenting the Property's historic significance and current condition are in the possession of both Grantor and Grantee and are incorporated by reference into the Restriction:

1. State Register of Historic Places nomination dated 18 May 2016, prepared by Erin Marchitto and Wes Haynes
2. Photographs and copies of documents provided by the 8 Ferris Hill Road Group, assembled Winter 2016.
3. Photographs taken by Christopher Wigren, 7 June 2016

**EXHIBIT C: Secretary of the Interior's Standards for Rehabilitation**

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

For interpretive material and examples, see  
<http://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm> (26 May 2016).

CTHP\_sample\_easement\_EH2014.doc

Received for record on 6-10-16 at 11:05 Am  
and recorded by Claudia A. Weber  
TOWN CLERK

VOL 960 PG 0763



Doc ID: 002573400001 Type: LAN  
Book 960 Page 763  
File# 498

Return to:

Kay Jex, Esq.  
161 Cherry Street  
New Canaan, CT 06840

QUIT CLAIM DEED

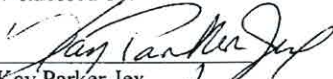
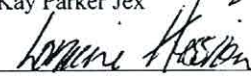
EMILY B. NISSLEY of 30 Oenoke Lane, New Canaan, Connecticut 06840, for consideration paid, grants to EMILY B. NISSLEY AND THOMAS W. NISSLEY of 30 Oenoke Lane, New Canaan, Connecticut 06840, as Tenants in Common, with QUIT CLAIM COVENANTS,

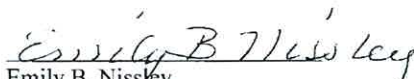
All that certain tract, piece or parcel of land, together with any buildings, improvements and appurtenances thereto appearing, situated in the Town of New Canaan, County of Fairfield and State of Connecticut, shown and delineated as parcel "A. 2.138 Acres" on a certain map entitled, "Map Prepared for Anna B. Morse, New Canaan, Connecticut", certified "Substantially Correct", Henrici Associates, Henry F. Henrici, Land Surveyor, New Canaan, Conn., May 9, 1955 which map is on file in the Town Clerk's Office of said Town of New Canaan as Map No. 2482, to which map reference is hereby made, in accordance with which map said Parcel A is bounded as follows:

- NORTHERLY: 310.00 feet by land now or formerly of The Estate of Casilda Stevens;
- EASTERLY: 18.07 feet by Parcel C, as shown on said map and 369.65 feet by Parcel B, as shown on said map;
- SOUTHERLY: 193.52 feet by Ferris Hill Road;
- SOUTHWESTERLY: 14.11 feet by the curved intersection of Ferris Hill Road and Canoe Hill Road; and
- WESTERLY: 366.51 feet by Canoe Hill Road.

Signed this 18th day of August, 2016.

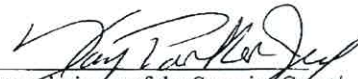
Witnessed by:

  
 Kay Parker Jex  
  
 Loraine Hession

  
 Emily B. Nissley

STATE OF CONNECTICUT )  
 ) ss: New Canaan  
 COUNTY OF FAIRFIELD )

On this 18th of August, 2016, personally appeared EMILY B. NISSLEY, signer and sealer of the foregoing instrument and acknowledged the same to be her free act and deed, before me.

  
 Commissioner of the Superior Court  
 Kay Parker Jex

**NO CONVEYANCE TAX  
 COLLECTED**  
 New Canaan Town Clerk

Received for record on 8-19-16 at 10:00 AM  
 and recorded by Claudia A. Weber  
 TOWN CLERK

Kathleen M. Merrigan, Esq.  
Cummings & Lockwood LLC  
Two Greenwich Plaza  
Greenwich, CT 06830

VOL 970 PG 689

AFFIDAVIT OF FACTS AFFECTING TITLE TO REAL PROPERTY

STATE OF CONNECTICUT )  
 ) ss.  
COUNTY OF FAIRFIELD )

March 10, 2017

Subject Property: 30 Oenoke Lane, New Canaan, Connecticut;  
Oenoke Lane, Tax Lot 204 900, New Canaan, Connecticut; and  
Oenoke Lane, Tax Lot 204 901, New Canaan, Connecticut

Record Owner: Emily A.B. McKay

The undersigned, being duly sworn, deposes and says:

1. The undersigned is over the age of eighteen (18) years and believes in the obligation of an oath.
2. This Affidavit is made with respect to certain real property known as and situated at 30 Oenoke Lane, New Canaan, Connecticut, together with parcels known as Oenoke Lane, Tax Lot 204 900, New Canaan, Connecticut and Oenoke Lane, Tax Lot 204 901, New Canaan, Connecticut, all of which are more particularly described in Schedule A attached hereto and made a part hereof (the "Subject Property").
3. Robert McKay and the undersigned were the named Grantees in a certain Warranty Deed from Special Properties, LLC to Robert McKay and Emily A.B. McKay as joint tenants with rights of survivorship dated August 21, 1995, and recorded in the New Canaan Land Records on August 21, 1995 in Book 442, page 969.
4. Robert McKay died a resident of New Canaan, Connecticut, on June 26, 2006.
5. At the time of his death, Robert McKay and the undersigned were still married to each other and were the owners of the Subject Property as joint tenants with rights of survivorship.
6. On August 22, 2006, an Appointment of Fiduciary was recorded in the New Canaan Land Records in Book 750, Page 487, evidencing the appointment of K. William Kolbe and Emily B. McKay as co-Executors of the Estate of Robert McKay.
7. On May 20, 2015, a Certificate Releasing the Estate of Robert McKay from any Connecticut Estate Tax Lien was filed in the New Canaan Land Records and recorded on June 4, 2015 in Book 938, Page 35.
8. On August 3, 2008, the undersigned married Thomas W. Nissley and changed her legal name to Emily B. Nissley.
9. The undersigned remains the owner in fee of the Subject Property.



10. The undersigned executes this Affidavit pursuant to the provisions of Section 47-12a of the Connecticut General Statutes for purposes of confirming the above facts relating to the title to the Subject Property.

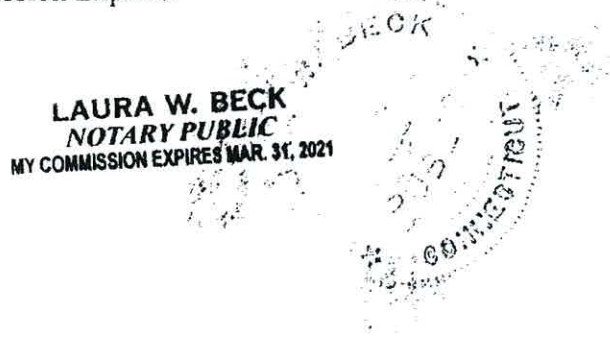
Dated as of the 10<sup>th</sup> day of March, 2017.

Emily B. Nissley  
Emily B. Nissley (f/k/a Emily A. McKay)

Subscribed and sworn to  
before me by Emily B. Nissley

this 10 day of March, 2017.

[Signature]  
Notary Public  
My Commission Expires:



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Schedule A

**TRACT I:**

ALL THAT CERTAIN piece, parcel or tract of land, situated in the Town of New Canaan, County of Fairfield and State of Connecticut, designated as Parcel No. 900 on that certain map entitled, "Map Showing Subdivision of Oenoke Glen prepared for Special Properties, L.L.C. New Canaan, Connecticut Total Area - 10.882 Ac." prepared by John R. O'Brien, L.S. dated March 30, 1994, April 21, 1994, which map is on file in the Office of the Town Clerk of said New Canaan as Map No. 6845. Said parcel contains 1.031 acres, more or less. TOGETHER WITH the right, if any, to use a certain forty foot right of way running from the premises in a southerly direction to St. John's Place in common with owners of abutting property as a means of egress and ingress to and from their respective properties to and from St. John's Place. TOGETHER WITH an easement for a right-of-way for ingress and egress over "Access to Serve Lots 897, 898, 899 and 900" as shown on said map.

**TRACT II:**

ALL THAT CERTAIN piece, parcel or tract of land, situated in the Town of New Canaan, County of Fairfield and State of Connecticut, designated as Parcel No. 901 on that certain map entitled, "Map Showing Subdivision of Oenoke Glen prepared for Special Properties, L.L.C. New Canaan, Connecticut Total Area - 10.882 Ac." prepared by John R. O'Brien, L.S. dated March 30, 1994, April 21, 1994, which map is on file in the Office of the Town Clerk of said New Canaan as Map No. 6845. Said parcel contains 1.661 acres, more or less. TOGETHER WITH the right, if any, to use a certain forty foot right of way running from the premises in a southerly direction to St. John's Place in common with owners of abutting property as a means of egress and ingress to and from their respective properties to and from St. John's Place. TOGETHER WITH an easement for a right-of-way for ingress and egress over "Access to Serve Lots 897, 898, 899 and 900" as shown on said map.

**TRACT III:**

ALL THAT CERTAIN piece, parcel or tract of land, situated in the Town of New Canaan, County of Fairfield and State of Connecticut, designated as Parcel No. 902 on that certain map entitled, "Map Showing Subdivision of Oenoke Glen prepared for Special Properties, L.L.C. New Canaan, Connecticut Total Area - 10.882 Ac." prepared by John R. O'Brien, L.S. dated March 30, 1994, April 21, 1994, which map is on file in the Office of the Town Clerk of said New Canaan as Map No. 6845. Said parcel contains 1.353 acres, more or less. TOGETHER WITH the right, if any, to use a certain forty foot right of way running from the premises in a southerly direction to St. John's Place in common with owners of abutting property as a means of egress and ingress to and from their respective properties to and from St. John's Place.

TOGETHER WITH a right-of-way over and across "Access to Serve Parcels 902 and 903," as shown on said map.

**TRACT IV:**

ALL THAT CERTAIN piece, parcel or tract of land, situated in the Town of New Canaan, County of Fairfield and State of Connecticut, designated as Parcel No. 903 on that certain map entitled, "Map Showing Subdivision of Oenoke Glen prepared for Special Properties, L.L.C. New Canaan, Connecticut Total Area - 10.882 Ac." prepared by John R. O'Brien, L.S. dated March 30, 1994, April 21, 1994, which map is on file in the Office of the Town Clerk of said New Canaan as Map No. 6845. Said parcel contains 1.168 acres, more or less.

TOGETHER WITH the right, if any, to use a certain forty foot right of way running from the premises in a southerly direction to St. John's Place in common with owners of abutting property as a means of egress and ingress to and from their respective properties to and from St. John's Place.

TOGETHER WITH a right-of-way over and across "Access to Serve Parcels 902 and 903," as shown on said map.

**TRACT V:**

ALL THAT CERTAIN piece, parcel or tract of land, situated in the Town of New Canaan, County of Fairfield and State of Connecticut, designated as Parcel No. 904 on that certain map entitled, "Map Showing Subdivision of Oenoke Glen prepared for Special Properties, L.L.C. New Canaan, Connecticut Total Area - 10.882 Ac." prepared by John R. O'Brien, L.S. dated March 30, 1994, April 21, 1994, which map is on file in the Office of the Town Clerk of said New Canaan as Map No. 6845. Said parcel contains 1.000 acres, more or less.

TOGETHER WITH the right, if any, to use a certain forty foot right of way running from the premises in a southerly direction to St. John's Place in common with owners of abutting property as a means of egress and ingress to and from their respective properties to and from St. John's Place.

TOGETHER WITH a right-of-way over and across "Access to Serve Parcels 904 and 905," as shown on said map.

**TRACT VI:**

ALL THAT CERTAIN piece, parcel or tract of land, situated in the Town of New Canaan, County of Fairfield and State of Connecticut, designated as Parcel No. 905 on that certain map entitled, "Map Showing Subdivision of Oenoke Glen prepared for Special Properties, L.L.C. New Canaan, Connecticut Total Area - 10.882 Ac." prepared by John R. O'Brien, L.S. dated March 30, 1994, April 21, 1994, which map is on file in the Office of the Town Clerk of said New Canaan as Map No. 6845. Said parcel contains 1.329 acres, more or less.

TOGETHER WITH the right, if any, to use a certain forty foot right of way running from the premises in a southerly direction to St. John's Place in

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common with owners of abutting property as a means of egress and ingress to and from their respective properties to and from St. John's Place. TOGETHER WITH a right-of-way over and across "Access to Serve Parcels 904 and 905," as shown on said map.

Said premises are also known as 30 Oenoke Lane, New Canaan, Connecticut.

Received for record on 3-21-17 at 2:02 pm  
and recorded by Claudia A. Weber  
TOWN CLERK



Return to:

Kay Jex, Esq.  
161 Cherry Street  
New Canaan, CT 06840

QUIT CLAIM DEED

EMILY B. NISSLEY AND THOMAS W. NISSLEY of 30 Oenoke Lane, New Canaan, Connecticut 06840, for consideration paid, grants to FERRIS 8, LLC, a Connecticut Limited Liability Company doing business at 30 Oenoke Lane, New Canaan, Connecticut 06840, with QUIT CLAIM COVENANTS,

All that certain tract, piece or parcel of land, together with any buildings, improvements and appurtenances thereto appearing, situated in the Town of New Canaan, County of Fairfield and State of Connecticut, shown and delineated as parcel "A. 2.138 Acres" on a certain map entitled, "Map Prepared for Anna B. Morse, New Canaan, Connecticut", certified "Substantially Correct", Henrici Associates, Henry F. Henrici, Land Surveyor, New Canaan, Conn., May 9, 1955 which map is on file in the Town Clerk's Office of said Town of New Canaan as Map No. 2482, to which map reference is hereby made, in accordance with which map said Parcel A is bounded as follows:

- NORTHERLY: 310.00 feet by land now or formerly of The Estate of Casilda Stevens;
- EASTERLY: 18.07 feet by Parcel C, as shown on said map and 369.65 feet by Parcel B, as shown on said map;
- SOUTHERLY: 193.52 feet by Ferris Hill Road;
- SOUTHWESTERLY: 14.11 feet by the curved intersection of Ferris Hill Road and Canoe Hill Road; and
- WESTERLY: 366.51 feet by Canoe Hill Road.

Signed this 26<sup>th</sup> day of January, 2018.

Witnessed by:

Kay Parker Jex

Emily B. Nissley

Loraine Hession

Thomas W. Nissley

STATE OF CONNECTICUT)

) ss: New Canaan

COUNTY OF FAIRFIELD )

On this 26<sup>th</sup> of January, 2018, personally appeared EMILY B. NISSLEY AND THOMAS W. NISSLEY, signers and sealers of the foregoing instrument and acknowledged the same to be their free act and deed, before me.

Commissioner of the Superior Court/  
Kay Parker Jex

NO CONVEYANCE TAX  
COLLECTED  
New Canaan Town Clerk

Received for record on 1-29-18 at 9:20 AM  
and recorded by Claudia A. Weber  
TOWN CLERK



Doc ID: 002723130002 Type: LAN  
Book 1013 Page 501 - 502  
File# 2611



**TOWN OF NEW CANAAN  
CONNECTICUT 06840**

**INLAND WETLANDS COMMISSION**

**PERMIT TO CONDUCT A REGULATED ACTIVITY  
PERMIT NO. 19-20-27-A  
ASSESSOR'S: MAP L BLOCK 204 LOT 897-901**

Pursuant to the Inland Wetlands and Watercourses Act of the State of Connecticut and the Regulations of the Inland Wetlands Commission of the Town of New Canaan, it is hereby certified that:

**INLAND WETLANDS AGENT ACTION**

The Inland Wetlands Agent has considered the application received from New Canaan Land Conservation Trust and Emily Nissley, as the owner(s) of record, to conduct such activity that will have no greater than minimal impact on any wetlands or watercourses in the Town of New Canaan. The Inland Wetlands Agent granted the permit applied for subject to the following conditions:

Street Address: Lots 897 - 901 Oenoke Lane  
Land Records: Volume 436 Page(s) 220 (New Canaan Land Trust  
Volume 970 Page 689 (Nissley)

**STANDARD CONDITIONS OF THE PERMIT**

1. The permit shall be recorded on the Land Records of the Town of New Canaan, and is effective as of the filing date.
2. Completion of the permitted activity shall be within five (5) years after the effective date of this permit. If such work is not completed within said time period the permit shall terminate and be null and void. The Commission may grant an extension of time for a period not to exceed five (5) years provided the permittee requests such extension in accordance with Section 14.2 of the Regulations.
3. If an approval or permit is granted by another Agency and contains conditions affecting wetlands and/or watercourses, the applicant must resubmit the application for further consideration by the Commission for a decision before work on the activity is to take place.
4. Prior to the commencement of any work on the site the Contractor Compliance Agreement (enclosed) must be signed and returned to the Commission's Office by the contractor who will perform the permitted activity.
5. The wetland boundaries shall be clearly marked for easy identification prior to the commencement of the permitted activity and the markings shall remain in place throughout the duration of the activity.
6. All activities for the prevention of soil erosion, such as silt fences and hay bales shall be under the direct supervision of a certified engineer, who shall employ the best management practices, consistent with the terms and conditions of this permit, to control stormwater discharges and to prevent erosion and sedimentation to otherwise prevent pollution, impairment, or destruction of wetlands or watercourses. Erosion controls are to be inspected by the permittee weekly and after rains and all deficiencies must be remediated within twenty-four hours of finding them.
7. The permittee shall take all necessary steps to control stormwater discharges to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourses.
8. The Commission's Agent shall be notified at least forty-eight (48) hours in advance of the initiation of the permitted activity and completion of any part of the activity.
9. The permittee shall immediately inform the Inland Wetlands Agent of problems involving sedimentation, erosion, downstream siltation or any unexpected adverse impacts, which develop in the course of or are caused by the work.
10. Any material, man-made or natural which is in any way disturbed and/or utilized during the work shall not be deposited in any wetlands or watercourse, either on or off the site, unless so specifically authorized by this permit.
11. The importation and exportation of any earth, loam topsoil, humus, sand, gravel, clay, stone or quarry stone to and from the property shall be subject to Section 6.6 of the Zoning Regulations of the Town of New Canaan.
12. This permit shall not be assigned or transferred by the permittee or any party without the written consent of the Commission.
13. This permit does not obviate the permittee's obligation to obey all appropriate federal, state and local laws, or to obtain any federal, state or local permits.

14. This permit may be revoked or suspended if the permittee exceeds the conditions or limitations of this permit, or has secured this permit through deception or inaccurate information.
15. Upon completion of the permitted activity, the permittee shall file the attached Statement of Compliance with the Inland Wetlands Agent along with the appropriate recording fee. A final field inspection will be conducted by the Agent to check for compliance. If all conditions of the permit have been satisfied, the Agent will file the Statement of Compliance on the Land Records of the Town of New Canaan.

#### Detailed Description of Proposed Activity

Construct a 25' wooden footbridge across an unnamed stream along Oenoke Lane. Both ends of the footbridge will be laid on stone footings. The bridge will allow walkers to walk on Land Trust property, instead of Oenoke Lane, which contains a blind curve. The trail itself will require minimal construction and disturbance: mostly pruning tree branches and shrub, or removing those that are in the way of the trail (mostly invasive burning brush). The trail will be delineated using this cut material. No wood chips or gravel will be added to create the new trail but left as a natural dirt path. Soil and erosion controls will be installed as needed.

#### SPECIAL CONDITIONS OF THE PERMIT (As imposed by the Commission or the Agent of the Commission)

None.

***Reminder:*** Upon completion of the permitted activity, the permittee shall file a completed Statement of Compliance form along with the appropriate inspection and recording fee. A final field inspection will be conducted by the Agent to check for compliance. If all conditions of the permit have been satisfied, the Agent will file the Statement of Compliance on the Land Records of the Town of New Canaan.

**PLEASE NOTE:** The Commission and/or Agent prior to the commencement of any work must approve any and all proposed changes.

- All work shall be in substantial conformance to information submitted with the application including, but not limited to: Application Number 19-20-27-A; Abutter's List, DEEP reporting Form; Trail Map dated September 5, 2018; Wetland Soils GIS Map dated March 12, 2020; Footbridge Cross Sectional Drawing by A. Sillo Construction and Survey Map #6845, dated October 13, 1994 prepared by Moody and O'Brien.

#### LEGAL NOTICE:

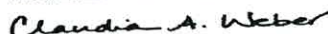
- This permit shall become void should the permitted activity not be completed in a timely manner as required.
- A Statement of Compliance (form enclosed) shall be filed with the Agent of the Commission. (See number 15 above for instructions)

Dated at New Canaan, Connecticut this 6 day of April 2020.

