

From: Bachman, Melanie <Melanie.Bachman@ct.gov>
Sent: Tuesday, August 9, 2022 7:45 AM
To: don bergmann <donbergmann@sbcglobal.net>; Lucia Chiocchio, Esq. <lchiocchio@cuddyfeder.com>; kmotel@cuddyfeder.com; Ball, David A. <dball@cohenandwolf.com>; Pires, Philip C. <ppires@cohenandwolf.com>; Baldwin, Kenneth <kbaldwin@rc.com>; Ira Bloom <ibloom@berchemmoses.com>; Nicholas R. Bamonte <nbamonte@berchemmoses.com>; CSC-DL Siting Council <Siting.Council@ct.gov>
Cc: Stephen Goldstein <stephengoldstein@gmail.com>
Subject: RE: Cell Tower Documents

Good morning, Mr. Bergmann.

We will list these documents on the hearing program as administrative notice items for your case. You do not need to send any copies.

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: don bergmann <donbergmann@sbcglobal.net>
Sent: Monday, August 8, 2022 5:42 PM
To: Lucia Chiocchio, Esq. <lchiocchio@cuddyfeder.com>; kmotel@cuddyfeder.com; Ball, David A. <dball@cohenandwolf.com>; Pires, Philip C. <ppires@cohenandwolf.com>; Baldwin, Kenneth <kbaldwin@rc.com>; Ira Bloom <ibloom@berchemmoses.com>; Nicholas R. Bamonte <nbamonte@berchemmoses.com>; CSC-DL Siting Council <Siting.Council@ct.gov>; Bachman, Melanie <Melanie.Bachman@ct.gov>
Cc: Stephen Goldstein <stephengoldstein@gmail.com>
Subject: Re: Cell Tower Documents

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Hi Melanie,

I now see that the Westport Conservation Department, Alicia Mozian Director, has submitted a statement to the Siting Council. That statement includes the item I reference. I also note that the Westport Historic District Commission filed last year its response to this cell tower submission as required by law. I am confident the Applicant has this statement from the HDC and that is or will be part of the official record. The HDC letter reflects major objections to a cell tower at 82 Greens Farms Rd. Hence, I do not see a need for me to resubmit these items.

Thank you of course for your appropriate suggestions as to how I would proceed.

Don Bergmann

On Monday, August 8, 2022 at 11:40:53 AM EDT, Bachman, Melanie <melanie.bachman@ct.gov> wrote:

Good morning, Mr. Bergmann.

Thank you for your e-mail.

In response to your question, you may introduce the attached Westport Historic District Commission and Westport Conservation Commission documents into the record as *either*:

1. administrative notice items since they are public documents of the Town; or
2. exhibits *if Director Mozian and Chairman Harris are witnesses for your case*, and the witnesses verify the contents of the documents under oath and are available for cross examination by the Siting Council and the other parties and intervenors when you appear during an evidentiary hearing.

If the documents are submitted as administrative notice items, you do not need to send 15 hard copies to the Siting Council. If the documents are submitted as exhibits, you do need to send 15 hard copies to the Siting Council. I copied the Docket 510 service list on this response.

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: don bergmann <donbergmann@sbcglobal.net>
Sent: Monday, August 8, 2022 10:43 AM
To: Bachman, Melanie <Melanie.Bachman@ct.gov>
Cc: Stephen Goldstein <stephengoldstein@gmail.com>
Subject: Fw: Cell Tower Documents

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.

Dear Ms. Bachman,

Below are two attached documents pertaining to the DOCKET # 510, the Application for a Cell Tower at 92 Greens Farms Rd., Westport CT. The documents were sent to me by Stephen Goldstein, an engaged resident. He has asked me, as an intervenor, to introduce them into the record. One document is from the Westport Historic District Commission respecting the historic nature of the site. The second is an analysis of the site by the Westport Conservation Director, Alicia Mozian. Both were prepared last year. My guess is the HDC document has already worked its way into the file. I am less sure about the Conservation Document.

