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BERCHEM MOSES.COM

PLEASE REPLY TO WESTPORT OFFICE

SENT VIA ELECTRONIC MAIL

June 21, 2022

Robert L. Berchem
Marsha Belman Moses
Stephen W. Studer ▶
Richard J. Buturla
Floyd J. Dugas
Ira W. Bloom
Jonathan D. Berchem *
Michelle C. Laubin ◆
Gregory S. Kimmel
Christopher M. Hodgson
Mario F. Coppola
Christine A. Sullivan

Melanie A. Bachman, Executive Director
Connecticut Siting Council
10 Franklin Street
New Britain, CT 06051
siting.council@ct.gov

Re: Docket No. 510 - New Cingular Wireless PCS, LLC 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

Paula N. Anthony ◆
Richard C. Buturla
Ryan P. Driscoll ◆
Bryan L. LeClerc ◆
Brian A. Lema
Douglas E. LoMonte

Dear Ms. Bachman:

Jacob P. Bryniczka
Eileen Lavigne Flug
Peter V. Gelderman ◇
Warren L. Holcomb
Eugene M. Kimmel
Raymond J. Rigat
Paul A. Testa * ▶

The Town of Westport is in receipt of the Siting Council’s letter dated June 2, 2022, notifying the Town of the above-referenced application for a telecommunications tower. Pursuant to C.G.S. § 16-50gg, I am hereby providing the Town’s location preference for the siting of the tower as an alternative to the applicant’s proposed location at 92 Greens Farms Road in Westport. The Town strongly opposes the proposed location because it is a single-family, occupied residential property within a dense residential district. This type of residential location for a tower is in clear conflict with good residential planning and the Town’s long-term land use planning.

Nicholas R. Bamonte
Carolyn Mazanec Dugas
Rebecca E. Goldberg
Christopher R. Henderson
Herbert Z. Rosen
Matthew L. Studer
Tyler I. Williams

An alternative location that is substantially preferable to the Town is nearby railway property (the “DOT Property”) owned by the State of Connecticut Department of Transportation (“DOT”) along Interstate-95:

* - Also Admitted in FL
◇ - Also Admitted in IL
▶ - Also Admitted in MA
· - Also Admitted in NJ
◆ - Also Admitted in NY
* - Also Admitted in PA

Street Address: Hales Road (no street number)¹
Assessor Map/Lot: D06/023
Assessor Parcel ID: 10275

(See also attached Assessor’s Card)

¹ A copy of the Town Assessor’s Card is attached for reference.

Melanie A. Bachman, Executive Director
June 21, 2022
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Because the DOT Property is only approximately ¼ mile away from the proposed site and is located at similar elevation, the Applicant has acknowledged that this alternative site would provide wireless telecommunications coverage comparable to that of the proposed site. Given the existing railway infrastructure and nearby high voltage transmission lines, the Town believes that this location would present far less negative environmental and scenic impacts than the proposed residential location. Beyond the rail itself, much of the otherwise undeveloped DOT Property has already been cleared of vegetation, has been graded with gravel and is directly accessible from Hales Road by a short access road wide enough for heavy equipment.

For these reasons, First Selectwoman Jennifer Tooker has strongly supported the DOT Property as an alternative site, and since February has attempted to negotiate with DOT to arrange for its use by the Applicant. However, although DOT had initially indicated that the location could be feasible for the siting of a cell tower and that it had previously entered into leases for similar uses of its property, DOT has recently denied the Town's request. The reasons DOT offered for the denial primarily included a lack of staffing at DOT and that siting a cell tower on State property was not a priority of the DOT at this time. These cited reasons, while important to the DOT, are not "on the merits," and the Town remain hopeful of reconsideration by DOT.

The Town has continued to urge DOT to reconsider its decision given the current pendency of the application before the Council. See the attached correspondence from the First Selectwoman to DOT dated May 12, 2022. The Town has offered assistance to DOT at its own expense, including preparation of documentary agreements and with any State approval or public bidding process. Working with our state legislative delegation, the Town is hopeful that the DOT Property may still become available and considered by the Council as a viable alternative site with far less environmental impact.