  
Kathleen Holland, Director, Inland Wetlands

cc: Aaron Lefland, New Canaan Land Trust

Received for Record at New Canaan, CT  
On 04/22/2020 At 1:58:36 pm





Doc ID: 002736700001 Type: LAN  
Book 1020 Page 139  
File# 445



**TOWN OF NEW CANAAN  
INLAND WETLANDS COMMISSION**

**RECEIVED**

**AUG 03 2020**

**INLAND  
WETLANDS**


**STATEMENT OF COMPLIANCE  
WETLAND PERMIT NUMBER 19-20-27-A**

Pursuant to Section 13.11 of the Inland Wetlands and Watercourses Regulations, it is the responsibility of the owner to file a Statement of Compliance with the Authorized Agent upon completion of a permitted activity. Upon final inspection by the Agent, this document will be filed on the Land Records of the Town. Until the Certificate of Completion is signed by the Agent and filed, the Land Records will show that the requirements of the permit have not been satisfied.

**STATEMENT OF COMPLIANCE**

The activities conducted under the permit granted me by action of the Inland Wetlands Commission and filed on the Land Records of the Town of New Canaan, Volume 1013 Page 501 Dated April 22, 2020 has been completed and is in compliance with all requirements, conditions and limitations stated in the permit.

New Canaan Land Conservation Trust and Emily Nissley  
Owner of Record

  
Owner of Record or Agent's (Signature) Aaron LeFland - NCLT E.D.

0 Oenoke Lane - Lots 897-901 Oenoke Lane  
Address of Completed Activity Address of Owner - (if different)

**FEE SUBMITTAL REQUIRED WITH FORM:  
Final Inland Wetlands Site Inspection Fee is \$100.00.  
Town Clerk Recording Fee is \$60.00.**

**Submit two separate checks made payable to the Town of New Canaan and attach to this form.**

*Do not write below this section.*

\*\*\*\*\*

**CERTIFICATE OF COMPLETION**

I have inspected the above activities and find that all requirements set forth in the permit have been complied with.

Kathleen Holland 8-3-20  
Kathleen Holland, Authorized Agent Date

Note: \_\_\_\_\_

Date filed on the Land Records \_\_\_\_\_





Doc ID: 002760910003 Type: LAN  
Book 1031 Page 195 - 197  
File# 2615

RETURN TO:  
Attorney Peter Ambrose  
1100 Kings Highway East  
Fairfield, CT 06825

**WARRANTY DEED**

**Survivorship**

***To all People to Whom these Presents shall Come.  
Greeting:***

***Know Ye,*** That **Shaun P. McMenamey of 67 Belden Hill Road, Wilton, CT 06897**, herein designated as the Grantors,

for the consideration of **Two Hundred Fifty Thousand and No/100 (\$250,000.00) Dollars**  
\*\*\*\*\*

received to the full satisfaction of the Grantors, from **Thomas Nissley and Emily Nissley of 30 Oenoke Lane, New Canaan, CT 06840** herein designated as the Grantees, do hereby give, grant, bargain, sell and convey to the Grantees and to the survivor of them and to such survivor's heirs and assigns forever

All that certain piece or parcel of land with the buildings and improvements thereon situated in the Town of **New Canaan, County of Fairfield and State of Connecticut** and being known and designated as **228 Park Street, Unit 8, New Canaan Connecticut** and being more particularly bounded and described on Schedule A attached hereto and made part hereof.

**To Have and to Hold** the premises hereby conveyed, with the appurtenances thereof, unto the Grantees and unto the survivor of them and unto such survivor's, heirs and assigns forever, to their proper use and behoof, **and** the Grantors do for themselves, their heirs, successors and assigns, covenant with the Grantees and with the survivor of them and with such survivor's heirs, successors and assigns, that the Grantors are well seized of the premises as a good indefeasible estate in FEE SIMPLE; have good right to grant and convey the same in manner and form as herein written and the same are free from all incumbrances whatsoever, except as herein stated.

**And Furthermore,** the Grantors do by these presents bind themselves and their heirs, successors and assigns forever to WARRANT AND DEFEND the premises hereby conveyed to the Grantees and to the survivor of them and to such survivor's heirs, successors and assigns against all claims and demands whatsoever, except as herein stated.

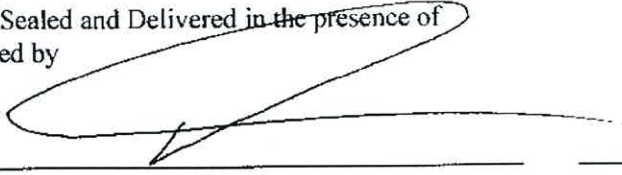
*In all references herein to any parties, persons, entities, or corporations the use of any particular gender or of the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require.*

CONVEYANCE TAX RECEIVED

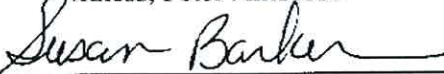
Town 625.- State 1,875.-  
New Canaan Town Clerk

**In Witness Whereof**, the Grantors have hereunto set their hands and seals, or if a corporation, it has caused these presents to be signed by its corporate officers and its corporate seal to be affixed hereto, this 7 day of **January, 2021**

Signed, Sealed and Delivered in the presence of  
or attested by

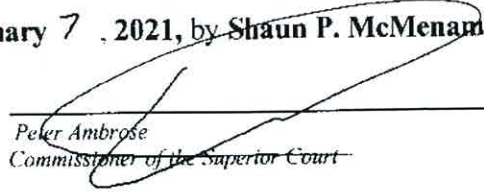


SH. P. M'Menamy  
**Shaun P. McMenemy**

witness, Peter Ambrose  
  
witness Susan Barker

STATE OF CONNECTICUT        }  
  } ss. Fairfield  
COUNTY OF FAIRFIELD        }

The foregoing instrument was acknowledged before me on **January 7 , 2021**, by **Shaun P. McMenemy**

  
Peter Ambrose  
*Commissioner of the Superior Court*

**SCHEDULE A  
PROPERTY DESCRIPTION**

All that certain piece, parcel or tract of real property located in the Town of New Canaan, County of Fairfield and State of Connecticut, being part of a condominium dated March 27, 1980, the Declaration of which is recorded in Volume 258 at Page 713, as amended by First Amendment to Declaration of Condominium dated November 7, 1980, and recorded November 10, 1980, in Book 263 at Page 142 of the New Canaan Land Records, as known and designated as Unit No. 8, Building 2, "PARK MEAD CONDOMINIUM" together with a 1.867% undivided interest in the common elements of said condominiums and appurtenances thereto.

The entire condominium premises are laid down and delineated to two certain maps, one entitled, "Map Prepared for J. Elliott Smith, New Canaan, Connecticut," which map is certified "Substantially Correct" by Henry F. Henrici, Land Surveyor, January 7, 1957, and is on file in the office of the Town Clerk of the Town of New Canaan as Map No. 3711 and the other entitled, "Unit Numbering Plan of Park Mead Condominiums, located at New Canaan, Connecticut, Scale 1"=20' March 20, 1980," which survey is certified "Substantially Correct" by Donald C. Barbee, Land Surveyor, and is on file together with the floor plans of Park Mead Condominiums in the office of the Town Clerk of the Town of New Canaan as file number 5032.

Together with the benefits, rights, privileges, easements and subject to the burdens, covenants, restrictions, by-laws, rules, regulations and easement, all as more particularly set forth in condominium documents filed and recorded as referred to herein, and as more particularly set forth in the New Canaan Land Records.

**SUBJECT TO:**

1. Any and all provisions of any municipal regulation or ordinance, and any Federal, State or local public or private laws, with special reference to the provisions of any zoning rules and regulations governing the subject premises.
2. Any assessments or pending assessments for which a lien or liens have not as yet been filed or recorded in the Town Clerk's Office.
3. Taxes on the List of October 1, 2019 to the Town of New Canaan, payments are reported to be current.
4. Taxes on the List of October 1, 2020 to the Town of New Canaan, payments are not yet due and payable.
5. Sewer Use Charges as may be due and payable to the Town of New Canaan, payments are reported to be current.
6. Effect, if any, of a letter dated December 13, 1955 and recorded in Book 129 at Page 151 of the New Canaan Land Records.
7. All of the terms, covenants, conditions, agreements, obligations, restrictions, and easement as set forth in the Declaration of Park Mead Condominium, together with the By-Laws, and all exhibits, appendices, schedules, agreements, documents, maps and plans attached thereto or referred to therein, dated March 27, 1980 and recorded in Volume 258 at Page 713 of the New Canaan Land Records, as the same may be amended, supplemented or restated.

Received for Record at New Canaan, CT  
On 01/12/2021 At 2:09:24 pm

*Claudia A. Weber*

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 6**

*Copy to New Canaan 8/1/77*

**ELLIS A. TARLTON LABORATORY**  
 DIVISION OF ELLIS A. TARLTON, ENGINEERS, INC.

CHEMICAL  
 PHYSICAL  
 BIOLOGICAL

34 PLEASANT STREET DANBURY, CONN. 06810  
 P.O. Box 246 203-748-7903

WATER - WASTEWATER  
 METHODOLOGY  
 APHA - WQO - ASTM

**REPORT OF BACTERIOLOGICAL AND CHEMICAL EXAMINATION OF WATER**

NAME AND  
 ADDRESS OF  
 PERSON TO  
 RECEIVE  
 REPORT

Boyd Brothers  
 178 Flax Hill Road  
 Norwalk, Connecticut 06854

SOURCE OF SAMPLE  
 Water supply, Lester Tichy prop.  
 Ponus St. & Dan's Highway  
 New Canaan, Connecticut

DATE OF COLLECTION July 26, 1977  
 COLLECTED BY Boyd Brothers

DATA

Hydrogen Ion Concentration (pH)	7.1	COLOR	0	TURBIDITY	0	ODOR	none	CORROSION INDEX LANGELIER RYZNAR	DISSOLVED SOLIDS	48.
				NTU					Mg/L	
NITROGEN CONSTITUENTS AS NITROGEN (N)	Nitrite	.000	Mg/L	Alkalinity as CaCO <sub>3</sub> Bicarbonate	26.0			Fluoride (F)	.00	Mg/L
	Nitrate	.06	Mg/L	Alkalinity as CaCO <sub>3</sub> Carbonate	0			Chlorine Residual	.00	Mg/L
	Ammonia	.000	Mg/L	Total Hardness as CaCO <sub>3</sub>	28.0					Mg/L
	Albuminoid	---	Mg/L	Iron as Fe	.00					Mg/L
Chlorides as Cl	5.0	Mg/L	Manganese as Mn	.00					Mg/L	
Detergent as MBAS	.00	Mg/L	Sulfate as SO <sub>4</sub>	18.5					Mg/L	

The arithmetic mean of all standard samples examined per month using the membrane filter technique shall not exceed one colony per 100ml. Coliform colonies per standard sample shall not exceed 3/50ml, 4/100ml, 7/200ml, or 13/500ml in: (a) Two consecutive samples; (b) More than one standard sample when less than 20 are examined per month; or (c) More than five per cent of the samples when 20 or more are examined per month.	MEMBRANE FILTER TEST Coliform Colonies/100ML
	0

- 1. The results of the analysis of this sample are satisfactory and meet requirements for a potable water.
- 2. The results of the analysis of this sample satisfactory for a potable water but certain of the chemical or physical constituents are high. These are as follows:
- 3. This sample is not satisfactory since it does not meet the bacterial requirements for potable water. The presence of organisms of the coliform group in a sample of potable water is undesirable and, while not necessarily indicating the presence of any disease-producing organisms, does indicate that such contamination might survive to the same extent. The presence of organisms of the coliform group may also indicate that the treatment was not adequate at the time the sample was collected.
- 4. This sample is unsatisfactory as a potable water because certain chemical or physical constituents are above acceptable limits. These are as follows:

COMMENTS      **Soft, lightly mineralized, slightly alkaline water, with excellent appearance and good sanitary chemical history.**

Certified *[Signature]*

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 7**

## Justin Nishioka

---

**From:** Pitt, Mimi  
**Sent:** Wednesday, April 20, 2022 3:10 PM  
**To:** Pitt, Mimi  
**Subject:** FW: RE: Ponus Ridge Tower / New Canaan

**From:** DiFederico, John [mailto:john.difederico@newcanaanct.gov]  
**Sent:** Wednesday, January 27, 2021 7:40 AM  
**To:** Sawabini, Stuart <stuart.sawabini@newcanaanct.gov>  
**Subject:** RE: Ponus Ridge Tower / New Canaan

\$3500 A MONTH!!!!!!

**Deputy Chief John W. DiFederico**  
**New Canaan Police Department**  
Operations Division Commander  
174 South Avenue  
New Canaan, Connecticut 06840  
(203) 594-3515  
(203) 594-3551 Fax  
[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)  
[www.newcanaanpolice.org](http://www.newcanaanpolice.org)

---

**From:** Sawabini, Stuart <[stuart.sawabini@newcanaanct.gov](mailto:stuart.sawabini@newcanaanct.gov)>  
**Sent:** Wednesday, January 27, 2021 7:35 AM  
**To:** DiFederico, John <[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)>  
**Subject:** Fwd: Ponus Ridge Tower / New Canaan

Sent from my iPhone

Begin forwarded message:

**From:** "Moynihan, Kevin" <[kevin.moynihan@newcanaanct.gov](mailto:kevin.moynihan@newcanaanct.gov)>  
**Date:** January 26, 2021 at 4:01:20 PM EST  
**To:** "Mann, Tiger" <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>, "Zagarenski, Joe" <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>  
**Cc:** "Murphy, Tucker" <[tucker.murphy@newcanaanct.gov](mailto:tucker.murphy@newcanaanct.gov)>, "Kimes, Russ" <[russ.kimes@newcanaanct.gov](mailto:russ.kimes@newcanaanct.gov)>, "Sheibley, Phil" <[phil.sheibley@newcanaanct.gov](mailto:phil.sheibley@newcanaanct.gov)>, "Sawabini, Stuart" <[stuart.sawabini@newcanaanct.gov](mailto:stuart.sawabini@newcanaanct.gov)>  
**Subject:** FW: Ponus Ridge Tower / New Canaan

Tiger/Joe,

Please review. Homeland Towers will present to BOS Thursday morning on the proposed public safety tower at 1837 Ponus Ridge Road.

I'd like to review this draft License Agreement with you tomorrow so we can add to Selectmen's tablets and present to BOS for approval Thursday morning.

Thank you.

Kevin

Kevin J. Moynihan  
First Selectman  
Town of New Canaan  
77 Main Street, New Canaan CT 06840  
O: 203-594-3000  
C: 203-331-2016  
F: 203-594-3123  
[www.newcanaan.info](http://www.newcanaan.info)



NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 8**



Justin Nishioka <justin.nishioka@gmail.com>

---

## Request for Communications/Records Proposing Siting Cell Tower on State Owned Land

---

**Rusczyk, Cindy** <Cindy.Rusczyk@ct.gov>  
To: Justin Nishioka <justin.nishioka@gmail.com>

Wed, Mar 2, 2022 at 3:56 PM

Good afternoon Mr. Nishioka,

The only records in our agency has referencing Homeland Towers LLC is for a proposed facility at [222 Clintonville Road, North Branford, Connecticut](#). Please let me know if you wish to receive a copy of these records.

Thank you

---

**From:** Justin Nishioka <justin.nishioka@gmail.com>  
**Sent:** Monday, February 14, 2022 10:26 AM  
**To:** Rusczyk, Cindy <Cindy.Rusczyk@CT.Gov>  
**Subject:** Re: Request for Communications/Records Proposing Siting Cell Tower on State Owned Land

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Cindy,

Thank you for your response. The siting council will not have these records. From what we understand, the correspondence was sent to your department.

Feel free to give me a call.

Justin (510) 913-3476

On Mon, Feb 14, 2022 at 9:55 AM Rusczyk, Cindy <Cindy.Rusczyk@ct.gov> wrote:

Good morning Mr. Nishioka,

The best agency to contact for the records you are requesting is the Connecticut Siting Council.

Please use this link below to review all of the information available on their website:

<https://portal.ct.gov/CSC>

---

**From:** Justin Nishioka <[justin.nishioka@gmail.com](mailto:justin.nishioka@gmail.com)>  
**Sent:** Saturday, February 12, 2022 12:43 PM  
**To:** Rusczyk, Cindy <[Cindy.Rusczyk@CT.Gov](mailto:Cindy.Rusczyk@CT.Gov)>  
**Subject:** Request for Communications/Records Proposing Siting Cell Tower on State Owned Land

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi there,

This CT FOIA request concerns records and correspondence with agents seeking to lease land on specific state-owned property for the purpose of constructing a cell tower. Please provide all records/correspondence proposing to site a telecommunications facility (e.g. cell tower) at the following addresses owned by the [State of Connecticut](#):

1. [Reservoir Lane, Stamford, CT](#): Map Block Lot, 004 2759, Zoning District is RA-2, and the parcel size is 44.58 acres.
2. [Laurel Road, Stamford, CT](#): Map Block Lot, 004 2788, Zoning District is RA-3, and the parcel size is 21.81 acres.
3. [Laurel Road, Stamford, CT](#): Map Block Lot, 004 2784, Zoning District is RA-2, and the parcel size is 3.1 acres.
4. [Laurel Road, Stamford, CT](#): Map Block Lot, 004 2781, Zoning District is RA-2, and the parcel size is 1.97 acres.
5. [Ponus Ridge Road, New Canaan, CT](#): Map Block Lot, 23 26 3, Zoning District is 4 acre residence zone, and the parcel size is 3.59 acres.

This request is limited to any communications from Homeland Towers LLC and any and all of its agents over the past five years. Agents of Homeland Towers LLC might include, but are not limited to, Homeland Towers LLC, Harry Carey of AT&T, New Singular Wireless PCS LLC, and Lucia Chiochio and/or anyone else from Cuddy Feder LLP.

My name is Justin Nishioka. My address is [60 Squires Ln](#) in New Canaan, CT 06840. My cell phone number is (510) 913-3476. My email is [Justin.Nishioka@gmail.com](mailto:Justin.Nishioka@gmail.com).

Thank you for your help in this request. Please feel free to contact me if you have any questions. Again, thank you for your assistance.

Sincerely,

Justin Nishioka

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 9**

## Justin Nishioka

---

**From:** Justin Nishioka <justin.nishioka@gmail.com>  
**Sent:** Wednesday, February 23, 2022 1:09 PM  
**To:** Bachman, Melanie  
**Cc:** CSC-DL Siting Council  
**Subject:** Re: CT FOI request for Class I & II watershed decisions

Great, thank you Melanie, I'll give them a look.

Regards,  
Justin

On Wed, Feb 23, 2022 at 12:24 PM Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)> wrote:

Good afternoon, Justin.

The Siting Council does not have a record or list at the level of specificity you seek as to the proximity of any cell tower and/or access road to Class I and Class II watershed lands. The level of specificity in the request would require a considerable amount of research to generate a record that does not exist.

In addition to the 10 certification records provided to you via email this morning, the remaining records related to cell tower sites in proximity to Class I and Class II watershed lands, which may exceed the distance specified in your request, are as follows:

Docket 380 [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/2\\_DocketNos200-399/Docket-380--New-Hartford](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/2_DocketNos200-399/Docket-380--New-Hartford)

**DOCKET NO. 223** - Cellco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a cellular telecommunications facility at [484 Meriden Road, Middlefield, Connecticut](#). (**Findings of Fact**), (**Opinion**), and (**Decision and Order**).

**DOCKET NO. 177A** - An amended application of Cellco Partnership d/b/a Bell Atlantic Mobile for a Certificate of Environmental Compatibility and Public Need for a two cell-site configuration in the Town of Orange. The proposed Prime A site would be located approximately 875 feet east of Orange Center Road at the rear of the High Plains Community Center, [525 Orange Center Road](#), with the Prime B site located approximately 400 feet northwest from the end of Ogg Meadow Road. These sites would replace the previously proposed Camp Cedarcrest site. A proposed alternate site is located within a 5.5 acre parcel of property approximately 250 feet

south and west of Robert Treat Drive Extension, Orange, Connecticut. ([Findings of Fact](#)), ([Opinion](#)), and ([Decision and Order](#)).

**DOCKET NO. 40** – SNET application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of facilities to provide cellular service in the Hartford and Middlesex Counties. ([Findings of Fact](#)), ([Opinion](#)), and ([Decision and Order](#)). [Development & Management Plan Status Report](#)

Some of these remaining records are not available electronically. Our office is open Monday through Friday 8:30 AM – 4:30 PM if you would like to inspect the records that are not available electronically.

Thanks.

Melanie A. Bachman, Esq.