Hopefully, this is an acceptable way to provide these two documents to the Staff and the Siting Council. Also, please advise if I need to mail 15 copies of each document to the Siting Council as part of the required procedure. My mailing bills are starting to add up. Also, do I need to send this e mail and the attachments to the various parties or intervenors?

Thank you very much, Don Bergmann 32 Sherwood Drive Westport CT Intervenor

----- Forwarded Message -----

From: Goldstein, Stephen <stephen.goldstein@evercore.com>

To: don bergmann <donlbergmann@sbcglobal.net>

Sent: Monday, August 8, 2022 at 10:24:46 AM EDT

Subject: Cell Tower Documents

Don, please forward to the CSC for inclusion in the public record. Thanks.



CONSERVATION DEPARTMENT

TOWN HALL – 110 MYRTLE AVENUE

WESTPORT, CT 06880

P 203.341.1170 F 203.341.1088

WESTPORT

TO: James Marpe, First Selectman
Ira Bloom, Town Attorney
FROM: Alicia Mozian, Conservation Director
DATE: June 23, 2021

RE: Environmental Issues Facing Cell Tower Location at 92 Greens Farms Rd.

At your request, I have compiled the following list of environmental concerns I feel need to be analyzed to properly assess the environmental impact from a cell tower at 92 Greens Farms Rd. These issues were compiled without close observation of the site but from information collected through reviewing maps and my own knowledge of the area. The site contains several areas of environmental interest. It contains steep slopes and is surrounded on two sides by watercourses. It also contains floodplain and is directly adjacent to an aquifer. It is my professional opinion that without each of these concerns being thoroughly addressed, the Siting Council cannot fully evaluate whether the tower will have an impact on the health and safety of Westport's citizens and the environmental resources of the state.

Areas of Concern:

A. Water Quality:

1. The property is directly adjacent to a fine-grained stratified drift aquifer. Leakage of the fuel used to service the generator into this aquifer would cause severe environmental damage.
2. If any of the surrounding properties are serviced by a drinking water well(s), consideration must be given to how a fuel leak would impact people's drinking water wells and the surrounding aquifer.
3. The watercourse directly adjacent to the site discharges to an estuarine embayment and then to Long Island Sound. This estuarine embayment is home to commercial shellfish beds and a multitude of shorebirds and other wildlife. Where will the generator be located and how will it be fueled? How big will the fuel tank be to service the generator? What provisions are in place in case there is a fuel leak?

B. Impact to Wetlands:

Wetlands and watercourses are located on and directly adjacent to the site.

1. Are the wetlands on the property tidal or inland, or both? A soil scientist and a tidal wetland biologist will need to make the determination of each of these resources.
2. The CT DEEP needs to be contacted for their review of what impact the tower would have on adjacent watercourses and wetlands that are on adjacent state property.

3. Will the state DOT and DEEP authorize work in its right-of-way where one of the two wetland/watercourse areas appears to be located?
4. Will a state DEEP permit be required since the work could cause an adverse impact to the wetland if not properly protected?
5. Has the Army Corps of Engineers (ACOE) been contacted? Filling of a watercourse or wetland or changes to the on-site large culvert may need their review.
6. The Connecticut Inland Wetlands and Watercourses Act (hereafter referred to as "The Act") allows protection of wetlands and watercourses outside the area for which an activity is proposed if said activity would cause an impact to those resources. In this case, a watercourse and associated wetland is directly adjacent to the property. Because of the steep nature of the presumed location of the cell tower, a significant amount of regrading will need to be done to accommodate the access road to the tower and to construct the base of the tower and associated appurtenances. This work will be directly adjacent to a watercourse and floodplain. The Act also requires a determination of whether an activity will cause a significant impact to a wetland or watercourse. Who will make that determination here? Certainly without the answers to these questions no one can make any determination.
7. The Act also requires that feasible and prudent alternatives be considered which in this case could include consideration of an alternative location(s) where so many natural resources would not be impacted.

