

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

NEW CINGULAR WIRELESS PCS, LLC	:	DOCKET NO. 510
D/B/A AT&T AND TARPON TOWERS II,	:	
LLC APPLICATION FOR A CERTIFICATE	:	
OF ENVIRONMENTAL COMPATIBILITY	:	
AND PUBLIC NEED FOR THE	:	
CONSTRUCTION, MAINTENANCE, AND	:	
OPERATION OF A	:	
TELECOMMUNICATIONS FACILITY	:	
LOCATED AT 92 GREENS FARMS ROAD,	:	
WESTPORT, CONNECTICUT	:	SEPTEMBER 15, 2022

**PREFILED TESTIMONY OF FIRST SELECTWOMAN JENNIFER TOOKER,
TOWN OF WESTPORT**

Q1. First Selectwoman Tooker, please summarize your involvement as a Town official with the potential siting of a cell tower at 92 Greens Farms Road.

A1. I have served the Town in a number of capacities since 2008, including as member of the Conservation Commission (2008-2011), Board of Education (2011-2013), Board of Finance (2013-2017), Second Selectwoman (2017-2021), and currently as First Selectwoman (2021 – present). In 2014 when AT&T approached the Town with the prospect of constructing a tower at 92 Greens Farms Road, then- First Selectman Jim Marpe was strongly opposed to a cell tower at that location for many of the same reasons that we oppose the current Application. Like now, a broad contingent of residents echoed the Town’s opposition in 2014. AT&T thereafter abandoned the project until last year, when AT&T and Tarpon Towers contacted the Town with renewed interest in constructing a tower at the same location. My predecessor in office participated in initial consultations with the Applicants in 2021, when we again voiced our objections to the proposed site. Since my election to the First Selectwoman’s office in November, 2021, I, too, have been fully engaged in identifying potential alternative locations that may be more suitable for a tower if the Siting Council is inclined to support the alleged need for a cell tower in the proposed area.

Q2. Why do you object to the location of the proposed cell tower?

A2. My objection has two parts. First, I believe that the option of locating the cell tower on State of Connecticut property very nearby has not been fully considered. I will discuss that shortly. Second, in Westport we do not believe that a 124-foot cell tower belongs in the back yard, or even the front or side yards, of an occupied residential property. It is simply not good land use planning. It is obviously inconsistent with our residential zoning regulations, which are intended to create consistent, uniform standards for the benefit of our residents. And that is the case in many towns in Connecticut. And just so we are clear, 92 Greens Farms Road is a single family, occupied residence.

Q3. What have you done to identify and propose alternative locations?

A3. As soon as the Town became aware of the renewed proposal last year, we began significant efforts to locate and secure alternative locations to site the cell tower. I authorized the Town Attorney to hire the Town's outside consultant, David Maxson, to analyze the proposal and search for potential alternative sites that would provide comparable impact to cellular service in the area. I instructed Town staff and the Town Attorney's office to assist to the extent possible in locating possible alternatives and pursuing feasibility of those sites with the Applicants. By January of 2022, we had identified several nearby parcels that we believed would be ideal alternative sites: (1) 55 Greens Farms Road, a large commercial park over 20 acres in size, and (2) over 15 acres of railroad right-of-way bordering Hales Road, roughly ¼ of a mile from the proposed site, owned by the State of Connecticut Department of Transportation ("CDOT"). I personally conducted site visits of each property. Although 55 Greens Farms Road ultimately is not an option because the owner declined, I believe the CDOT property is still a potential option based upon meetings the Town Attorney and I have had with CDOT as recently as June of this year.

Q4. Is an alternative location currently available that would be less objectionable by the Town?

A4. As stated above, the Town has taken ongoing steps to facilitate the Applicants' potential use of the CDOT property on Hales Road since the beginning of 2022. The Town Attorney made initial contact with the appropriate representatives at CDOT in early 2022 and requested CDOT review of the property for cell tower use. On May 5, 2022, the Town Attorney met with the CDOT Supervising Rail Officer for the area to discuss the status of CDOT's preliminary assessment of the property. At that time, CDOT advised that it was not interested in pursuing a cell tower due to staffing limitations and a lack of priority at CDOT. However, by letter on May 12, 2022, I reiterated the Town's significant concerns and again urged CDOT to consider the railroad property. On July 8, 2022, the Town Attorney and I met with senior CDOT officials, including Eric S. Bergeron, Assistant Rail Administrator. Although we were advised of several challenges associated with obtaining CDOT approval for a cell tower, and that the ultimate likelihood of an approval is uncertain, CDOT does have an official process for licensing cell towers and the Department is open to the Applicants initiating the process and providing detailed plans for review. For these reasons, I believe the Hales Road CDOT property is still a potentially viable alternative location for the cell tower that should be fully examined.

Q5. What is your preferred outcome for the pending application?

A5. I ask that the application be denied, perhaps without prejudice, until all options for alternative sites are fully considered. This includes having Tarpon and AT&T apply to CDOT and obtain a final determination of whether the Hales Road property can be utilized for the proposed cell tower. CDOT has provided guidelines for the review and leasing process, and we forwarded those guidelines to Tarpon's attorney weeks ago. The Town is committed to assisting in this process to whatever extent we can.

I hereby affirm that the foregoing is true and accurate to the best of my knowledge and belief.

JST

Jennifer S. Tooker, First Selectwoman
Town Hall
110 Myrtle Avenue
Westport, CT 06880

Sworn to and subscribed before me this 15 day of September, 2022.

Eileen P. Francis

Notary Public/Commissioner of the Superior Court

Eileen P. Francis
Notary Public-Connecticut
My Commission Expires
October 31, 2026

*WESTPORT CT
SEP 15 2022
EILEEN P. FRANCIS
COMMISSIONER OF THE SUPERIOR COURT*