Executive Director/Staff Attorney

Connecticut Siting Council

[10 Franklin Square](#)

[New Britain, CT 06051](#)

860-827-2951



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---

**From:** Justin Nishioka <[justin.nishioka@gmail.com](mailto:justin.nishioka@gmail.com)>

**Sent:** Wednesday, February 23, 2022 9:21 AM

**To:** Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)>  
**Cc:** CSC-DL Siting Council <[Siting.Council@ct.gov](mailto:Siting.Council@ct.gov)>  
**Subject:** Re: CT FOI request for Class I & II watershed decisions

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Melanie,

Thank you for the prompt response. Unfortunately, these applications are not responsive to my request. Specifically, none of the applications provided are within 250 feet of a Class I or 150 feet of a Class II watershed. The Woodbridge application was the closest site to being responsive, being 600 feet from a Class I watershed.

To help clarify my request, I'm specifically looking for applications that propose to site a telecommunications tower within 250 feet of a Class I watershed or 150 feet from a Class II watershed as defined by [CT Gen Stat § 25-37c \(2012\)](#).

My apologies if I confusingly phrased my request. Please feel free to give me a call. It may be easier to explain my request over the phone.

Thanks again for all your assistance.

Warm Regards,

Justin Nishioka

Phone: (510) 913-3476

On Wed, Feb 23, 2022 at 7:44 AM Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)> wrote:

Good morning, Justin.



The weekend was great. Thanks. I hope you had a nice President's Day weekend, also.

In response to your FOIA request, we searched our most recent cell tower certification matters based on proximity to Class I and Class II watershed lands.

When we receive an application, we are required to consult with and solicit comments from other state agencies, including, but not limited to, the Department of Public Health (DPH). If a facility is proposed in proximity to watershed lands, DPH routinely submits comments and recommends mitigation measures. Legislation from 2013 permits the DPH Commissioner to grant a permit for the lease or change in use of water company land to allow for telecommunications towers and associated equipment if the Commissioner determines such lease or change in use will not have an adverse impact on the purity and adequacy of the public drinking water supply. This is codified under Connecticut General Statutes Section 25-32.

The following cell tower applications are responsive to your inquiry. We selected the 10 most recent matters in descending order. In addition to the docket number, there are links to the entire records of these matters, including the DPH comments that were submitted into the record.

1. Docket 501 [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/4\\_DocketNos500s/Docket-No-501](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/4_DocketNos500s/Docket-No-501)
2. Docket 498 [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/3\\_DocketNos400s/Docket-No-498---Diamond-Towers-V\\_Cheshire](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-498---Diamond-Towers-V_Cheshire)
3. Docket 489 [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/3\\_DocketNos400s/Docket-No-489---First-Tax-Dis-Water-Dept\\_Norwalk](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-489---First-Tax-Dis-Water-Dept_Norwalk)
4. Docket 455 [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/3\\_DocketNos400s/Docket-No-455--Southington](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-455--Southington)
5. Docket 449 [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/3\\_DocketNos400s/Docket-No-449--Redding](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-449--Redding)
6. Docket 423 [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/3\\_DocketNos400s/Docket-No-423--Woodstock](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-423--Woodstock)

7. Docket 422 [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/3\\_DocketNos400s/Docket-No-422--NoAtlanticCingularWatertown](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/3_DocketNos400s/Docket-No-422--NoAtlanticCingularWatertown)

8. Docket 397 [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/2\\_DocketNos200-399/Docket-No-397--Woodstock](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/2_DocketNos200-399/Docket-No-397--Woodstock)

9. Docket 388 [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/2\\_DocketNos200-399/Docket-No-388--Woodbridge](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/2_DocketNos200-399/Docket-No-388--Woodbridge)

10. Docket 351 [https://portal.ct.gov/CSC/1\\_Applications-and-Other-Pending-Matters/Applications/2\\_DocketNos200-399/Docket-351-Manchester](https://portal.ct.gov/CSC/1_Applications-and-Other-Pending-Matters/Applications/2_DocketNos200-399/Docket-351-Manchester)

Should you have any questions, please feel free to contact me at your convenience.

Thanks. Have a great day.

Melanie

Melanie A. Bachman, Esq.

Executive Director/Staff Attorney

Connecticut Siting Council

[10 Franklin Square](#)

[New Britain, CT 06051](#)

860-827-2951



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**From:** Justin Nishioka <[justin.nishioka@gmail.com](mailto:justin.nishioka@gmail.com)>  
**Sent:** Tuesday, February 22, 2022 1:10 PM  
**To:** Bachman, Melanie <[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)>  
**Subject:** CT FOI request for Class I & II watershed decisions

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Melanie,

Hope you had a good President's Day weekend. This is a CT FOI request for records of Siting Council decisions where a cell tower permit was approved or denied for towers sited in close proximity to Class I & II watersheds. If you just want to provide docket numbers for responsive decisions, that would be preferable, but since I can only request records, my request is for the following:

1. Siting Council decisions (decision package or final decision, etc.) where the Council approved or denied a permit to construct a telecommunications tower (e.g. cell tower), or construction of an access road to a cell tower site, within 250 feet of a Class I watershed.
2. Siting Council decisions (decision package or final decision, etc.) where the Council approved or denied a permit to construct a telecommunications tower (e.g. cell tower), or construction of an access road to a cell tower site, within 150 feet of a Class II watershed.

If there are numerous responsive decisions, please just provide the five most recent decisions or docket numbers.

Any responsive records, if any, can be emailed to this email address.

Please feel free to contact me if you have any questions, and thank you for your assistance.

Warm Regards,

Justin Nishioka

Phone: (510) 913-3476

Address: [60 Squires Ln, New Canaan, CT 06840](#)

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 10**

**Topic:**

PUBLIC UTILITIES; WETLANDS; WATER COMPANIES; LAND USE;

**Location:**

UTILITIES - WATER COMPANIES;

**Scope:**

Court Cases; Connecticut laws/regulations;



April 23, 2002

2002-R-0460

**CLASS I AND II WATER COMPANY LANDS**

By: Joseph R. Holstead, Research Analyst

You asked (1) about the state policy on protection and preservation of class I and class II water company lands and (2) whether there is a distinction in the land transfer requirements for private, public, and quasi-public water companies.

**SUMMARY**

By law, class I and II water company land is protected and preserved to safeguard the state's water resources. Current law severely restricts transactions involving class I and limits transactions for class II land. These are lands located closest to water supply sources and require a Department of Public Health (DPH) permit to transfer or change their use. This requirement does not apply to class III land, which is land outside the watershed and more than 150 feet from a reservoir or stream that feeds it.

All water company land (whether private or publicly owned) falls under the three-tier classification system. Additional provisions regulate transfers of any unimproved land owned by a private water company. The law gives the state, municipalities, and land conservation organizations first refusal rights with regard to such land. The Department of Public Utility Control (DPUC) is responsible for allocating, between shareholders and ratepayers, the proceeds of such transactions. This allocation must favor the preservation of open space.

Several pending bills affect water company land.

## **WATER COMPANY**

For land classification purposes, a “water company” is any individual, corporation, municipality or other entity (or lessee thereof), that manages or uses any body of water, distributing plant, or system to supply water to two or more consumers or to 25 or more persons on a regular basis. If any one entity owns 80 per cent of two or more water companies, these companies are considered as one company for the purposes of this provision (CGS § 25-32a).

## **WATER COMPANY LAND CLASSIFICATION SYSTEM**

By law, all land owned by a water company or acquired from it through an involuntary transfer 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) on the public drinking supply watershed but not included in class I and (2) completely off 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. DPH regulations establish criteria and performance standards for the three classes (CGS § 25-37c).

DPH can reclassify Class I or II land only if it determines that the land no longer meets the statutory criteria due to the abandonment of a water supply source or a physical change in the watershed boundary. A DPH permit is required to abandon a water supply source. A company seeking to sell an abandoned, current, or potential water supply source must first offer it to other water companies (CGS § 25-32, 33k and l).

## **LAND TRANSACTIONS AND CHANGES OF USE**

The law requires a water company to obtain a DPH 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 (CGS § 25-32). The permitting requirements do not apply to Class III land.

The law severely restricts transactions involving Class I land. The 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 restrictions in the law and those imposed by the DPH permit. The buyer cannot sell, lease, assign, or change the use of the land without a permit.

In addition, the company can change the land's use only if it demonstrates that the change (1) will not harm the purity and adequacy of water supply, now or in the future and (2) is consistent with a DPH-approved water supply plan filed by the company. If DPH believes the proposal may significantly harm the water supply, it may refer the application to an outside consultant for a detailed review, at the company's expense (CGS § 25-37d).

Somewhat less restrictive provisions apply to 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. In

considering the impact on water supply, DPH considers each case individually and is not bound by its precedents.

In the case of the sale, lease, or transfer of land, DPH can grant a permit only if (1) the class II land is part of a larger parcel that includes class III land and (2) use restrictions will prevent the class II land from being developed. When a transaction is with another water company, municipality, or a land conservation organization, DPH can grant a permit only if there is a permanent conservation easement on the land. The easement must preserve the land in perpetuity, with most of it remaining in its natural condition. The easement must protect natural resources and water supply, while allowing for appropriate recreational uses and the development of improvements needed to provide for or protect the water supply. The land cannot be developed for residential, commercial, or industrial purposes, or for specified recreational purposes such as golf courses. Starting January 1, 2003, this last condition applies to all transactions, except for class II land needed to provide access to class III land that is part of a sale. It appears that this exception applies only if the land is sold to an entity other than a water company, municipality, or a land conservation organization.

In approving class II land transactions, DPH can subject the permit to conditions or restrictions it considers necessary to safeguard the water supply. In doing so, DPH must consider the potential the proposal has for contaminating the water supply or disturbing vegetation, the company's future ability to control the land through devices such as easements or use restrictions, and several other factors. Pending legislation, sSB 535, *An Act Concerning Existing Dwelling Houses on Class II Land*, allows the sale or assignment (under certain conditions, including consideration of the water supply) of existing single-family residences on class II water company lands that are not part of a larger parcel that contains class III land. The bill subjects sold property to restrictive covenants that limit expansion of the existing structure and restricts future activities that would significantly adversely affect the public water supply.

## **PRIVATE WATER COMPANIES**

Several additional provisions apply to land owned by private water companies. At least 90 days before offering land for sale, the company must notify DPUC, DPH, the Department of Environmental Protection, the municipality where the land is located, certain private and municipal water companies, and certain land conservation organizations. The notice must describe the location and acreage of the land. If a recipient of the notice buys the land, the closing must take place within 12 months. If no recipient buys the land or takes an option on it during the 90-day period, the company can offer the land to anyone (CGS § 16-50c).

Private water company land sales are subject to DPUC approval. Within 100 days after DPUC approves a water company land sale, any of the entities that received the original notice can inform DPUC of their desire to acquire the land. The entity then can acquire the land, at the price and under the conditions DPUC approved, within the next 15 months. Municipalities and the state can also acquire the property by eminent domain after filing notice within the 100-day period. The law provides a priority list if more than one eligible entity seeks to acquire the land (CGS § 16-50d).

DPUC must allocate the proceeds of water company land sales equitably between the company's shareholders and ratepayers. If at least 25% of the land will be preserved as open or recreational space, DPUC must allocate the proceeds substantially in favor of the shareholders. If all of the land will be used for open space or recreation, DPUC can



allocate all of the proceeds to the shareholders. In any case, the company must use the net proceeds from the sale for (1) capital projects that improve or protect water supply or (2) acquire land to protect water supply sources (CGS § 16-43).

## **PENDING BILLS**

### ***AN ACT CONCERNING LAND AND OPEN SPACE – sSB 563 (File No. 281)***

#### ***Water Company Land Lease***

This bill, among other things, allows water companies to give an easement, declaration of covenant, or a declaration of preservation to the state to preserve land (through the Connecticut Historical Society or any state agency) when leasing an existing structure. The lessee must honor preservation restrictions to qualify for state grant-in-aid programs that allow for a maximum of 50% of available federal money for the restoration and maintenance of historical structures. The bill allows a water company to grant the state a lien on such leased structures to secure repayment of any grant-in-aid when the lessee fails to fulfill the terms of the grant.

### ***AN ACT CONCERNING CERTAIN LAND RECORDS – SB 556, (File No. 251) as amended by Senate “A” and “B”***

The bill, as amended by Senate “B” and among other things, prohibits adverse possession claims to Class I or Class II land owned by investor-owned water companies. But it specifies that this prohibition does not affect any adverse possession right in or to the land acquired before October 1, 2002.

#### ***Adverse Possession***

Adverse possession is a method of acquiring title to real estate, accomplished by an open, visible, and exclusive possession uninterrupted for a period of 15 years (CGS § 52-575; *Whitney v. Turmel* 180 Conn. 147 (1980)).

JRH:eh

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 11**



# OLR RESEARCH REPORT

December 3, 2010

2010-R-0504

## **SITING TELECOMMUNICATIONS TOWERS ON STATE LAND OR IN WATERSHEDS**

By: Kevin E. McCarthy, Principal Analyst

You asked for a discussion of state law and agency policy limiting the use of state forests or parks or watershed land owned by entities such as the Metropolitan District Commission (MDC) for cell phone towers.

### **SUMMARY**

State law, as interpreted by Department of Environmental Protection (DEP) policy, bars the use of state forests or parks as the site of cell phone towers or other telecommunications towers owned by private entities.

The law requires a Department of Public Health (DPH) certificate to sell, transfer, or change the use of watershed land owned by MDC or other water utilities. It appears that the law precludes selling or leasing class I or II land (land located near water supply sources) to a telecommunication company or other tower developer.

New cell towers, regardless of location, also require a certificate from the Siting Council. The Siting Council must consider a wide range of environmental impacts. It can only grant a certificate for a tower if it finds that a public need for the tower outweighs the environmental harm it would cause.

## **STATE FORESTS AND PARKS**

The law places state forest and park land under DEP's authority. DEP may lease land to other governmental agencies (CGS § 22a-26) or to public authorities (CGS § 23-25), in both cases for public purposes. DEP can also grant revocable licenses, rights of way, or easements for public purposes (CGS §§ 23-11 and 26-3). According to Tom Tyler, DEP's director of state parks and public outreach, DEP has historically interpreted these provisions as being intended to protect the state's parks, forests, and other open space from private commercial use. DEP's policy is that telecommunications towers owned and operated by private companies as a for-profit enterprise are not included in the permitted public purposes.

DEP maintains five radio towers on land it manages, including one in Talcott Mountain State Park. In June 1992, then DEP commissioner Keeney issued a directive which is still in force, according to Tyler. It states that DEP's principal goals in managing land under its control are to (1) protect and preserve special examples of Connecticut's landscape, (2) provide public access and recreational opportunities compatible with the preservation goal, and (3) develop and maintain a healthy forest cover from a multiple use standpoint. As such, only those uses which are compatible with these goals are allowed.

## **WATERSHEDS**

CGS § 25-32 requires a DPH permit to transfer or change the use of watershed land owned by water companies and limits the circumstances under which DPH can grant such permits. As used in this context, water companies include entities such as the Metropolitan District Commission and municipal water utilities. Specific rules apply to class I water company land (watershed land that is located closest to water supply sources) and class II land (which is located somewhat further from such sources).

DPH can only permit the sale of class I land to another water company, a state agency, a municipality or, under limited circumstances, a land conservation organization such as a land trust. DPH can only permit the lease of class I land to another water company and only under limited circumstances. In addition, DPH can grant a permit for a change in use of class I land only if the applicant demonstrates that the change will not significantly harm the present and future purity and adequacy of the drinking water supply and is consistent with the applicable water supply plan .

DPH can only grant a permit for the sale, lease, assignment, or change in use of class II land under limited circumstances. DPH can only do so if the applicant demonstrates, among other things, that (1) the proposed action will

not significantly harm the purity and adequacy of the public drinking water supply and (2) any use restrictions DPH requires as a condition of granting the permit can be enforced against subsequent owners, lessees, and assignees. In the case of proposed sales, leases, and transfers, a permanent conservation easement on the land must be established to preserve the land in perpetuity predominantly in its natural scenic and open condition to protect natural resources and public water supplies while allowing for (1) recreation consistent with such protection and (2) improvements needed to protect or provide safe and adequate potable water. This easement may not allow the land to be developed for any commercial, residential, or industrial uses.

It appears that the law precludes selling or leasing class I or II land to a telecommunications company or other tower developer. However, the section provides that “nothing in this section shall prevent the lease or change in use of water company land to allow for ... radio towers or telecommunications antennas on existing structures”. It is not clear whether this encompass cell phone towers. In practice, DPH reviews applications for permits on a case-by-case basis.

### **SITING COUNCIL REVIEW**

Under CGS § 16-50g *et seq.*, a Siting Council certificate is required to build a variety of energy and telecommunications facilities, including cell phone towers, in any location. The stated legislative purpose of this law is to balance the need for adequate and reliable utility services at the lowest reasonable cost to consumers with the need to protect the state’s environment and minimize damage to scenic, historic, and recreational values. Another stated purpose is to avoid unnecessary proliferation of telecommunications towers, particularly where they would harm class I and II watershed lands.

In reviewing certificate applications, the Siting Council must consider a wide range of environmental impacts, including the effect of the proposed tower on water quality, forests, parks, recreational values, and wildlife. Before it can grant a certificate for a tower, it must consider the feasibility of requiring an applicant to share an existing tower. It also must consider whether the proposed tower would be located in an area which the Siting Council, in consultation with DEP and affected municipalities, finds to be a relatively undisturbed area that possesses scenic quality of local, regional, or statewide significance. The law specifically allows the Siting Council to deny a certificate application if a proposed tower would substantially affect the scenic quality of its location and no public safety concerns require that it be built there.

KM:df

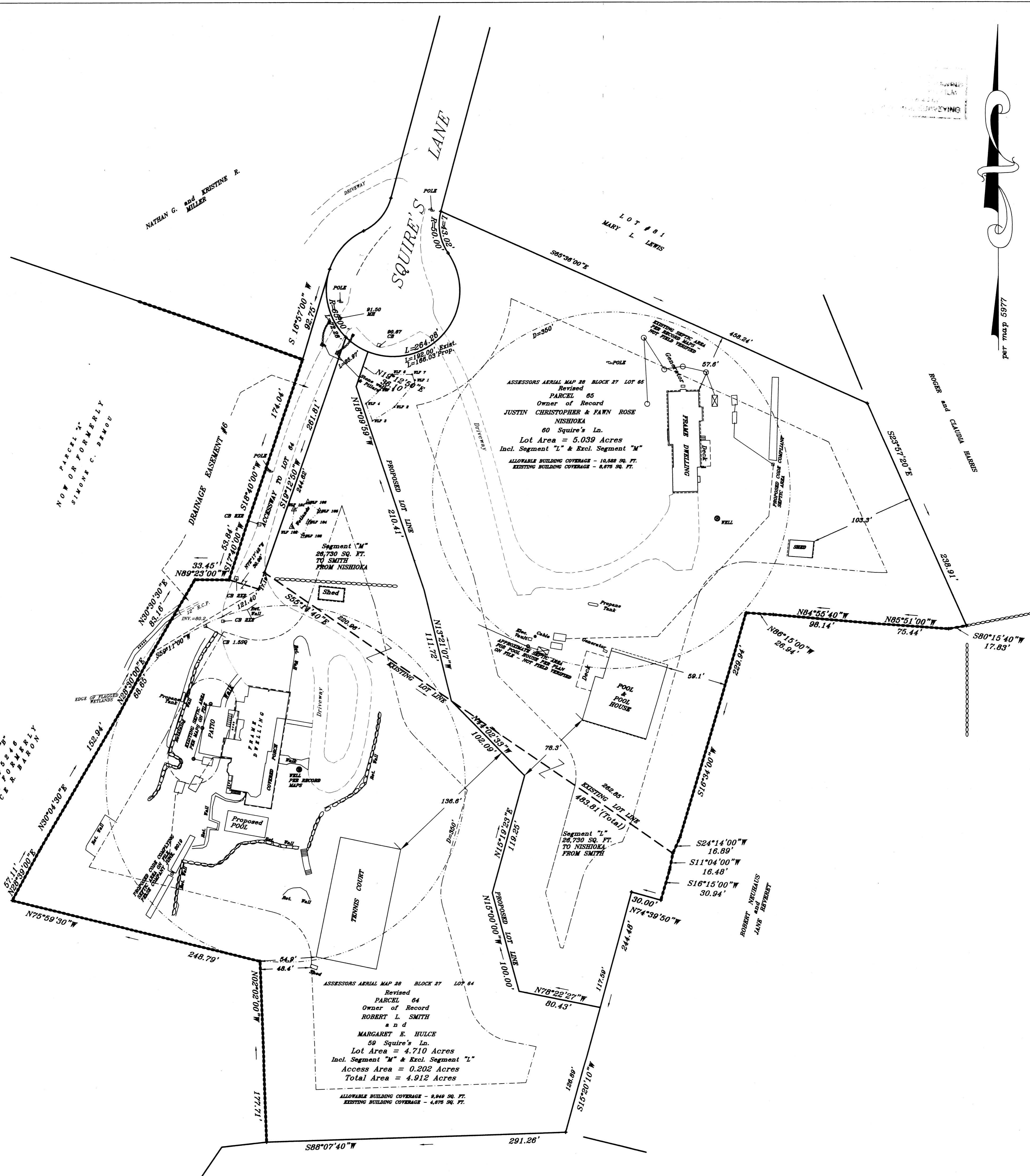
NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 12**

**[REMOVED]**

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 13**



MARK and JAMIE BUSCHMANN

"Exchange of Property"  
 M A P  
 Prepared for  
 ROBERT L. SMITH and MARGARET E. HULCE  
 A N D

JUSTIN CHRISTOPHER and FAWN ROSE NISHIOKA  
 New Canaan, Connecticut  
 Four Acre Residence Zone  
 Total Area = 9.951 Acres

WETLANDS SOILS ON SEGMENT "M" FIELD DESIGNATED BY OTTO THALL SOILS AND WETLANDS SCIENCE ON NOVEMBER 15, 2019 AND JULY 19, 2020 FIELD LOCATED BY R K W LAND SURVEYING ON NOVEMBER 19, 2019 AND JULY 20, 2020

IN PARTICULAR AS TO SEGMENT "M", AND NO WORK SHALL COMMENCE UNTIL A WETLANDS SOIL INVESTIGATION HAS BEEN PERFORMED AND PERMITS ARE ISSUED.