C. Waterway Protection Line Ordinance and Flooding Concerns

1. Section 30-80 through 30-97 of the Town Code (formerly Chapter 148) is the Waterway Protection Line Ordinance. This is a local ordinance that has been in place since 1980 and is based upon an authorizing statute. Its purpose is to protect all waterways of the Town from activities that would cause hazards to life and property and or activities having an adverse impact upon the flood carrying and water storage capacity of the waterway and floodplains and the natural resources and ecosystems of the Town. Both watercourses on and adjacent to this property are regulated pursuant to this Ordinance. Will the tower encroach into this area? Is the Town prevented from requiring that permits be secured pursuant to this Ordinance?
2. Information that will need to be identified includes the location of the 25-year and 100-year flood boundaries.
3. A large culvert is located on-site. Where is the tower relative to this? Will the footings for the tower-base interfere with this? Will the culvert need to be replaced? If so, ACOE review and approval is required.
4. A large area drains from the north onto and around this property into the Sherwood Mill Pond and then into Long Island Sound. Will the tower interfere with the natural drainage patterns and existing drainage pipes in the area?
5. Will fill be placed in the waterway?
6. Will the fuel tank be in the flood zone?

D. Septic Issues

1. According to the Assessor's records the property is served by a septic system. Will the tower interfere with that or occupy an area for future septic location should the existing system fail?

In summary, the environmental concerns associated with the placement of a cell tower on this property include its impact on: water quality; wetlands; watercourses; floodplains; aquifers; estuarine embayments; drainage; and, water quality. If this activity were presented to the Conservation Commission pursuant to the "Inland Wetland and Watercourse Regulations of the Town of Westport" and the "Waterway Protection Line Ordinance" it would not, at face value, be approved without consideration of all that has been listed above and consideration of feasible and prudent alternatives that would cause less or no impact.

Furthermore, a review by the Army Corps of Engineers and the Connecticut Department of Energy and Environmental Protection should be secured to ascertain their specific jurisdiction and concerns.



Historic District Commission

Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Westportct.gov
Telephone (203) 341-1184

June 24, 2021

Subject: Section 106 review of the National Historic Preservation Act of 1996 (NHPA) as amended by the Westport Historic District Commission (HDC) of a 92 Greens Farms Road, Westport, CT application for a +/-124' wireless cell tower by Tarpon Towers II.

With regard to its NHPA purview to evaluate the impact of a massive +/-124' tall industrial structure in the very historically significant Greens Farms area of Westport, CT the HDC finds this project will unquestionably have a negative impact on the surrounding historic Greens Farms area and detract from the historic context of the historic properties therein.

One of the few HDCs in the State of Connecticut to achieve and maintain Certified Local Government, (CLG) status, the Westport HDC takes this matter very seriously.

This bucolic historic area of rolling terrain sloping to the Long Island Sound dates back to the colonial days. In that time Westport was in fact part of neighboring Fairfield, CT, prior to Westport's incorporation in 1835. At one point in the mid nineteenth century the Greens Farms area of Westport was the leading producer of onions in the entire country.

Numerous sources including articles in the New York Times in 2001, Wikipedia, and the Greens Farms Association, (attached); as well as the landmark 1933 book, "Green's Farms, Connecticut, The Old West Parish of Fairfield" by George Penfield can provide significant documentation on this historic area. In 1648 Thomas Newton, Henry Gray, John Green, Daniel Frost, and Francis Andrews, became known as the "Bankside Farmers" settled this specific area and in 1732 the area was renamed "Green's Farms" in honor of John Green.

Specifically, Page 5-3 of the Westport HDC Handbook lists Green's Farms Road as a neighborhood area eligible for designation as a Local Historic District.

Considering all the above, and while such a proposed old technology +/-124', cell tower, while possibly interesting and significant in its own right as an example of obsolete pre-5G, late 20th Century wireless technology, the HDC finds this project to be wholly inappropriate and totally out of character for this historically significant area of the colonial Greens Farms area of Westport, CT.

William Harris
Chairman, Historic District Commission