Thank you for your attention to this matter.

Sincerely,



Ira W. Bloom

cc: Service List

EXEMPTIONS		OTHER ASSESSMENTS		
Year	Code	Description	Number	Amount
Total 0.00				
ASSESSING NEIGHBORHOOD				
Nbhd	0001	Sub	A	Nbhd Name
				0001
MI EXEMPT				
NOTES				
Tracing				
Batch				
Appraised Bldg. Value (Card) 0				
Appraised Xf (B) Value (Bldg) 0				
Appraised Ob (B) Value (Bldg) 0				
Appraised Land Value (Bldg) 15,120,000				
Special Land Value 0				
Total Appraised Parcel Value 15,120,000				
Valuation Method C				

BUILDING PERMIT RECORD				VISIT / CHANGE HISTORY									
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Date	Id	Type	Is	Cd	Purpose/Result
								03-10-2015	BG			99	Vacant Lot Inspection
								05-14-2010	J			99	Vacant Lot Inspection
								08-23-2005	VR	1		99	Vacant Lot Inspection
Total Appraised Parcel Value 15,120,000													

LAND LINE VALUATION SECTION														
B Use Code	Description	Zone	Land	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment	Adj Unit P	Land Value
1	912 State Land Com	AA_A		8,000 AC	1,080,000.	1.00000	C	1.00	K	1.750		1.0000		15,120,000
Total Card Land Units 8,000 AC Parcel Total Land Area 8 Total Land Value 15,120,000														



WESTPORT^{CT}
CONNECTICUT

Jennifer S. Tooker, First Selectwoman

May 12, 2022

Julie L. Thomas, Supervising Rail Officer
Bureau of Public Transportation – Office of Rails
State of Connecticut Department of Transportation
50 Union Avenue
New Haven, CT 06519

Via email: Julie.Thomas@ct.gov

Re: Request for Rail Property for Cell Tower – Town of Westport

Dear Ms. Thomas,

I am the First Selectwoman for the Town of Westport, and I understand after you spoke on May 5, 2022 with our Town Attorneys, Ira Bloom and Nick Bamonte, that the State Department of Transportation (“DOT”), through the Bureau of Public Transportation, has denied the potential use of State railway property in Westport for a private cell tower. I further understand that you attributed the decision in large part due to a lack of staffing at DOT and that siting a cell tower on State property was not a priority of the Department at this time.

I am writing you now to urge DOT to reconsider its denial and to offer any assistance that the Town can provide. I have authorized our Town Attorneys, to the extent possible and at the Town’s expense, to assist DOT to develop any necessary licenses or similar documentary agreements, and with any process involving requisite State approvals or public bidding of the right to lease the property in question. Please note that we are ready immediately to assist in any way, without delay and without limit, as this is now a very important issue in our community.

As you know, Tarpon Towers I, LLC (“Tarpon”), a private infrastructure provider that constructs and leases tower space to commercial cell providers, has proposed on its own and without Town participation, a 124 foot cell tower directly within a dense residential area in Town. This proposed site, 92 Greens Farms Road, is a residential lot with a single-family, occupied home. The Town strongly believes that a cell tower should not be located on a lot with a residence. *This is simply not a good land use practice.*

We have just been advised by Tarpon’s attorneys that they intend to formally apply to the Connecticut Siting Council (“CSC”) on May 26, 2022. This will set in motion a CSC timeline for approval of the cell tower on the residential lot. Accordingly, time is of the essence. There is still a window of opportunity to find an alternate site, and the attorneys for Tarpon have advised us that the State railway property in Westport is an acceptable alternative for them. Given the

existing railway infrastructure and nearby high voltage transmission lines, we believe that siting the proposed tower on nearby DOT railway property would be the best location. We understand that DOT itself has not raised any substantive reason for its initial denial.

For these reasons, I appeal to you with sincere hopes that DOT will reconsider its denial and take into account the Town's proposal to assist in any way possible.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "J. S. Tooker". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Jennifer S. Tooker
First Selectwoman

cc: Ira Bloom, Esq.
Nicholas Bamonte, Esq.