USE OF THIS SURVEY BY SUBSEQUENT OWNERS VOIDS SEAL AND CERTIFICATION HEREON.

SUBJECT TO ELECTRIC AND/OR TELEPHONE COMPANY EASEMENTS, IF ANY, FOR OVERHEAD AND/OR UNDERGROUND SERVICE.

SUBSTRUCTURES AND/OR THEIR ENCROACHMENTS BELOW GRADE, IF ANY, NOT SHOWN.

THE PURPOSE OF THIS MAP IS TO SHOW THE BUILDINGS AND BUILDING COVERAGE ONLY.

NO OTHER INTERIOR LOCATION DONE AT THIS TIME.

THIS MAP IS NOT TO BE USED FOR CONVEYANCE PURPOSES.

ALTERATIONS OF THIS MAP OTHER THAN BY A LICENSED LAND SURVEYOR IS ILLEGAL.

REFERENCE HEREBY MADE TO MAP # 5977, 5929 & 3880 ON FILE IN THE NEW CANAAN TOWN CLERKS OFFICE.

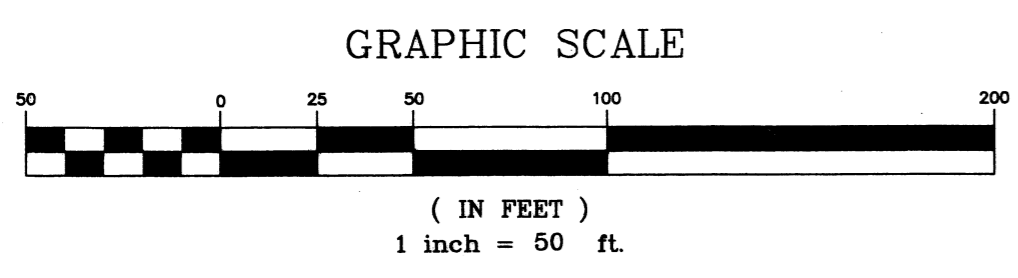
THE TYPE OF SURVEY PERFORMED IS A PROPERTY SURVEY SHOWING AN EQUAL EXCHANGE OF PROPERTY.

THE BOUNDARY DETERMINATION IS BASED ON A DEPENDENT RESURVEY OF THE BOUNDARY PERMETER AND A FIRST SURVEY OF THE NEWLY CREATED LOT LINES.

THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 36-300A-1 THRU 36-300B-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 28, 1996.

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON, AND CONFORMS TO THE SUBSTANTIAL ACCURACY OF A CLASS "A-2" SURVEY.

R K W  
 LAND SURVEYING  
 Survey date APRIL 10, 2019  
 New Canaan, Connecticut  
 Tel. 203 - 866 - 3861  
 Fax 203 - 866 - 3500  
 WETLANDS PLACED - NOVEMBER 21, 2019 & JULY 20, 2020



ALL DECLARATIONS ARE VALID FOR THIS MAP AND COPIES THEREOF ONLY IF THEY BEAR THE SIGNATURE AND EMBOSSED SEAL OF THE SURVEYOR WHOSE SIGNATURE APPEARS HEREON. UNAUTHORIZED ALTERATIONS RENDER ANY DECLARATION HEREON NULL AND VOID.



Francis J. Walsh  
 FILE SENIOR 51 #1  
 LDD4-19/59 SQUIRES-EXCH.DWG



TOWN OF NEW CANAAN

PLANNING & ZONING COMMISSION

FIRST CUT DIVISION OF LAND / LOT-LINE REVISIONS / EASEMENT / DETERMINATION OF A "LOT" INFORMATION FORM

Submission Date: \_\_\_\_\_

RECEIVED

OCT 22 2020

NEW CANAAN PLANNING & ZONING

FIRST CUT DIVISION OF LAND

EASEMENT MAP

LOT-LINE REVISION(S)

BUILDING LOT DETERMINATION

Town Clerk:  
JANET  
(203) 594-3070  
08/30/4:00

Address of property: 59 SQUIRES LANE

Assessor's Map: 28 Block: 27 Lot: 64 Zoning District: 4 Acre Zone

Existing Use(s) of Property: Single Family Home

Proposed Use(s) of Property: SAME

Owner of Record (print): Robert L. Smith & Margaret E. Hulce Signatures: [Signatures]

Second/Adjoining Property: (To be completed only if application is a lot line revision)

Address of Property: 60 SQUIRES LANE

Assessor's Map: 28 Block: 27 Lot: 65 Zoning District: 4 Acre Zone

Existing Use(s) of Property: Single Family Home

Proposed Uses(s) of Property: SAME

Owner of Record (print): Justin Christopher & Fawn Rose Nishioka Signatures: [Signatures]

Reason for Request: TO ENHANCE THE VALUE OF BOTH PROPERTIES

59 SQUIRES: ALT DRIVEWAY ENTRANCE 60 SQUIRES: MORE USABLE YARD.

App/Agent (print): \_\_\_\_\_ Signature: \_\_\_\_\_ Phone #: \_\_\_\_\_

Approved By: [Signature] Date: 10/26/2020  
Brian Platz  
Chief Building Official

Approved By: [Signature]  
Lynn Brooks Avni, AICP  
Town Planner/Sr. Enforcement Officer

Approved By: [Signature] Date: 11/14/2020  
Jen Eielson, REHS/RS, MPH  
Director of Health

Date: 11/9/2020

Lot # Assigned by Assessor: \_\_\_\_\_  
Map # Assigned by Town Clerk: \_\_\_\_\_  
# 7758

Date: \_\_\_\_\_  
Date: 11/20/2020

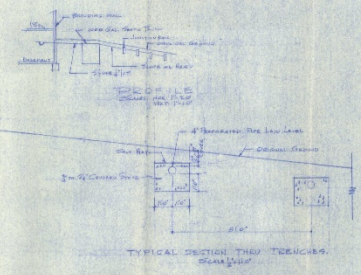
NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 14**

G.V.B. DESIGNS  
 214 S. 10th St. Raleigh, N.C.  
 Phone 252-733-1111

**GENERAL NOTES**

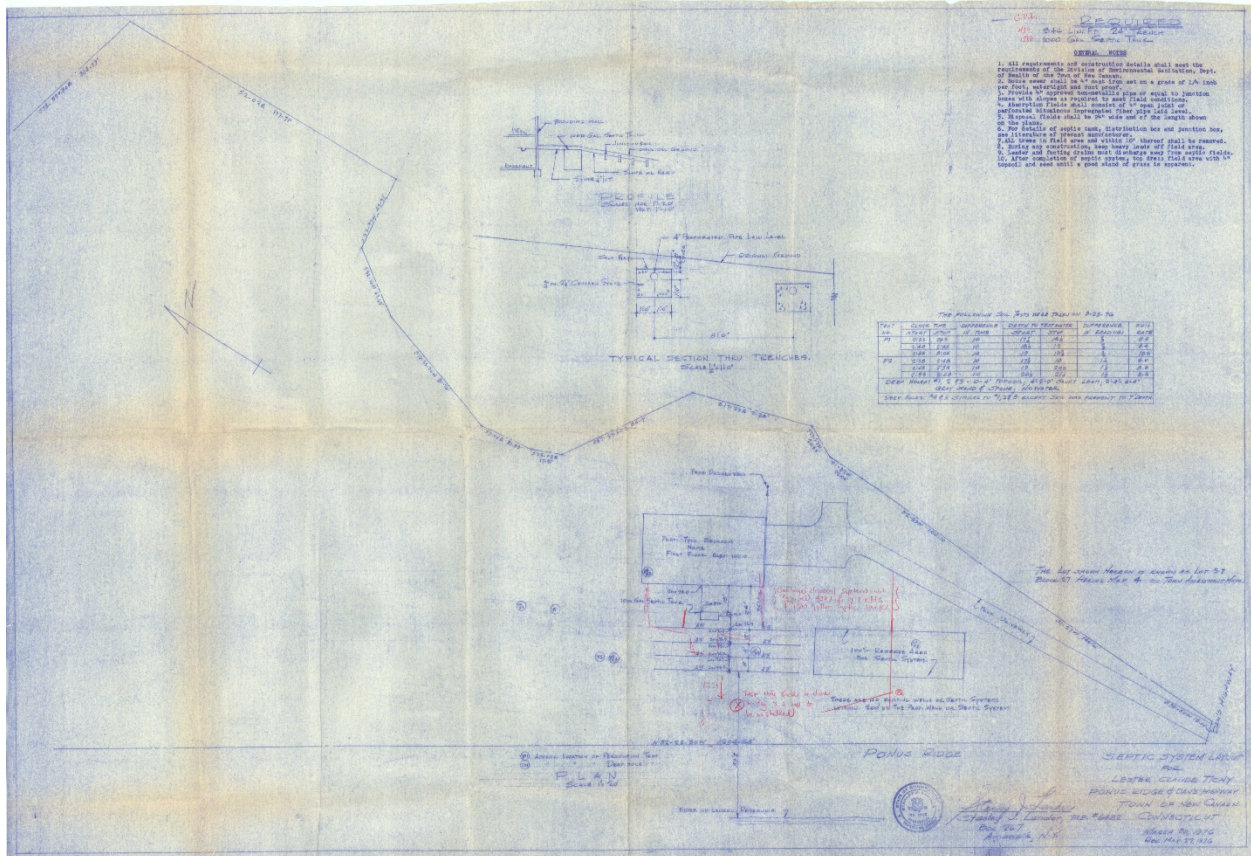
1. All requirements of construction details shall meet the requirements of the Division of Environmental Protection, Dept. of Health and Social Services.
2. Manholes shall be 4' in diameter and set on a grade of 1/4" per foot.
3. Manholes shall be approved materials pipe or manhole sections with a cover as required to meet local jurisdiction.
4. Manhole covers shall consist of 1" manhole or equivalent stainless steel pipe with 1/2" level.
5. Manhole covers shall be set back 1' from the curb.
6. For details of pipe size, distribution box and junction box, see Division of Environmental Protection, Dept. of Health and Social Services.
7. All work to be done shall be done in accordance with the plans.
8. Existing any existing lines shall be shown.
9. Under and within grade work shall be shown.
10. After completion of work, existing lines shall be shown with original and new lines as shown on plans.



The following data were used in the design of this system:

PIPE	CLASS	SIZE	LENGTH	DEPTH	PERCENTAGE	NOTE
12"	12"	12"	12"	12"	12%	12"
18"	18"	18"	18"	18"	18%	18"
24"	24"	24"	24"	24"	24%	24"
30"	30"	30"	30"	30"	30%	30"
36"	36"	36"	36"	36"	36%	36"
42"	42"	42"	42"	42"	42%	42"
48"	48"	48"	48"	48"	48%	48"
54"	54"	54"	54"	54"	54%	54"
60"	60"	60"	60"	60"	60%	60"
66"	66"	66"	66"	66"	66%	66"
72"	72"	72"	72"	72"	72%	72"
78"	78"	78"	78"	78"	78%	78"
84"	84"	84"	84"	84"	84%	84"
90"	90"	90"	90"	90"	90%	90"
96"	96"	96"	96"	96"	96%	96"
102"	102"	102"	102"	102"	102%	102"
108"	108"	108"	108"	108"	108%	108"
114"	114"	114"	114"	114"	114%	114"
120"	120"	120"	120"	120"	120%	120"

DEPTH SHALL BE AS SHOWN ON THE PLAN. SEE PLAN FOR DETAILS.  
 SEE PLAN FOR DETAILS.



POND ROAD  
 SEPTIC SYSTEM LAYOUT  
 LITTLE CHURCH TOWN  
 POND ROAD CHAIRMANSHIP  
 TOWN OF NEW GARDEN  
 COUNTY OF LENOIR, NORTH CAROLINA  
 DRAWN BY: [Signature]  
 DATE: 10/15/10

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 15**

Address: PONUS RIDGE - DON'S HWY N.C.

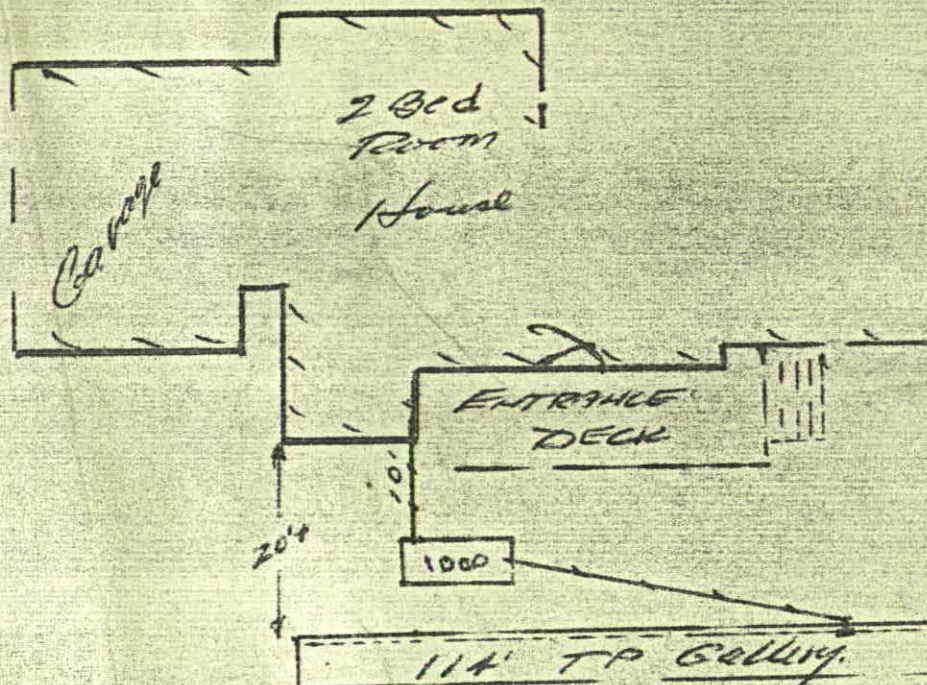
By: Stright Co. Inc. 323-1521

Owner: LESTER TITCHY BLDR

Date: 6/9/77 Scale 1"=20'

REVIS TO H<sup>2</sup>  
2 BED ROOM DWELLING  
114' TP Gallery to  
Total 696 #L.A

• art  
will  
25 min  
for 5. 8. 9. 10. 11. 12.



RES AREA

Gallery Bottom to be 48" above ledge rock

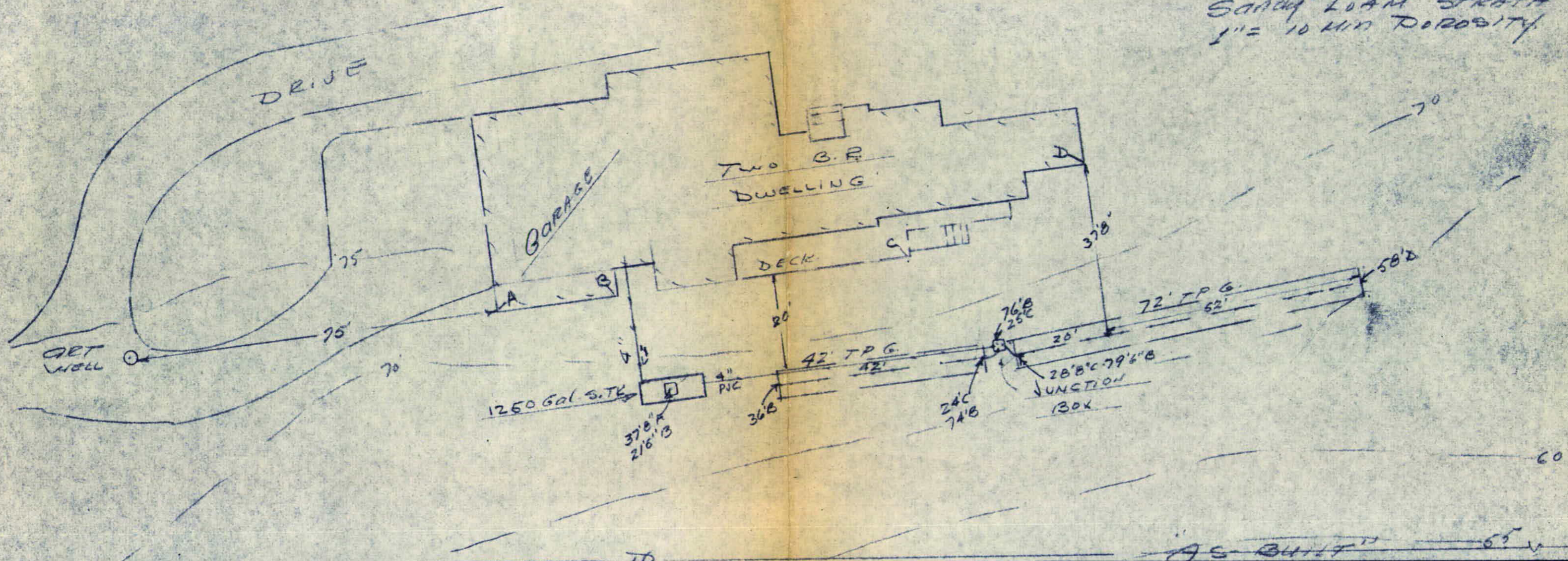
← PONUS RIDGE →

Don's Hwy

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 16**

72' Gallery set  
 2' lower than 42' B.  
 42' Gallery next higher  
 to conform to code  
 requirements  
 sandy loam strata  
 1" = 10 min porosity



**"AS BUILT"**

MR & MRS LESTER TICHY  
 PONDUS RIDGE EAR DAN'S HWY N.C.

SCALE: 1" = 20'	APPROVED BY:	DRAWN BY: <i>W.M.J.</i>
DATE: 5/3/77		REVISED:
STRAIGHT CO INC STAMFORD CT		
		DRAWING NUMBER:

— PONDUS RIDGE ROAD —

DAN'S HWY

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 17**



## Justin Nishioka

---

**From:** Moynihan, Kevin <kevin.moynihan@newcanaanct.gov>  
**Sent:** Wednesday, April 14, 2021 11:18 AM  
**To:** Ray Vergati  
**Subject:** FW: Cell tower at Ponus Ridge

Ray,

Have you spoken with Bob Neuhaus at 331 Dans Highway? I had shared the below email from him back on February 10 and my response. Please call me when you can.

Kevin

Kevin J. Moynihan  
First Selectman  
Town of New Canaan  
77 Main Street, New Canaan CT 06840  
O: 203-594-3000  
C: 203-331-2016  
F: 203-594-3123  
[www.newcanaan.info](http://www.newcanaan.info)

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

From: Moynihan, Kevin  
Sent: Thursday, February 11, 2021 5:52 PM  
To: Williams, Nick <Nick.Williams@newcanaanct.gov>; Corbet, Kathleen <kathleen.corbet@newcanaanct.gov>; Engel, John <John.Engel@newcanaanct.gov>; Karl, Stephen <stephen.karl@newcanaanct.gov>; Goodwin, John <john.goodwin@newcanaanct.gov>; Brooks Avni, Lynn <lynn.brooksavni@newcanaanct.gov>  
Cc: Ray Vergati <rv@homelandtowers.us>; Sawabini, Stuart <stuart.sawabini@newcanaanct.gov>; Krolikowski, Leon <leon.krolikowski@newcanaanct.gov>; Hennessey, John <John.Hennessey@newcanaanct.gov>; Kimes, Russ <russ.kimes@newcanaanct.gov>; 'bonnierumilly@optonline.net' <bonnierumilly@optonline.net>  
Subject: FW: Cell tower at Ponus Ridge

FYI

Kevin J. Moynihan  
First Selectman  
Town of New Canaan  
77 Main Street, New Canaan CT 06840  
O: 203-594-3000  
C: 203-331-2016  
F: 203-594-3123  
[www.newcanaan.info](http://www.newcanaan.info)

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

From: Moynihan, Kevin  
Sent: Thursday, February 11, 2021 5:50 PM  
To: Bob <rneuhaus714@yahoo.com>

Subject: RE: Cell tower at Ponus Ridge

Hi Bob,

Thank you for your email about the proposed tower at 1837 Ponus Ridge Road.

I have been speaking openly to the Town Council and to the press about proposed plans for a public safety/cell tower on upper Ponus Ridge Road near the reservoir for several months.

I was also informed that many neighbors were aware of the planned location and I assumed that neighbors were talking with each other since they had previously jointly worked on a petition opposing a tower.

The Town has an obligation to provide for the public safety of our residents as well as our first responders (police, fire and ems) and a permanent public safety tower and improved cell service is absolutely essential to your corner of New Canaan.

There will be public hearings on the planned tower at which neighbors can express their views and their feelings about the location and design of the proposed tower, which will be designed to be as inconspicuous as possible like other towers in town in residential neighborhoods.

As always, I am available to answer any questions you have.

Kevin

Kevin J. Moynihan  
First Selectman  
Town of New Canaan  
77 Main Street, New Canaan CT 06840  
O: 203-594-3000  
C: 203-331-2016  
F: 203-594-3123  
[www.newcanaan.info](http://www.newcanaan.info)

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

From: Bob [mailto:[rneuhaus714@yahoo.com](mailto:rneuhaus714@yahoo.com)]  
Sent: Wednesday, February 10, 2021 7:57 PM  
To: Moynihan, Kevin <[kevin.moynihan@newcanaanct.gov](mailto:kevin.moynihan@newcanaanct.gov)>  
Subject: Re: Cell tower at Ponus Ridge

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I was just reading the article in the paper. It says neighbors were informed. I live next door and have heard nothing about it.

> On Feb 10, 2021, at 7:48 PM, Bob <[rneuhaus714@yahoo.com](mailto:rneuhaus714@yahoo.com)> wrote:

>

>

> Hi Kevin

>

> I wrote to you a while back about the lack of communication re the cell tower on Ponus. I knew neighbors were fighting it and thought the issue was dropped. Now it appears my next door neighbor is hosting it - my recollection is that he opposed it. Could you please clarify the status and advise on how the neighborhood is being consulted.

>

> Thanks

>

> Bob

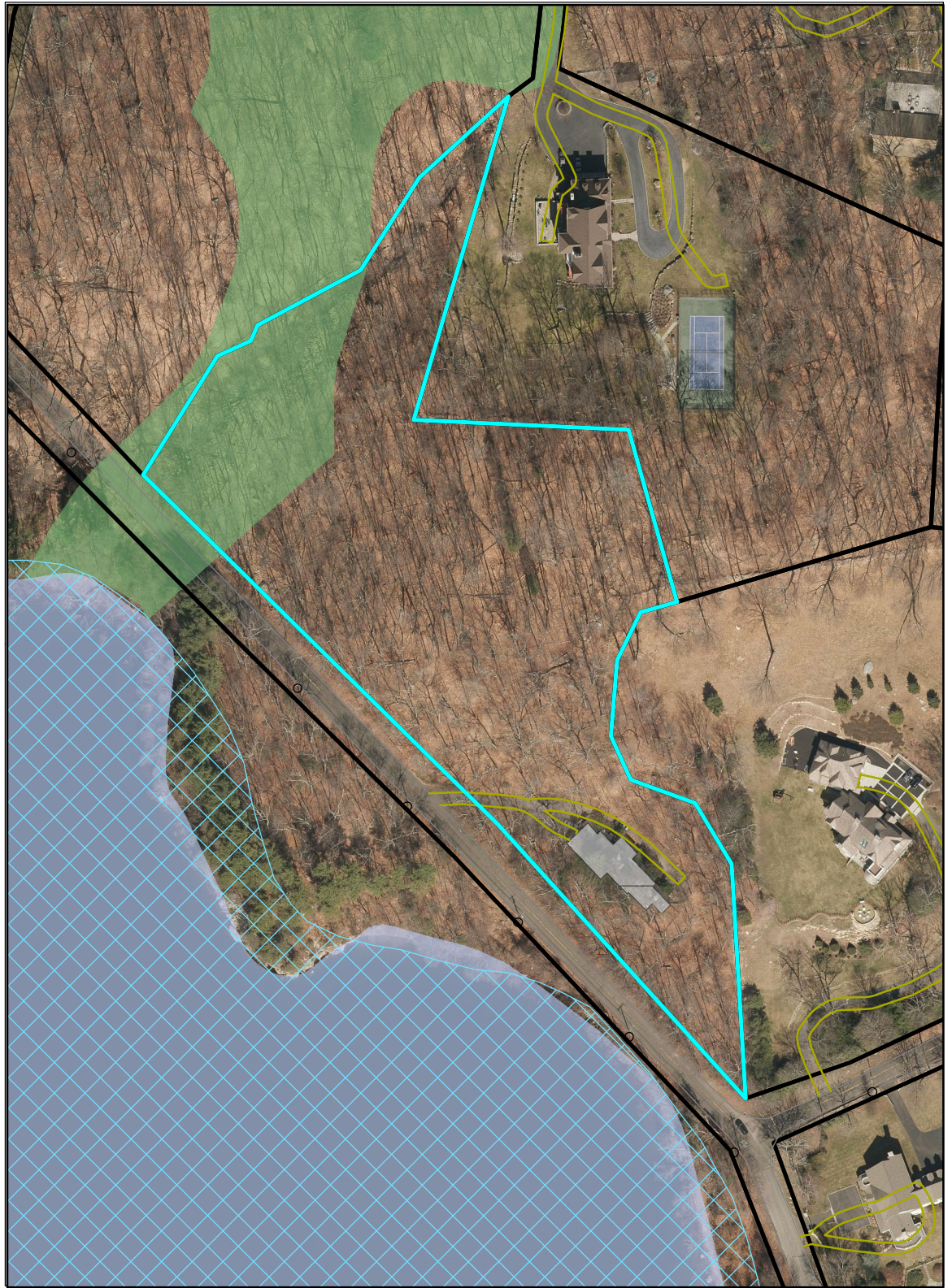
> 331 Dans Highway

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 18**

**Legend**

-  Buildings
-  Floodway
-  100 Year Flood Zone
-  500 Year Flood Zone
-  Water
-  Wetland
-  Wetland Soils



GIS map is for general purposes only & can not be used as a survey.

Blue/green hatched areas indicate field verified wetlands.

Green shaded areas indicate possible wetlands.

No shading, does not guarantee there are no wetlands.

In all cases, field verification to determine either the presence or absence of wetlands is required.

Field verification of wetlands is done by a certified soil scientist and the flood zone is done by a licensed surveyor.

**Town of New Canaan**



NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 19**

## Justin Nishioka

---

**From:** Julie Reibold <jreibold@norcomct.net>  
**Sent:** Wednesday, January 26, 2022 5:31 PM  
**To:** Stuart SAWABINI; Eric Fine  
**Cc:** Norcom Project PreSale; Joe Zagarenski; John DiFederico; Peter Gall; Julie Reibold  
**Subject:** C98349 New Canaan - Ponus Ridge (1837 Ponus Ridge) Propagation Studies  
**Attachments:** C98349-NewCanaan\_PonusRidge\_Maps\_06092020 v1.docx

**CAUTION: EXTERNAL EMAIL:** This Email Originated from Outside of the Organization. DO NOT Click Links or Open Attachments unless you recognize the sender and know the content is safe.

Hi Stuart,

Happy New Year! I hope you have been well in this crazy world!

Attached are maps for your review. The 3rd page shows the loss of coverage for the relocation of the site. This is minor and you gain a little elsewhere.

We reviewed the relocation cost and suggest you use \$125/150K for a ROM cost. The cost for an additional site would be \$350/450K ROM PLUS the \$125/150K shown above for a total ROM for the additional site of \$475/600K.

Hopefully all these costs would be on the high side, and as we do diligence we land on the low side of these numbers. It would take us a number of weeks to validate and tighten these numbers up if need be.

In a perfect world, without consideration for budget, both sites would be great. The coverage is over lapping so in addition to more coverage the system would be more robust because you could lose either site and still have adequate coverage.

In addition to the cap-ex costs, you should consider the maintenance, life cycle and backhaul network costs if you are evaluating keeping both sites.

Please let me know if you need any additional information.

>>>Norcom Project, please get all this into the case folder.

Have a great night!

Julie

Julie Reibold

NorcomCT  
Direct Phone: (203) 568-6929  
Email: jreibold@norcomct.com

Web: [www.norcomct.com](http://www.norcomct.com)

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

From: Stuart SAWABINI <[ssawabini@gmail.com](mailto:ssawabini@gmail.com)>

Sent: Tuesday, January 25, 2022 01:51

To: Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>

Cc: Holly Brown <[hbrown@norcomct.net](mailto:hbrown@norcomct.net)>; Norcom Project PreSale <[norcomprojectpresale@norcomct.com](mailto:norcomprojectpresale@norcomct.com)>;

Joe Zagarenski <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>; John DiFederico <[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)>

Subject: Re: Propagation Studies

Thank you.

Sent from my iPhone

> On Jan 24, 2022, at 8:13 PM, Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)> wrote:

>

> Stuart, I will get this in que with Presale, and get back with when we have some info.

>

> Eric Fine

> Senior Presale Project Manager

> ETA R56-R178049 & DAS-176149

> CT Lic. TVR.0707668-V6

>

> 7 Great Hill Road, Naugatuck, CT 06770

> Direct: (203) 568-6950

> Main: (203) 575-9008

> Web: [www.norcomct.com](http://www.norcomct.com)

>

>

>

>

>

>

> -----Original Message-----

> From: Sawabini Stuart <[ssawabini@gmail.com](mailto:ssawabini@gmail.com)>

> Sent: Monday, January 24, 2022 4:56 PM

> To: Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>; Holly Brown <[hbrown@norcomct.net](mailto:hbrown@norcomct.net)>

> Cc: Joe Zagarenski <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>; John DiFederico  
<[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)>

> Subject: Propagation Studies

>

> Eric and or Holly,

>

> New Canaan is pursuing a cell tower, which will include a public safety radio antenna, located on Ponus Ridge (1837 Ponus Ridge). The first hearing on the tower will be held tonight at Town Hall. As you know, our Oenoke Ridge location has now been sold to a new owner. At this time we do not know whether the new owner will allow us to keep the antenna on their property.

>



- > In light of this, the First Selectman has asked that we explore whether, if it becomes an option, we might want to keep the Oenoke Ridge location and ADD the Ponus Ridge location as another location or do we really only need Ponus Ridge?
- >
- > There are two considerations. First, what would be the cost of installing and maintaining both? Second, does having both offer a significant advantage in radio coverage?
- >
- > Would you be willing to run some comparative propagation studies:
- >
- > 1. ONLY Oenoke Ridge
- > 2. Oenoke Ridge AND Ponus Ridge
- > 3. ONLY Ponus Ridge
- >
- > Assuming, of course, all other current antenna locations in town stay in place.
- >
- > And, might you be able to arrive at a ruff order of magnitude regarding costs? Eric had already given us ROM \$120K to move from Oenoke to Ponus (not including microwave). But to add new and maintain (without moving) we do not have.
- >
- > Thank you.
- > Regards,
- > Stuart

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 20**

## Justin Nishioka

---

**From:** Coplit, Maria <maria.coplit@newcanaanct.gov>  
**Sent:** Friday, November 05, 2021 1:51 PM  
**To:** Ray Vergati  
**Cc:** Mann, Tiger; Zagarenski, Joe  
**Subject:** RE: Homeland Towers exhibit 1837 Ponus Ridge  
**Attachments:** NewCanaanNW\_Drainage Sketch 1 11-01-21.pdf

Ray,

Thank you for sharing the preliminary sketch. What we will need to see is how the increase in impervious area is mitigated prior to the runoff of discharging to Ponus Ridge Rd. Currently the sketch illustrates end sections daylighting down the hillside, creating new point discharges, a channeled curb line, creating concentrated flow, and then an area of the driveway sheet flowing to the existing driveway. The plan should illustrate how you plan to mitigate these conditions and prevent erosion along the hillside and downstream flooding and icing conditions on Ponus Ridge Rd.

Please keep in mind that trench drains require regular maintenance to be kept clear of debris and operating functionally.

Thank you again, we are available to review further with you and your engineer to address these concerns.

Best,  
Maria

**Maria A. Coplit, P.E. | Town Engineer | Engineering Department | Town of New Canaan**  
77 Main Street New Canaan, CT 06840 | P: 203 594 3058 | [www.newcanaan.info](http://www.newcanaan.info) | [maria.coplit@newcanaanct.gov](mailto:maria.coplit@newcanaanct.gov)

*Town of New Canaan GIS Site (Hosted by Tighe & Bond): <https://hosting.tighebond.com/newcanaanAGS/>*  
*Additional Public Works Documents & Forms Link:*

*[https://www.newcanaan.info/online\\_services/applications\\_forms.php#outer-324](https://www.newcanaan.info/online_services/applications_forms.php#outer-324)*

*To Search ToNC Documents on Demand Records: <https://newcanaanct.documents-on-demand.com/>*

---

**From:** Ray Vergati [mailto:rv@homelandtowers.us]  
**Sent:** Thursday, November 4, 2021 4:15 PM  
**To:** Mann, Tiger <Tiger.Mann@newcanaanct.gov>; Coplit, Maria <maria.coplit@newcanaanct.gov>  
**Subject:** RE: Homeland Towers exhibit 1837 Ponus Ridge

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Hello Tiger & Maria,

I've attached a sketch of our prelim design to capture runoff from the proposed site/access drive. In an effort to reduce the amount of impervious surface, we are proposing a 10' wide paved drive, flaring to 12' wide at upper turn to accommodate any fire apparatus. Our A&E is considering a 4% cross slope on the drive pitching towards curbing on the Ponus side of the road, but only in the steep section down towards the existing driveway. They are looking into some type of C-L catch basin design to capture runoff, the basin/grate would span the entire drive at each discharge point.

Kindly review, we welcome any ideas/comments you both may have on this design. We will have additional calcs and more detail as we get further into the design but this is our initial thoughts.

Best,

Ray

## Raymond Vergati

Regional Manager



Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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---

**From:** Mann, Tiger <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>  
**Sent:** Thursday, October 7, 2021 4:42 AM  
**To:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>  
**Subject:** Re: Homeland Towers exhibit 1837 Ponus Ridge

Ray

Thanks for the call and the visit the other day

As mentioned, as you disk in on the design please keep us in the loop so we can ensure there are no surprises moving forward

Best  
Tiger

Tiger Mann  
Director of Public Works  
Town of New Canaan  
(203) 594-3056 (w)  
(203) 594-3709 (f)  
(203) 943-8486 (c)

Sent from my iPhone so please excuse any typographical errors or omissions. Thank you.

On Oct 5, 2021, at 9:21 AM, Mann, Tiger <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)> wrote:

Ray –

Certainly. Sounds good.

Thanks  
Tiger

Tiger Mann  
Director of Public Works  
Town of New Canaan  
(203) 594-3056 (w)  
(203) 594-3129 (f)  
(203) 943-8486 (c)

---

**From:** Ray Vergati [<mailto:rv@homelandtowers.us>]  
**Sent:** Tuesday, October 5, 2021 8:08 AM  
**To:** Mann, Tiger <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>  
**Subject:** RE: Homeland Towers exhibit 1837 Ponus Ridge

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Good morning.

I'm swinging by New Canaan today to meet with Kevin at noon. If you have any time available around 1:30 I'd like to stop in your office and just discuss 1837 Ponus Ridge. No worries if you are not available on short notice, my meeting was just scheduled last night.

Best,

Ray

**Raymond Vergati**  
Regional Manager

<image001.jpg>

Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345

Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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---

**From:** Ray Vergati  
**Sent:** Thursday, September 30, 2021 10:52 AM  
**To:** 'Mann, Tiger' <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>  
**Subject:** Homeland Towers exhibit 1837 Ponus Ridge

Hello Tiger, thanks for the call yesterday.

Attached is Homeland's revised exhibit. We have made the following changes from the original exhibit that the Town had previously reviewed.

- Revised our access drive to tower/compound to come off of the existing paved driveway that currently serves the residence. The benefit this redesign offers the following: (1) no new curb cut required, (2) previous design only allowed a right turn onto Ponus Ridge when a vehicle was exiting the site, this now allows for a left or right hand turn,(3) using the existing driveway provides much safer site lines for vehicles pulling out onto Ponus Ridge Rd, prior exit point was hampered by a hump in the road with decreased site lines.

As discussed, I'd like to get ahead on this one and work with the Town as best we can on engineering this access drive/site. We are challenged with the steep slopes and existing ledge on the parcel. Our A&E is beginning work on more detailed site plans that will include details such as grade, clearing, storm water runoff, etc.

I'm traveling through New Canaan a great deal these days so I'd like to see about having a meeting with you and Ms. Coplit to discuss this project. We have (2) carriers committed to the site and the Town will be placing critical public safety equipment on the facility.

Best,

Ray

**Raymond Vergati**  
Regional Manager

<image001.jpg>

Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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---

**From:** Ray Vergati  
**Sent:** Friday, September 24, 2021 1:20 PM  
**To:** Mann, Tiger <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>  
**Subject:** Call Ray @ Homeland Towers re tower project on Ponus Ridge

Hello Tiger, drop me a line on my cell when you have a moment, would like to discuss our pending project on the NW side of town at 1837 Ponus Ridge Rd.

Best,

Ray

**Raymond Vergati**  
Regional Manager

<image001.jpg>

Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 21**



## Justin Nishioka

---

**From:** Pitt, Mimi  
**Sent:** Wednesday, April 20, 2022 1:16 PM  
**To:** Pitt, Mimi  
**Subject:** FW: Fwd: Ponus Ridge Road / Option Agreement

---

**From:** Sawabini, Stuart [mailto:stuart.sawabini@newcanaanct.gov]  
**Sent:** Sunday, January 31, 2021 5:42 PM  
**To:** Sawabini Stuart <ssawabini@gmail.com>  
**Subject:** Fwd: Ponus Ridge Road / Option Agreement

Sent from my iPhone

Begin forwarded message:

**From:** "Moynihan, Kevin" <[kevin.moynihan@newcanaanct.gov](mailto:kevin.moynihan@newcanaanct.gov)>  
**Date:** January 29, 2021 at 5:00:06 PM EST  
**To:** "Sawabini, Stuart" <[stuart.sawabini@newcanaanct.gov](mailto:stuart.sawabini@newcanaanct.gov)>, "Zagarenski, Joe" <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>  
**Cc:** "Mann, Tiger" <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>  
**Subject:** FW: Ponus Ridge Road / Option Agreement

Stuart/Joe,

FYI. This is to provide for your unlikely possibility that the tower is built and no carrier comes on after 3 years of the Town paying \$40,000/year and Homeland Towers abandons the tower or sells it to another tower company. The LLC has agreed to this. Please review and talk on Monday.

Have a good weekend.

Kevin

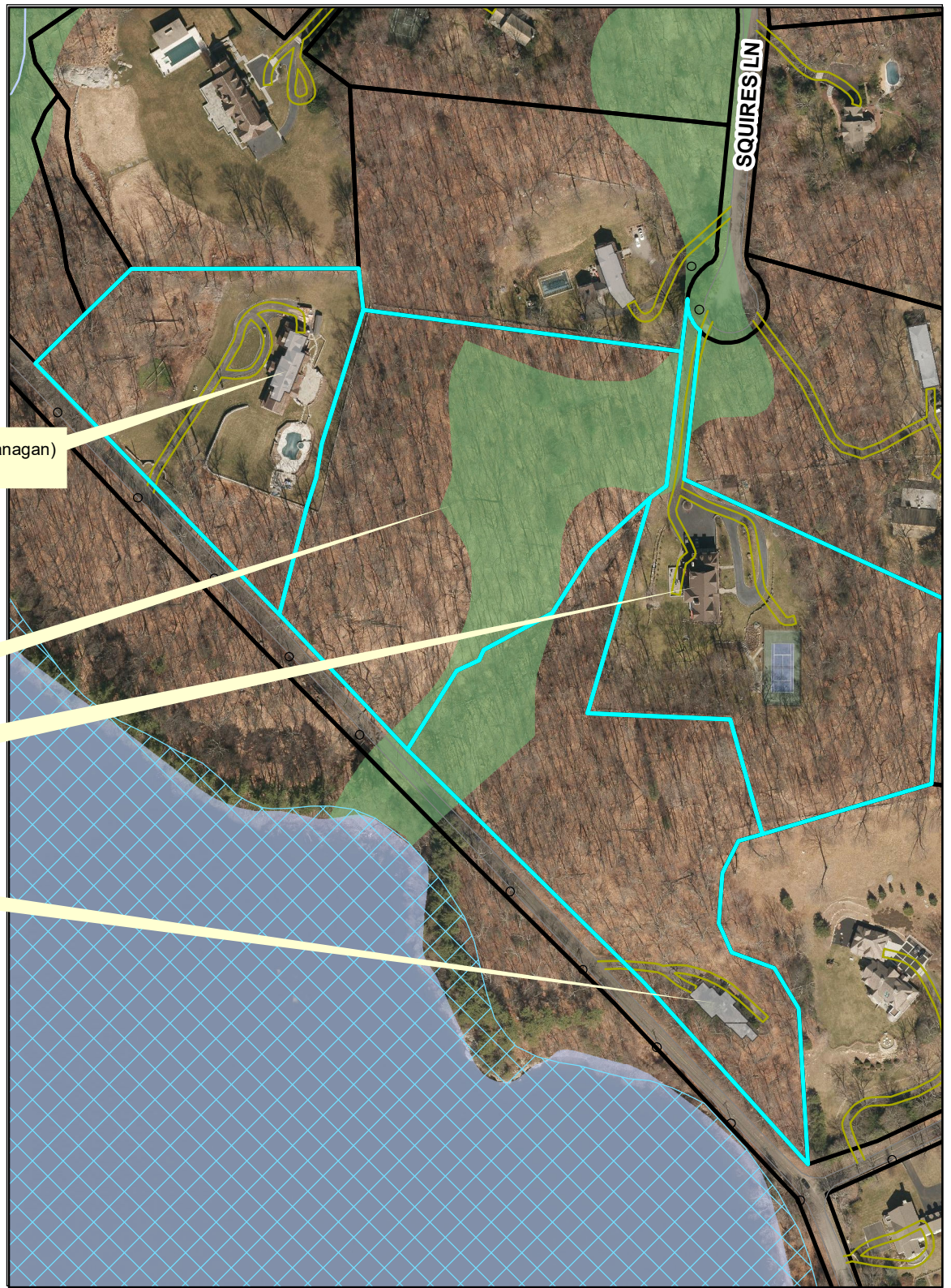
Kevin J. Moynihan  
First Selectman  
Town of New Canaan  
77 Main Street, New Canaan CT 06840  
O: 203-594-3000  
C: 203-331-2016  
F: 203-594-3123  
[www.newcanaan.info](http://www.newcanaan.info)

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 22**

**Legend**

- Buildings
- Floodway
- 100 Year Flood Zone
- 500 Year Flood Zone
- Water
- Wetland
- Wetland Soils



1937 Ponus Ridge-Robert Bazata (Flanagan)  
acres 4.09

1845 Ponus Ridge-Simone Demou  
acres 6.58

59 Squire's Lane-Robert Smith  
(Steve Hulce-father-in-law)  
acres 4.91

1837 Ponus Ridge-1837 LLC  
acres 5.16

GIS map is for general purposes only & can not be used as a survey.  
Blue/green hatched areas indicate field verified wetlands.  
Green shaded areas indicate possible wetlands.  
No shading, does not guarantee there are no wetlands.

In all cases, field verification to determine either the presence or absence of wetlands is required.  
Field verification of wetlands is done by a certified soil scientist and the flood zone is done by a licensed surveyor.

**Town of New Canaan**



NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 23**

## Justin Nishioka

---

**From:** Moynihan, Kevin <kevin.moynihan@newcanaanct.gov>  
**Sent:** Wednesday, November 24, 2021 10:26 AM  
**To:** Krolikowski, Leon; DiFederico, John; Bassett, Albert; Kimes, Russ; 'bonnierumilly@optonline.net'  
**Cc:** Sawabini, Stuart; Sawabini Stuart; Murphy, Tucker; Ray Vergati; Sheibley, Phil  
**Subject:** FW: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050) REQUEST FOR SUPPORT LETTERS

Leon/John/Albee/Russ/Bonnie,

Per below request from Ray Vergati, I would like us to submit one or more letters in support of the proposed 1837 Ponus Ridge Road cell tower that Homeland Towers is bringing forth to the CT Siting Council to support strengthened public safety radio and mobile telecom communications in the Northwest corner of town.

The TONC will be a co-applicant with AT&T for this public safety/cellular tower to CSC. As you know, the current antennas for public safety radios on a private barn at 982 Oenoke Ridge is not a permanent solution to our historic public safety radio coverage deficiency in NW New Canaan, and indeed the McNamara's currently have their home on the market for sale (which could terminate the antenna lease with the Town).

We can write separate letters or have you all sign a single letter that I can compose next week. Stuart is laid up with recovery from shoulder surgery earlier this week, so I am trying to move this forward to make Ray Vergati's request to receive our letter(s) by next Thursday.

A Happy Thanksgiving to you all!

Kevin

Kevin J. Moynihan  
First Selectman  
Town of New Canaan  
77 Main Street, New Canaan CT 06840  
O: 203-594-3000  
C: 203-331-2016  
F: 203-594-3123  
[www.newcanaan.info](http://www.newcanaan.info)

---

**From:** Ray Vergati [mailto:rv@homelandtowers.us]  
**Sent:** Tuesday, November 23, 2021 11:30 AM  
**To:** 'Eric Fine' <EFine@norcomct.net>; 'Peter Gall' <pgall@norcomct.net>; 'Julie Reibold' <jreibold@norcomct.net>  
**Cc:** 'ssawabini@gmail.com' <ssawabini@gmail.com>; Moynihan, Kevin <kevin.moynihan@newcanaanct.gov>; Manny Vicente <mv@homelandtowers.us>  
**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050) REQUEST FOR SUPPORT LETTERS

**CAUTION: EXTERNAL EMAIL:** This Email Originated from Outside of the Organization. DO NOT Click Links or Open Attachments unless you recognize the sender and know the content is safe.

Hello.

Homeland Towers is preparing to file the Technical Report with the Town of New Canaan for a proposed 110' stealth monopine tower to be located at 1837 Ponus Ridge Road. AT&T is the anchor tenant with a 106' antenna rad ctr, we will be including the town's equipment on our drawings/submittal. The town's equipment will include (1) 12' omni antenna mounted at 113', (1) 12' omni antenna mounted at 60' and (2) 2' microwave dishes mounted at 112'. Verizon Wireless also plans to install antennas on the tower and we expect them to intervene during the Siting Council process.

Since the town plans to install public safety equipment on the facility, I'd like to obtain letters of support from Norcom and from the Town(Police & Fire.)

I've attached support letters from similar public safety tower projects should you wish to use as a template.

From a time line perspective, once the Tech report is filed in early December, the Town will then hold a public information meeting for Homeland to present the project to the public/town officials. On the 91<sup>st</sup> day, the application will then be submitted to the Connecticut Siting Council for a decision which will take approximately 6-8 months.

I would ask for Stuart and Eric/Julie to let me know if you will be providing me these letters, I would like to have by December 1, 2021 to include with the Tech Report Submittal.

Best,

Ray

**Raymond Vergati**

Regional Manager



Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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---

**From:** Ray Vergati

**Sent:** Monday, November 16, 2020 11:18 AM

**To:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>; Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>; Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>

**Cc:** [ssawabini@gmail.com](mailto:ssawabini@gmail.com)

**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050)

Eric,

Attached is a colo application that I have filled out with the town's public safety equipment specs. Please review both tabs and fill in any additional info/specs that you are able to. Kindly return to me as we will include as an exhibit with the agreement we are working on with the town.

At the moment, we may be proposing a 110' stealth monopine tower (may be reduced to 100' based on visuals/carrier justification). For the town's equipment, we would place (1) 12' omni off the top along with (2) 2' MW dishes. The town's 2<sup>nd</sup> omni would be at a mounting height of 60'. We will keep the vertical rad centers open from 106' down to 76' for the carriers. The town would need to supply their own generator, the carriers do not allow others to tie into their back up power supply.

Feel free to call me with any questions.

Ray

## Raymond Vergati

Regional Manager



Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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---

**From:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>  
**Sent:** Friday, November 13, 2020 2:42 PM  
**To:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>; Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>; Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>  
**Cc:** [ssawabini@gmail.com](mailto:ssawabini@gmail.com)  
**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050)

Ray, we could reduce the antenna size, the proposed 22' antenna is a dual feed for both RX & TX function. We could utilize two separate antennas for RX & TX functions but they would need to have 40' of vertical separation between them to get the proper isolation. If the pole is 100' we would need space at 100' and lower at 50' to 60'. I am concerned that at 50' to 60' we will be below the existing tree line at the lower level. We would have to do coverage engineering if this will be the required configuration.

Please send me a propose tower elevations you might have so we can look at them and comment back with more details.

See attached

**Eric Fine**

**System Implementation Manager**

ETA R56-R178049 & DAS-176149

CT Lic. TVR.0707668-V6

[7 Great Hill Road, Naugatuck, CT 06770](#)

**Direct: (203) 568-6950**

Main: (203) 575-9008

Web: [www.norcomct.com](http://www.norcomct.com)



---

**From:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>

**Sent:** Friday, November 13, 2020 9:48 AM

**To:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>; Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>; Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>

**Cc:** [ssawabini@gmail.com](mailto:ssawabini@gmail.com)

**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for the antenna specs Eric.

Question- Can the town live with a shorter omni antenna, the 22' is rather long and since this will most likely be a stealth site (monopine) we'd like to keep as much of the antenna concealed within the faux branches on top of the tower ? Let me know.

I'm going to fill out a colo application and send to you for review once I hear back on the antenna length.

Best,

Ray

**Raymond Vergati**

Regional Manager





Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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---

**From:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>  
**Sent:** Friday, November 13, 2020 8:12 AM  
**To:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>; Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>; Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>  
**Cc:** [ssawabini@gmail.com](mailto:ssawabini@gmail.com)  
**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050)

Ray, the town will require space for up to three antennas and two point to point dishes. We would need space at a minimum of 100' elevation. I would suggest the town be placed above all carriers. I have attached cut sheets on the proposed antennas and dishes. Also the town will require a minimum of a 10' x10' ground space for there cabinet without a generator if the site will have compound generator power supplied. If the town needs to provide there own generator then we will need 10' x 20' of ground space.

Let me know if you need any further information.

**Eric Fine**  
**System Implementation Manager**  
ETA R56-R178049 & DAS-176149  
CT Lic. TVR.0707668-V6

**[7 Great Hill Road, Naugatuck, CT 06770](#)**

**Direct: (203) 568-6950**  
**Main: (203) 575-9008**  
**Web: [www.norcomct.com](http://www.norcomct.com)**



---

**From:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>  
**Sent:** Tuesday, November 10, 2020 1:58 PM  
**To:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>; Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>; Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>  
**Cc:** [ssawabini@gmail.com](mailto:ssawabini@gmail.com)  
**Subject:** FW: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050)

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Hello Julie, Eric et al;

As you are aware, Homeland Towers is working on a new tower site in the NW section of New Canaan along Ponus Ridge Rd. This project is a joint venture with the Town to move forward with a tower designed to accommodate commercial carriers and the Town's public safety needs. We are in the process of tower design/height and will be conducting a balloon float now that leaves are off.

Since the Town is driving this project for their public safety needs, I need Norcom to provide me an inventory of the Town's antenna specs and mounting heights. We want to ensure we conduct a float at the needed/justified height.

Please call me should you have any questions, I'd like to obtain this info in the next week or 2 so we can move forward accordingly.

Best,

Ray

**Raymond Vergati**  
Regional Manager



Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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---

**From:** Moynihan, Kevin <[kevin.moynihan@newcanaanct.gov](mailto:kevin.moynihan@newcanaanct.gov)>  
**Sent:** Friday, June 12, 2020 4:52 PM  
**To:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>  
**Subject:** FW: C98349 New Canaan - Relocate Oenoke Site

Ray,

FYI.

Kevin

Kevin J. Moynihan  
First Selectman  
Town of New Canaan  
77 Main Street, New Canaan CT 06840  
O: 203-594-3000  
C: 203-331-2016  
F: 203-594-3123  
[www.newcanaan.info](http://www.newcanaan.info)

---

**From:** Ssawabini [<mailto:ssawabini@optonline.net>]  
**Sent:** Friday, June 12, 2020 1:13 PM  
**To:** Moynihan, Kevin <[kevin.moynihan@newcanaanct.gov](mailto:kevin.moynihan@newcanaanct.gov)>  
**Cc:** DiFederico, John <[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)>; Zagarenski, Joe <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>  
**Subject:** Fwd: C98349 New Canaan - Relocate Oenoke Site

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Kevin,  
As discussed last night - radio propagation maps attached along with comments from NorcomCt.  
Regards,  
Stuart

Begin forwarded message:

**From:** Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>  
**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site  
**Date:** June 10, 2020 at 11:31:47 AM EDT

**To:** Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>, Holly Brown <[hbrown@norcomct.net](mailto:hbrown@norcomct.net)>, Sawabini Stuart <[ssawabini@gmail.com](mailto:ssawabini@gmail.com)>

**Cc:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>, John DiFederico <[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)>, Joe Zagarenski <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>

Hi Stuart,

Here's the maps for both sites. If you lose the current site this would be a reasonable alternative.

As Peter says I think you should request access (in perpetuity) to the top platform above the cellular arrays for a few antennas and/or dishes as well as ground space. This should be free of rent or fees. You may want to ask them to provide you conduit(s) back to the street and a pad for future use as well.

If you want to discuss this let us know.

Thanks!

Julie

Julie Reibold

---

**From:** Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>

**Sent:** Wednesday, June 10, 2020 8:56 AM

**To:** Holly Brown <[hbrown@norcomct.net](mailto:hbrown@norcomct.net)>; Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>; Sawabini Stuart <[ssawabini@gmail.com](mailto:ssawabini@gmail.com)>

**Cc:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>; John DiFederico <[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)>; Joe Zagarenski <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>

**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site

Good morning all,

I looked at the proposed location at a couple of heights. The new location opens a significant hole in the light residential coverage that does not presently exist. The area is in the vicinity of Michigan Road from Father Peter's Ln to Lukes Wood Rd, and extends north to the southern border of the Grace Farm's property.

I think it would be a good idea to reserve space on the tower, at least 25 vertical feet in all radiuses as close to the top as possible or at least at 100'. The town should also include at least the amount of space provided at the Private Residence now on the ground and possibly space for a generator or access to a site shared generator.

Peter

---

**Peter Gall**

Senior Systems Integration Engineer

**NorcomCT**

7 Great Hill Road, Naugatuck, CT 06770

<b>Direct</b>	<b>(203) 568-6938</b>
Main Phone	(203) 575-9008
Email	<a href="mailto:pgall@norcomct.com">pgall@norcomct.com</a>

## Justin Nishioka

---

**From:** Stuart SAWABINI <ssawabini@gmail.com>  
**Sent:** Wednesday, January 26, 2022 10:07 PM  
**To:** Julie Reibold  
**Cc:** Eric Fine; Norcom Project PreSale; Joe Zagarenski; John DiFederico; Peter Gall  
**Subject:** Re: C98349 New Canaan - Ponus Ridge (1837 Ponus Ridge) Propagation Studies  
**Attachments:** C98349-NewCanaan\_PonusRidge\_Maps\_06092020 v1.docx; ATT00002.bin

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Julie,  
Thank you for all this information. It's just exactly what we needed. This will enable us to evaluate and plan over the course of the next few months.  
During the public hearing, as you can imagine, there was plenty of anti-sentiment toward the cell tower on Ponus Ridge. However, as you also know, it's up to the Citing Council and there is a lot of discussion yet to be had.  
We also have not yet heard from the new owners of Oenoke Ridge as to their intentions.  
Nevertheless, the information provided will be extremely valuable. Thank you and your team for pulling it all together.  
All the best.  
Regards,  
Stuart

Sent from my iPhone

On Jan 26, 2022, at 5:30 PM, Julie Reibold <jreibold@norcomct.net> wrote:

Hi Stuart,

Happy New Year! I hope you have been well in this crazy world!

Attached are maps for your review. The 3rd page shows the loss of coverage for the relocation of the site. This is minor and you gain a little elsewhere.

We reviewed the relocation cost and suggest you use \$125/150K for a ROM cost.  
The cost for an additional site would be \$350/450K ROM PLUS the \$125/150K shown above for a total ROM for the additional site of \$475/600K.

Hopefully all these costs would be on the high side, and as we do diligence we land on the low side of these numbers. It would take us a number of weeks to validate and tighten these numbers up if need be.

In a perfect world, without consideration for budget, both sites would be great. The coverage is over lapping so in addition to more coverage the system would be more robust because you could lose either site and still have adequate coverage.

In addition to the cap-ex costs, you should consider the maintenance, life cycle and backhaul network costs if you are evaluating keeping both sites.

Please let me know if you need any additional information.

>>>Norcom Project, please get all this into the case folder.

Have a great night!

Julie

Julie Reibold

NorcomCT

Direct Phone: (203) 568-6929

Email: jreibold@norcomct.com

Web: www.norcomct.com

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

From: Stuart SAWABINI <ssawabini@gmail.com>

Sent: Tuesday, January 25, 2022 01:51

To: Eric Fine <EFine@norcomct.net>

Cc: Holly Brown <hbrown@norcomct.net>; Norcom Project PreSale <norcomprojectpresale@norcomct.com>; Joe Zagarenski <joe.zagarenski@newcanaanct.gov>;

John DiFederico <john.difederico@newcanaanct.gov>

Subject: Re: Propagation Studies

Thank you.

Sent from my iPhone

> On Jan 24, 2022, at 8:13 PM, Eric Fine <EFine@norcomct.net> wrote:

>

> Stuart, I will get this in que with Presale, and get back with when we have some info.

>

> Eric Fine

> Senior Presale Project Manager

> ETA R56-R178049 & DAS-176149

> CT Lic. TVR.0707668-V6

>

> 7 Great Hill Road, Naugatuck, CT 06770

> Direct: (203) 568-6950

> Main: (203) 575-9008

> Web: www.norcomct.com

>

>

>

>  
>  
> -----Original Message-----  
> From: Sawabini Stuart <ssawabini@gmail.com>  
> Sent: Monday, January 24, 2022 4:56 PM  
> To: Eric Fine <EFine@norcomct.net>; Holly Brown <hbrown@norcomct.net>  
> Cc: Joe Zagarenski <joe.zagarenski@newcanaanct.gov>; John DiFederico  
<john.difederico@newcanaanct.gov>  
> Subject: Propagation Studies  
>  
> Eric and or Holly,  
>  
> New Canaan is pursuing a cell tower, which will include a public safety radio antenna, located on Ponus Ridge (1837 Ponus Ridge). The first hearing on the tower will be held tonight at Town Hall. As you know, our Oenoke Ridge location has now been sold to a new owner. At this time we do not know whether the new owner will allow us to keep the antenna on their property.  
>  
> In light of this, the First Selectman has asked that we explore whether, if it becomes an option, we might want to keep the Oenoke Ridge location and ADD the Ponus Ridge location as another location or do we really only need Ponus Ridge?  
>  
> There are two considerations. First, what would be the cost of installing and maintaining both? Second, does having both offer a significant advantage in radio coverage?  
>  
> Would you be willing to run some comparative propagation studies:  
>  
> 1. ONLY Oenoke Ridge  
> 2. Oenoke Ridge AND Ponus Ridge  
> 3. ONLY Ponus Ridge  
>  
> Assuming, of course, all other current antenna locations in town stay in place.  
>  
> And, might you be able to arrive at a ruff order of magnitude regarding costs? Eric had already given us ROM \$120K to move from Oenoke to Ponus (not including microwave). But to add new and maintain (without moving) we do not have.  
>  
> Thank you.  
> Regards,  
> Stuart



NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 24**

## Justin Nishioka

---

**From:** Stuart SAWABINI <ssawabini@gmail.com>  
**Sent:** Wednesday, January 26, 2022 10:07 PM  
**To:** Julie Reibold  
**Cc:** Eric Fine; Norcom Project PreSale; Joe Zagarenski; John DiFederico; Peter Gall  
**Subject:** Re: C98349 New Canaan - Ponus Ridge (1837 Ponus Ridge) Propagation Studies  
**Attachments:** C98349-NewCanaan\_PonusRidge\_Maps\_06092020 v1.docx; ATT00002.bin

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Julie,  
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During the public hearing, as you can imagine, there was plenty of anti-sentiment toward the cell tower on Ponus Ridge. However, as you also know, it's up to the Citing Council and there is a lot of discussion yet to be had.  
We also have not yet heard from the new owners of Oenoke Ridge as to their intentions.  
Nevertheless, the information provided will be extremely valuable. Thank you and your team for pulling it all together.  
All the best.  
Regards,  
Stuart

Sent from my iPhone

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Hi Stuart,

Happy New Year! I hope you have been well in this crazy world!

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We reviewed the relocation cost and suggest you use \$125/150K for a ROM cost.  
The cost for an additional site would be \$350/450K ROM PLUS the \$125/150K shown above for a total ROM for the additional site of \$475/600K.

Hopefully all these costs would be on the high side, and as we do diligence we land on the low side of these numbers. It would take us a number of weeks to validate and tighten these numbers up if need be.

In a perfect world, without consideration for budget, both sites would be great. The coverage is over lapping so in addition to more coverage the system would be more robust because you could lose either site and still have adequate coverage.

In addition to the cap-ex costs, you should consider the maintenance, life cycle and backhaul network costs if you are evaluating keeping both sites.

Please let me know if you need any additional information.

>>>Norcom Project, please get all this into the case folder.

Have a great night!

Julie

Julie Reibold

NorcomCT

Direct Phone: (203) 568-6929

Email: jreibold@norcomct.com

Web: www.norcomct.com

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

From: Stuart SAWABINI <ssawabini@gmail.com>

Sent: Tuesday, January 25, 2022 01:51

To: Eric Fine <EFine@norcomct.net>

Cc: Holly Brown <hbrown@norcomct.net>; Norcom Project PreSale <norcomprojectpresale@norcomct.com>; Joe Zagarenski <joe.zagarenski@newcanaanct.gov>;

John DiFederico <john.difederico@newcanaanct.gov>

Subject: Re: Propagation Studies

Thank you.

Sent from my iPhone

> On Jan 24, 2022, at 8:13 PM, Eric Fine <EFine@norcomct.net> wrote:

>

> Stuart, I will get this in que with Presale, and get back with when we have some info.

>

> Eric Fine

> Senior Presale Project Manager

> ETA R56-R178049 & DAS-176149

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>

> 7 Great Hill Road, Naugatuck, CT 06770

> Direct: (203) 568-6950

> Main: (203) 575-9008

> Web: www.norcomct.com

>

>

>

>  
>  
> -----Original Message-----  
> From: Sawabini Stuart <ssawabini@gmail.com>  
> Sent: Monday, January 24, 2022 4:56 PM  
> To: Eric Fine <EFine@norcomct.net>; Holly Brown <hbrown@norcomct.net>  
> Cc: Joe Zagarenski <joe.zagarenski@newcanaaanct.gov>; John DiFederico  
<john.difederico@newcanaaanct.gov>  
> Subject: Propagation Studies  
>  
> Eric and or Holly,  
>  
> New Canaan is pursuing a cell tower, which will include a public safety radio antenna, located on Ponus Ridge (1837 Ponus Ridge). The first hearing on the tower will be held tonight at Town Hall. As you know, our Oenoke Ridge location has now been sold to a new owner. At this time we do not know whether the new owner will allow us to keep the antenna on their property.  
>  
> In light of this, the First Selectman has asked that we explore whether, if it becomes an option, we might want to keep the Oenoke Ridge location and ADD the Ponus Ridge location as another location or do we really only need Ponus Ridge?  
>  
> There are two considerations. First, what would be the cost of installing and maintaining both? Second, does having both offer a significant advantage in radio coverage?  
>  
> Would you be willing to run some comparative propagation studies:  
>  
> 1. ONLY Oenoke Ridge  
> 2. Oenoke Ridge AND Ponus Ridge  
> 3. ONLY Ponus Ridge  
>  
> Assuming, of course, all other current antenna locations in town stay in place.  
>  
> And, might you be able to arrive at a ruff order of magnitude regarding costs? Eric had already given us ROM \$120K to move from Oenoke to Ponus (not including microwave). But to add new and maintain (without moving) we do not have.  
>  
> Thank you.  
> Regards,  
> Stuart

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 25**

## Justin Nishioka

---

**From:** Sawabini Stuart <ssawabini@gmail.com>  
**Sent:** Sunday, January 31, 2021 8:32 PM  
**To:** Joe Zagarenski; John DiFederico  
**Subject:** Ponus Ridge  
**Attachments:** Ponus Ridge 2021 01 31.xlsx; ATT00002.txt

CAUTION: EXTERNAL EMAIL: This email originated from outside of the organization. DO NOT Click Links or Open Attachments unless you recognize the sender and know the content is safe.

Joe and John,

I am attaching a super quick spreadsheet to be sure that we understand the various agreements which Kevin is anticipating signing with Ponus LLC and the costs associated with moving to Ponus from McNamaras. I think we should share this with Kevin too, but, first we need to verify the costs associated with moving the McNamara equipment.

I would guess there might be some patching and painting of the McNamara's barn and perhaps removal of the cement pad. Then, there is the installation of the equipment at Ponus, plus the purchase of a generator. I believe NorCom was also suggesting installing two microwave antennas, one on Ponus and one on the water tower.

I don't know whether my numbers are correct but they total \$312k. If I am close, then the cost ends up being about what Reservoir Lane was going to cost.

Please take a look. Then, we ought to reach out to NorCom to give us a ROM estimate.

S.

NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 26**

## Justin Nishioka

---

**From:** Mann, Tiger <Tiger.Mann@newcanaanct.gov>  
**Sent:** Thursday, October 07, 2021 4:42 AM  
**To:** Coplit, Maria  
**Subject:** Fwd: Homeland Towers exhibit 1837 Ponus Ridge

Tiger Mann  
Director of Public Works  
Town of New Canaan  
(203) 594-3056 (w)  
(203) 594-3709 (f)  
(203) 943-8486 (c)

Sent from my iPhone so please excuse any typographical errors or omissions. Thank you.

Begin forwarded message:

**From:** "Mann, Tiger" <Tiger.Mann@newcanaanct.gov>  
**Date:** October 5, 2021 at 9:21:00 AM EDT  
**To:** Ray Vergati <rv@homelandtowers.us>  
**Subject:** RE: Homeland Towers exhibit 1837 Ponus Ridge

Ray –

Certainly. Sounds good.

Thanks  
Tiger

Tiger Mann  
Director of Public Works  
Town of New Canaan  
(203) 594-3056 (w)  
(203) 594-3129 (f)  
(203) 943-8486 (c)

---

**From:** Ray Vergati [mailto:rv@homelandtowers.us]  
**Sent:** Tuesday, October 5, 2021 8:08 AM  
**To:** Mann, Tiger <Tiger.Mann@newcanaanct.gov>  
**Subject:** RE: Homeland Towers exhibit 1837 Ponus Ridge

**CAUTION: EXTERNAL EMAIL:** This Email Originated from Outside of the Organization. DO NOT Click Links or Open Attachments unless you recognize the sender and know the content is safe.

Good morning.



I'm swinging by New Canaan today to meet with Kevin at noon. If you have any time available around 1:30 I'd like to stop in your office and just discuss 1837 Ponus Ridge. No worries if you are not available on short notice, my meeting was just scheduled last night.

Best,

Ray

## Raymond Vergati

Regional Manager



Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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---

**From:** Ray Vergati  
**Sent:** Thursday, September 30, 2021 10:52 AM  
**To:** 'Mann, Tiger' <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>  
**Subject:** Homeland Towers exhibit 1837 Ponus Ridge

Hello Tiger, thanks for the call yesterday.

Attached is Homeland's revised exhibit. We have made the following changes from the original exhibit that the Town had previously reviewed.

- Revised our access drive to tower/compound to come off of the existing paved driveway that currently serves the residence. The benefit this redesign offers the following: (1) no new curb cut required, (2) previous design only allowed a right turn onto Ponus Ridge when a vehicle was exiting the site, this now allows for a left or right hand turn,(3) using the existing driveway provides much safer site lines for vehicles pulling out onto Ponus Ridge Rd, prior exit point was hampered by a hump in the road with decreased site lines.

As discussed, I'd like to get ahead on this one and work with the Town as best we can on engineering this access drive/site. We are challenged with the steep slopes and existing ledge on the parcel. Our A&E is beginning work on more detailed site plans that will include details such as grade, clearing, storm water runoff, etc.

I'm traveling through New Canaan a great deal these days so I'd like to see about having a meeting with you and Ms. Coplit to discuss this project. We have (2) carriers committed to the site and the Town will be placing critical public safety equipment on the facility.

Best,

Ray

**Raymond Vergati**

Regional Manager



Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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---

**From:** Ray Vergati

**Sent:** Friday, September 24, 2021 1:20 PM

**To:** Mann, Tiger <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>

**Subject:** Call Ray @ Homeland Towers re tower project on Ponus Ridge

Hello Tiger, drop me a line on my cell when you have a moment, would like to discuss our pending project on the NW side of town at 1837 Ponus Ridge Rd.

Best,

Ray

**Raymond Vergati**

Regional Manager



Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646

Office: (203) 297-6345

Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 27**

## Justin Nishioka

---

**From:** Kimes, Russ <russ.kimes@newcanaanct.gov>  
**Sent:** Monday, November 29, 2021 12:20 PM  
**To:** Asmani, Lunda; Zagarenski, Joe  
**Cc:** Mann, Tiger; Kaufman, Joshua; Wilson, Diane  
**Subject:** Re: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050) REQUEST FOR SUPPORT LETTERS

Thanks for this Lunda. I'll discuss with Stuart.

Russell Kimes, III  
Director of Emergency Management  
Town of New Canaan

Russ.kimes@newcanaanct.gov  
Cell (203) 914-3631

---

**From:** Asmani, Lunda <lunda.asmani@newcanaanct.gov>  
**Sent:** Monday, November 29, 2021 12:15:35 PM  
**To:** Zagarenski, Joe <joe.zagarenski@newcanaanct.gov>  
**Cc:** Kimes, Russ <russ.kimes@newcanaanct.gov>; Mann, Tiger <Tiger.Mann@newcanaanct.gov>; Kaufman, Joshua <joshua.kaufman@newcanaanct.gov>; Wilson, Diane <Diane.Wilson@newcanaanct.gov>  
**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050) REQUEST FOR SUPPORT LETTERS

This is account 33179920-55065-89122. The appropriation was \$2,600,000 which was bonded. The project has spent \$2,194,257.28, has \$170,634.78 in encumbrances rolled over from the prior year and \$235,107.94 available.

Please review the encumbrances to determine if they should stay open or be closed. Closing encumbrances will increase your available budget.

**Lunda Asmani, CPFO**  
Chief Financial Officer  
Town of New Canaan  
77 Main Street  
New Canaan, CT 06840  
Tel (203) 594-3024  
Fax 203-594-3122  
[lunda.asmani@newcanaanct.gov](mailto:lunda.asmani@newcanaanct.gov)

---

**From:** Zagarenski, Joe  
**Sent:** Monday, November 29, 2021 7:56 AM  
**To:** Asmani, Lunda <lunda.asmani@newcanaanct.gov>  
**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050) REQUEST FOR SUPPORT LETTERS

33179920-55065

Hi – the account number

---

**From:** Zagarenski, Joe  
**Sent:** Wednesday, November 24, 2021 12:55 PM  
**To:** Asmani, Lunda <lunda.asmani@newcanaanct.gov>  
**Subject:** Fwd: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050) REQUEST FOR SUPPORT LETTERS

Hi Lunda,

I want to confirm these funds will still be available in future years?

Thank you,

Joe

Begin forwarded message:

**From:** Sawabini Stuart <[ssawabini@gmail.com](mailto:ssawabini@gmail.com)>  
**Date:** November 24, 2021 at 12:49:05 PM EST  
**To:** "Kimes, Russ" <[russ.kimes@newcanaanct.gov](mailto:russ.kimes@newcanaanct.gov)>  
**Cc:** "DiFederico, John" <[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)>, "Zagarenski, Joe" <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>, "Moynihan, Kevin" <[kevin.moynihan@newcanaanct.gov](mailto:kevin.moynihan@newcanaanct.gov)>, "Sheibley, Phil" <[phil.sheibley@newcanaanct.gov](mailto:phil.sheibley@newcanaanct.gov)>  
**Subject:** Re: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050) REQUEST FOR SUPPORT LETTERS

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Russ,

For your information, the Public Safety Radio bond was issued at \$2,600,000. This would have included at least \$250,000 (or perhaps more) of contingency funds. I have attached the fully executed contract with Motorola, for your reference. This contract totaled approximately \$2,250,000. We had initially estimated and included in the bond, the construction of a new antenna on Reservoir Lane. This, obviously, was unnecessary due to the McNamara's. I also included below an email (3/5/2021) I received from NorComCT which details the estimated cost of moving the antenna from McNamara to the proposed site. This estimate was \$120,000 plus the cost of the backhaul which was estimated at \$60,000 for a total of \$180,000. Let me know if I can provide additional information.

Please let me know if you learn anything more from Lunda.

Thanks,  
Stuart

Hello Stuart, hope all is well. I have put together a rough order of magnitude cost out for the relocation of the existing Mcnamara site to the proposed new cell tower. I think you should be budgeting around 120K for this move. See the below items included in the ROM number. The number includes relocation of the existing cabinet, A new generator, Site work, Electrical service and a new split antenna system as required at the new site. We also included site remediation at the McNamara's as required.

<b>New Canaan Owenoke Relocation</b>			<b>\$ 119,959.12</b>
<b>QTY</b>	<b>Item</b>	<b>Description</b>	
1	SUB	Engineering and site permits	
1	Task	Excavation\foundation pad\ conduit trenching	
1	GEN_SET	Generator & Transfer switch 15 KVA	
1	SUB	Electrical service\ Generator install\ Cabinet service\grounding	
1	Antenna System	Antenna System and installation	
1	Relocation	Relocated Existing Cabinet	
1	Task	Remediation at old site	

This would be for a NorcomCT turn key solution, Obviously if the town tackles any of the civil work in house it would reduce the number. Also I have looked at the possibility of doing a microwave PTP back haul link to Waveny from this site and it looks viable with our engineering software. We would need to do a visual path serve as well once the new cell site is constructed. The cost of adding a PTP link for back haul would be in the order of 60K.

Please let me know if you need anything else. Thanks

**Eric Fine**

**System Implementation Manager**

ETA R56-R178049 & DAS-176149

CT Lic. TVR.0707668-V6

On Nov 24, 2021, at 8:22 AM, Kimes, Russ <[russ.kimes@newcanaanct.gov](mailto:russ.kimes@newcanaanct.gov)> wrote:

Do we have the estimated cost of moving these antennas and who's budget they are coming out of as well as timing?

Want to be sure if it's my budget I add it to our request due Monday next week.

Many thanks  
Russ

Russell Kimes, III  
Director of Emergency Management  
Town of New Canaan

[Russ.kimes@newcanaanct.gov](mailto:Russ.kimes@newcanaanct.gov)  
Cell (203) 914-3631

---

**From:** Sawabini Stuart <[ssawabini@gmail.com](mailto:ssawabini@gmail.com)>

**Sent:** Tuesday, November 23, 2021 10:33:00 PM

**To:** Kimes, Russ <[russ.kimes@newcanaanct.gov](mailto:russ.kimes@newcanaanct.gov)>; Sheibley, Phil <[phil.sheibley@newcanaanct.gov](mailto:phil.sheibley@newcanaanct.gov)>; DiFederico, John <[john.diFederico@newcanaanct.gov](mailto:john.diFederico@newcanaanct.gov)>; Zagarenski, Joe <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>

**Subject:** Fwd: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050) REQUEST FOR SUPPORT LETTERS

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important - read below

Begin forwarded message:

**From:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>  
**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050) REQUEST FOR SUPPORT LETTERS  
**Date:** November 23, 2021 at 11:29:57 AM EST  
**To:** 'Eric Fine' <[EFine@norcomct.net](mailto:EFine@norcomct.net)>, 'Peter Gall' <[pgall@norcomct.net](mailto:pgall@norcomct.net)>, 'Julie Reibold' <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>  
**Cc:** "'[ssawabini@gmail.com](mailto:ssawabini@gmail.com)'" <[ssawabini@gmail.com](mailto:ssawabini@gmail.com)>, "Moynihan, Kevin" <[kevin.moynihan@newcanaanct.gov](mailto:kevin.moynihan@newcanaanct.gov)>, Manny Vicente <[mv@homelandtowers.us](mailto:mv@homelandtowers.us)>

Hello.

Homeland Towers is preparing to file the Technical Report with the Town of New Canaan for a proposed 110' stealth monopine tower to be located at 1837 Ponus Ridge Road. AT&T is the anchor tenant with a 106' antenna rad ctr, we will be including the town's equipment on our drawings/submittal. The town's equipment will include (1) 12' omni antenna mounted at 113', (1) 12' omni antenna mounted at 60' and (2) 2' microwave dishes mounted at 112'. Verizon Wireless also plans to install antennas on the tower and we expect them to intervene during the Siting Council process.

Since the town plans to install public safety equipment on the facility, I'd like to obtain letters of support from Norcom and from the Town(Police & Fire.)

I've attached support letters from similar public safety tower projects should you wish to use as a template.

From a time line perspective, once the Tech report is filed in early December, the Town will then hold a public information meeting for Homeland to present the project to the public/town officials. On the 91<sup>st</sup> day, the application will then be submitted to the Connecticut Siting Council for a decision which will take approximately 6-8 months.

I would ask for Stuart and Eric/Julie to let me know if you will be providing me these letters, I would like to have by December 1, 2021 to include with the Tech Report Submittal.

Best,

Ray

**Raymond Vergati**  
Regional Manager

<image001.jpg>

Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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---

**From:** Ray Vergati  
**Sent:** Monday, November 16, 2020 11:18 AM  
**To:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>; Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>; Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>  
**Cc:** [ssawabini@gmail.com](mailto:ssawabini@gmail.com)  
**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050)

Eric,

Attached is a colo application that I have filled out with the town's public safety equipment specs. Please review both tabs and fill in any additional info/specs that you are able to. Kindly return to me as we will include as an exhibit with the agreement we are working on with the town.

At the moment, we may be proposing a 110' stealth monopine tower (may be reduced to 100' based on visuals/carrier justification). For the town's equipment, we would place (1) 12' omni off the top along with (2) 2' MW dishes. The town's 2<sup>nd</sup> omni would be at a mounting height of 60'. We will keep the vertical rad centers open from 106' down to 76' for the carriers. The town would need to supply their own generator, the carriers do not allow others to tie into their back up power supply.

Feel free to call me with any questions.

Ray

**Raymond Vergati**  
Regional Manager

Homeland Towers, LLC

9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646

Office: (203) 297-6345

Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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**From:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>

**Sent:** Friday, November 13, 2020 2:42 PM

**To:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>; Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>; Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>

**Cc:** [ssawabini@gmail.com](mailto:ssawabini@gmail.com)

**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050)

Ray, we could reduce the antenna size, the proposed 22' antenna is a dual feed for both RX & TX function. We could utilize two separate antennas for RX & TX functions but they would need to have 40' of vertical separation between them to get the proper isolation. If the pole is 100' we would need space at 100' and lower at 50' to 60'. I am concerned that at 50' to 60' we will be below the existing tree line at the lower level. We would have to do coverage engineering if this will be the required configuration.

Please send me a propose tower elevations you might have so we can look at them and comment back with more details.

See attached

## **Eric Fine**

**System Implementation Manager**

ETA R56-R178049 & DAS-176149

CT Lic. TVR.0707668-V6

**[7 Great Hill Road, Naugatuck, CT 06770](#)**

**Direct: (203) 568-6950**

Main: (203) 575-9008

Web: [www.norcomct.com](http://www.norcomct.com)

<image002.jpg>

---

**From:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>

**Sent:** Friday, November 13, 2020 9:48 AM

**To:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>; Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>; Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>

**Cc:** [ssawabini@gmail.com](mailto:ssawabini@gmail.com)

**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050)

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Thank you for the antenna specs Eric.

Question- Can the town live with a shorter omni antenna, the 22' is rather long and since this will most likely be a stealth site (monopine) we'd like to keep as much of the antenna concealed within the faux branches on top of the tower ? Let me know.

I'm going to fill out a colo application and send to you for review once I hear back on the antenna length.

Best,

Ray

**Raymond Vergati**  
Regional Manager

Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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---

**From:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>  
**Sent:** Friday, November 13, 2020 8:12 AM  
**To:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>; Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>; Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>  
**Cc:** [ssawabini@gmail.com](mailto:ssawabini@gmail.com)  
**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050)

Ray, the town will require space for up to three antennas and two point to point dishes. We would need space at a minimum of 100' elevation. I would suggest the tower be placed above all carriers. I have attached cut

sheets on the proposed antennas and dishes. Also the town will require a minimum of a 10' x10' ground space for there cabinet without a generator if the site will have compound generator power supplied. If the town needs to provide there own generator then we will need 10' x 20' of ground space.

Let me know if you need any further information.

**Eric Fine**

**System Implementation Manager**

ETA R56-R178049 & DAS-176149

CT Lic. TVR.0707668-V6

**7 Great Hill Road, Naugatuck, CT 06770**

**Direct: (203) 568-6950**

Main: (203) 575-9008

Web: [www.norcomct.com](http://www.norcomct.com)

---

**From:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>  
**Sent:** Tuesday, November 10, 2020 1:58 PM  
**To:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>; Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>; Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>  
**Cc:** [ssawabini@gmail.com](mailto:ssawabini@gmail.com)  
**Subject:** FW: C98349 New Canaan - Relocate Oenoke Site (Homeland Towers Ponus Ridge site CT050)

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Hello Julie, Eric et al;

As you are aware, Homeland Towers is working on a new tower site in the NW section of New Canaan along Ponus Ridge Rd. This project is a joint venture with the Town to move forward with a tower designed to accommodate commercial carriers and the Town's public safety needs. We are in the process of tower design/height and will be conducting a balloon float now that leaves are off.

Since the Town is driving this project for their public safety needs, I need Norcom to provide me an inventory of the Town's antenna specs and mounting heights. We want to ensure we conduct a float at the needed/justified height.

Please call me should you have any questions, I'd like to obtain this info in the next week or 2 so we can move forward accordingly.

Best,

Ray

# Raymond Vergati

Regional Manager

Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646

Office: (203) 297-6345

Email: [ry@homelandtowers.us](mailto:ry@homelandtowers.us)

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**From:** Moynihan, Kevin <[kevin.moynihan@newcanaanct.gov](mailto:kevin.moynihan@newcanaanct.gov)>  
**Sent:** Friday, June 12, 2020 4:52 PM  
**To:** Ray Vergati <[ry@homelandtowers.us](mailto:ry@homelandtowers.us)>  
**Subject:** FW: C98349 New Canaan - Relocate Oenoke Site

Ray,

FYI.

Kevin

Kevin J. Moynihan  
First Selectman  
Town of New Canaan  
77 Main Street, New Canaan CT 06840  
O: 203-594-3000  
C: 203-331-2016  
F: 203-594-3123  
[www.newcanaan.info](http://www.newcanaan.info)

---

**From:** Ssawabini [<mailto:ssawabini@optonline.net>]  
**Sent:** Friday, June 12, 2020 1:13 PM  
**To:** Moynihan, Kevin <[kevin.moynihan@newcanaanct.gov](mailto:kevin.moynihan@newcanaanct.gov)>  
**Cc:** DiFederico, John <[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)>; Zagarenski, Joe <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>  
**Subject:** Fwd: C98349 New Canaan - Relocate Oenoke Site

**External Email:** This email originated from outside of the organization. Do Not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin,

As discussed last night - radio propagation maps attached along with comments from NorcomCt.

Regards,  
Stuart

Begin forwarded message:

**From:** Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>  
**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site  
**Date:** June 10, 2020 at 11:31:47 AM EDT  
**To:** Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>, Holly Brown <[hbrown@norcomct.net](mailto:hbrown@norcomct.net)>, Sawabini Stuart <[ssawabini@gmail.com](mailto:ssawabini@gmail.com)>  
**Cc:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>, John DiFederico <[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)>, Joe Zagarenski <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>

Hi Stuart,

Here's the maps for both sites. If you lose the current site this would be a reasonable alternative.

As Peter says I think you should request access (in perpetuity) to the top platform above the cellular arrays for a few antennas and/or dishes as well as ground space. This should be free of rent or fees. You may want to ask them to provide you conduit(s) back to the street and a pad for future use as well.

If you want to discuss this let us know.

Thanks!

Julie

Julie Reibold

---

**From:** Peter Gall <[pgall@norcomct.net](mailto:pgall@norcomct.net)>  
**Sent:** Wednesday, June 10, 2020 8:56 AM  
**To:** Holly Brown <[hbrown@norcomct.net](mailto:hbrown@norcomct.net)>; Julie Reibold <[jreibold@norcomct.net](mailto:jreibold@norcomct.net)>; Sawabini Stuart <[ssawabini@gmail.com](mailto:ssawabini@gmail.com)>  
**Cc:** Eric Fine <[EFine@norcomct.net](mailto:EFine@norcomct.net)>; John DiFederico <[john.difederico@newcanaanct.gov](mailto:john.difederico@newcanaanct.gov)>; Joe Zagarenski <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>  
**Subject:** RE: C98349 New Canaan - Relocate Oenoke Site

Good morning all,

I looked at the proposed location at a couple of heights. The new location opens a significant hole in the light residential coverage that does not presently exist. The area is in the vicinity of Michigan Road from Father Peter's Ln to Lukes Wood Rd, and extends north to the southern border of the Grace Farm's property.

I think it would be a good idea to reserve space on the tower, at least 25 vertical feet in all radiuses as close to the top as possible or at least at 100'. The town should also include at least the amount of space provided at the Private Residence now on the ground and possibly space for a generator or access to a site shared generator.

Peter

---

**Peter Gall**

Senior Systems Integration Engineer

**NorcomCT**

7 Great Hill Road, Naugatuck, CT 06770

<b>Direct</b>	<b>(203) 568-6938</b>
Main Phone	(203) 575-9008
Email	<a href="mailto:pgall@norcomct.com">pgall@norcomct.com</a>



NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 28**

## Justin Nishioka

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**From:** Coplit, Maria <maria.coplit@newcanaanct.gov>  
**Sent:** Wednesday, November 10, 2021 10:43 AM  
**To:** Ray Vergati; 'Robert Burns'; Cameron Hendry  
**Cc:** Mann, Tiger; Zagarenski, Joe; Holland, Kathleen; Brooks Avni, Lynn  
**Subject:** FW: Homeland Towers exhibit 1837 Ponus Ridge  
**Attachments:** Aquarion Water Company.vcf; 1837 Ponus Ridge 110921.pdf

Good morning,

In preparation for our call this morning, we are forwarding initial comments from Inland Wetlands. We have invited both Kathleen Holland and Lynn Brooks Avni to this afternoon's call.

Best,  
Maria

**Maria A. Coplit, P.E. | Town Engineer | Engineering Department | Town of New Canaan**  
77 Main Street New Canaan, CT 06840 | P: 203 594 3058 | [www.newcanaan.info](http://www.newcanaan.info) | [maria.coplit@newcanaanct.gov](mailto:maria.coplit@newcanaanct.gov)

*Town of New Canaan GIS Site (Hosted by Tighe & Bond): <https://hosting.tighebond.com/newcanaanAGS/>*  
*Additional Public Works Documents & Forms Link:*  
*[https://www.newcanaan.info/online\\_services/applications\\_forms.php#outer-324](https://www.newcanaan.info/online_services/applications_forms.php#outer-324)*  
*To Search ToNC Documents on Demand Records: <https://newcanaantownct.documents-on-demand.com/>*

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**From:** Holland, Kathleen  
**Sent:** Tuesday, November 9, 2021 11:47 AM  
**To:** Coplit, Maria <maria.coplit@newcanaanct.gov>  
**Cc:** Zagarenski, Joe <joe.zagarenski@newcanaanct.gov>; Mann, Tiger <Tiger.Mann@newcanaanct.gov>  
**Subject:** RE: Homeland Towers exhibit 1837 Ponus Ridge

Maria: Thank you for sending the preliminary sketch regarding the installation of a driveway to access a proposed cell tower location on property located at 1837 Ponus Ridge. I have attached a general GIS map with possible wetlands indicated but did not find in the Town records any site specific evaluation of wetlands for this location.

Inland Wetlands will need to have all soils within 50' of any earth disturbing activities tested for either the presence or absence of regulated wetlands. Once this evaluation has been completed by a certified soil scientist, the findings should be added to the engineer's site development plan and also an updated survey. The plans would include the full concept regarding the proposed driveway, drainage, cell tower equipment, soil and erosion controls etc.

If any portion of the proposed activities falls within the 50' upland review area to wetlands, a separate wetland application is required. If a wetland application is required, then in accordance with the Inland Wetlands Regulations, notification to Aquarion Water Company is required, along with all property owners within 100' of the property line. I have attached the watershed inspector's contact information, should it be needed. I would recommend holding off on any wetland application notification, until I can determine if the proposed activities trigger a wetland application. Please note that it is likely that notice to the water company may be required by other reviewing entities. If you have any questions or wish to meet as a group with the applicant, please just let me know.

Thanks.  
Kathleen

Kathleen Holland, Director  
Inland Wetlands and Watercourses & Floodplain Manager  
Town Hall 77 Main Street  
New Canaan, CT 06840  
Tel. 203.594.3036  
Website: [www.newcanaan.info](http://www.newcanaan.info)

**To search records:**

**[Town of New Canaan | Documents-On-Demand \(documents-on-demand.com\)](http://www.newcanaan.info/documents-on-demand)**

Managing your request remotely is preferred. We will be glad to assist you by email and/or telephone, or Zoom call. If available, include as much specific information, as possible, so we can do our best to assist you with your inquiry.

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**From:** Coplit, Maria  
**Sent:** Friday, November 5, 2021 1:57 PM  
**To:** Holland, Kathleen <[Kathleen.Holland@newcanaanct.gov](mailto:Kathleen.Holland@newcanaanct.gov)>  
**Cc:** Zagarenski, Joe <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>; Mann, Tiger <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>  
**Subject:** FW: Homeland Towers exhibit 1837 Ponus Ridge

Looping you in to see if there are any notifications or any special requirements needed given the proximity to the reservoir.

Best,  
Maria

**Maria A. Coplit, P.E. | Town Engineer | Engineering Department | Town of New Canaan**  
77 Main Street New Canaan, CT 06840 | P: 203 594 3058 | [www.newcanaan.info](http://www.newcanaan.info) | [maria.coplit@newcanaanct.gov](mailto:maria.coplit@newcanaanct.gov)

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*[https://www.newcanaan.info/online\\_services/applications\\_forms.php#outer-324](https://www.newcanaan.info/online_services/applications_forms.php#outer-324)*  
*To Search ToNC Documents on Demand Records: <https://newcanaanct.gov/documents-on-demand/>*

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**From:** Coplit, Maria  
**Sent:** Friday, November 5, 2021 1:51 PM  
**To:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>  
**Cc:** Mann, Tiger <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>; Zagarenski, Joe <[joe.zagarenski@newcanaanct.gov](mailto:joe.zagarenski@newcanaanct.gov)>  
**Subject:** RE: Homeland Towers exhibit 1837 Ponus Ridge

Ray,

Thank you for sharing the preliminary sketch. What we will need to see is how the increase in impervious area is mitigated prior to the runoff of discharging to Ponus Ridge Rd. Currently the sketch illustrates end sections daylighting down the hillside, creating new point discharges, a channeled curb line, creating concentrated flow,

and then an area of the driveway sheet flowing to the existing driveway. The plan should illustrate how you plan to mitigate these conditions and prevent erosion along the hillside and downstream flooding and icing conditions on Ponus Ridge Rd.

Please keep in mind that trench drains require regular maintenance to be kept clear of debris and operating functionally.

Thank you again, we are available to review further with you and your engineer to address these concerns.

Best,  
Maria

**Maria A. Coplit, P.E. | Town Engineer | Engineering Department | Town of New Canaan**  
77 Main Street New Canaan, CT 06840 | P: 203 594 3058 | [www.newcanaan.info](http://www.newcanaan.info) | [maria.coplit@newcanaanct.gov](mailto:maria.coplit@newcanaanct.gov)

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*To Search ToNC Documents on Demand Records: <https://newcanaantownct.documents-on-demand.com/>*

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**From:** Ray Vergati [<mailto:rv@homelandtowers.us>]  
**Sent:** Thursday, November 4, 2021 4:15 PM  
**To:** Mann, Tiger <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>; Coplit, Maria <[maria.coplit@newcanaanct.gov](mailto:maria.coplit@newcanaanct.gov)>  
**Subject:** RE: Homeland Towers exhibit 1837 Ponus Ridge

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Hello Tiger & Maria,

I've attached a sketch of our prelim design to capture runoff from the proposed site/access drive. In an effort to reduce the amount of impervious surface, we are proposing a 10' wide paved drive, flaring to 12' wide at upper turn to accommodate any fire apparatus. Our A&E is considering a 4% cross slope on the drive pitching towards curbing on the Ponus side of the road, but only in the steep section down towards the existing driveway. They are looking into some type of C-L catch basin design to capture runoff, the basin/grate would span the entire drive at each discharge point.

Kindly review, we welcome any ideas/comments you both may have on this design. We will have additional calcs and more detail as we get further into the design but this is our initial thoughts.

Best,

Ray

**Raymond Vergati**  
Regional Manager



Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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**From:** Mann, Tiger <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>  
**Sent:** Thursday, October 7, 2021 4:42 AM  
**To:** Ray Vergati <[rv@homelandtowers.us](mailto:rv@homelandtowers.us)>  
**Subject:** Re: Homeland Towers exhibit 1837 Ponus Ridge

Ray

Thanks for the call and the visit the other day

As mentioned, as you disk in on the design please keep us in the loop so we can ensure there are no surprises moving forward

Best  
Tiger

Tiger Mann  
Director of Public Works  
Town of New Canaan  
(203) 594-3056 (w)  
(203) 594-3709 (f)  
(203) 943-8486 (c)

Sent from my iPhone so please excuse any typographical errors or omissions. Thank you.

On Oct 5, 2021, at 9:21 AM, Mann, Tiger <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)> wrote:

Ray –

Certainly. Sounds good.

Thanks  
Tiger

Tiger Mann  
Director of Public Works  
Town of New Canaan  
(203) 594-3056 (w)

(203) 594-3129 (f)  
(203) 943-8486 (c)

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**From:** Ray Vergati [<mailto:rv@homelandtowers.us>]  
**Sent:** Tuesday, October 5, 2021 8:08 AM  
**To:** Mann, Tiger <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>  
**Subject:** RE: Homeland Towers exhibit 1837 Ponus Ridge

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Good morning.

I'm swinging by New Canaan today to meet with Kevin at noon. If you have any time available around 1:30 I'd like to stop in your office and just discuss 1837 Ponus Ridge. No worries if you are not available on short notice, my meeting was just scheduled last night.

Best,

Ray

**Raymond Vergati**  
Regional Manager

<image001.jpg>

Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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**From:** Ray Vergati  
**Sent:** Thursday, September 30, 2021 10:52 AM  
**To:** 'Mann, Tiger' <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>  
**Subject:** Homeland Towers exhibit 1837 Ponus Ridge

Hello Tiger, thanks for the call yesterday.

Attached is Homeland's revised exhibit. We have made the following changes from the original exhibit that the Town had previously reviewed.

- Revised our access drive to tower/compound to come off of the existing paved driveway that currently serves the residence. The benefit this redesign offers the following: (1) no new curb cut required, (2) previous design only allowed a right turn onto Ponus Ridge when a vehicle was exiting the site, this now allows for a left or right hand turn,(3) using the existing driveway provides much safer site lines for vehicles pulling out onto Ponus Ridge Rd, prior exit point was hampered by a hump in the road with decreased site lines.

As discussed, I'd like to get ahead on this one and work with the Town as best we can on engineering this access drive/site. We are challenged with the steep slopes and existing ledge on the parcel. Our A&E is beginning work on more detailed site plans that will include details such as grade, clearing, storm water runoff, etc.

I'm traveling through New Canaan a great deal these days so I'd like to see about having a meeting with you and Ms. Coplit to discuss this project. We have (2) carriers committed to the site and the Town will be placing critical public safety equipment on the facility.

Best,

Ray

## Raymond Vergati

Regional Manager

<image001.jpg>

Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646  
Office: (203) 297-6345  
Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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**From:** Ray Vergati

**Sent:** Friday, September 24, 2021 1:20 PM

**To:** Mann, Tiger <[Tiger.Mann@newcanaanct.gov](mailto:Tiger.Mann@newcanaanct.gov)>

**Subject:** Call Ray @ Homeland Towers re tower project on Ponus Ridge

Hello Tiger, drop me a line on my cell when you have a moment, would like to discuss our pending project on the NW side of town at 1837 Ponus Ridge Rd.

Best,

Ray

# Raymond Vergati

Regional Manager

<image001.jpg>

Homeland Towers, LLC  
9 Harmony Street, 2<sup>nd</sup> Floor  
Danbury, CT 06810

Cell: (203) 605-9646

Office: (203) 297-6345

Email: [rv@homelandtowers.us](mailto:rv@homelandtowers.us)

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NCN Request for Administrative Notice  
(Attachments a – cc)

**Public Record 29**



Justin Nishioka &lt;justin.nishioka@gmail.com&gt;

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**FOIA Requests**

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**Pitt, Mimi** <mimi.pitt@newcanaanct.gov>  
To: Justin Nishioka <justin.nishioka@gmail.com>

Tue, Mar 29, 2022 at 8:33 AM

Good morning. Chief Krolikowski said he would reach out to you. He has your number.

Mimi Pitt

Project Coordinator

Town of New Canaan

77 Main Street

New Canaan, CT 06840

203-594-3001

[mimi.pitt@newcanaanct.gov](mailto:mimi.pitt@newcanaanct.gov)

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**From:** Justin Nishioka [mailto:[justin.nishioka@gmail.com](mailto:justin.nishioka@gmail.com)]

**Sent:** Tuesday, March 29, 2022 7:54 AM

**To:** Pitt, Mimi <[mimi.pitt@newcanaanct.gov](mailto:mimi.pitt@newcanaanct.gov)>

**Subject:** Re: FOIA Requests

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Hi Mimi,

Thank you for the response. As discussed over the phone, the two anecdotal incidents involve the car crash on Ponus (where the driver fled and did not try to call anyone, leaving his father in the car), and a home invasion.

If possible, it would be great if I could have a brief, five-minute chat with the Chief of Police about this home invasion incident. If you don't mind, could you please provide an introduction with the Chief?

Thanks for all your help.

Kind Regards,

Justin

Phone: (510) 913-3476

On Mon, Mar 28, 2022 at 9:47 AM Pitt, Mimi <mimi.pitt@newcanaanct.gov> wrote:

**Justin:**

In response to your FOIA request dated 2/17/2022 regarding first responder records, we have searched first responder reports and the records do not reference poor cell service. However, there have been numerous anecdotal incidents throughout the northern and western areas of town involving first responders, public works employees and residents in the last decade and more where lack of cell service in emergency situations was a public safety problem.

You have also raised the issue of the Town providing a privilege log with respect to the records turned over to you on 3/1/2022. Four emails were withheld and the Town claims an exemption under Section 1-210(b)(10) of the Connecticut Freedom of Information Act regarding attorney-client privilege. A privilege log is generally used by the Freedom of Information Commission in connection with a pending matter.

Finally, you have already received the emails you requested between Kevin Moynihan and Tom Nissley. You have followed up by requesting three years of Tom Nissley's private emails as they relate to 1837 Ponus Ridge. As we discussed, this would be limited to Mr. Nissley in connection with his public function as the Chair of the Historic District Commission not as a private citizen. I will contact Mr. Nissley to conduct a search of his private emails for any responsive public records. I will let you know when we have a response ready.

Mimi Pitt

Project Coordinator

Town of New Canaan

77 Main Street

New Canaan, CT 06840

203-594-3001

[mimi.pitt@newcanaanct.gov](mailto:mimi.pitt@newcanaanct.gov)

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