

DAVID W. BOGAN
Attorney at Law

Goodwin Square
225 Asylum Street
Hartford, CT 06103
T: (860) 275-0187 F: (617) 326-3035
dbogan@daypitney.com

January 11, 2024

VIA ELECTRONIC MAIL

Melanie Bachman
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: DOCKET NO. 516 – The United Illuminating Company (UI) application for a Certificate of Environmental Compatibility and Public Need for the Fairfield to Congress Railroad Transmission Line 115-kV Rebuild Project that consists of the relocation and rebuild of its existing 115- kilovolt (kV) electric transmission lines from the railroad catenary structures to new steel monopole structures and related modifications along approximately 7.3 miles of the Connecticut Department of Transportation’s Metro-North Railroad corridor between Structure B648S located east of Sasco Creek in Fairfield and UI’s Congress Street Substation in Bridgeport, and the rebuild of two existing 115-kV transmission lines along 0.23 mile of existing UI right-of-way to facilitate interconnection of the rebuilt 115-kV electric transmission lines at UI’s existing Ash Creek, Resco, Pequonnock and Congress Street Substations traversing the municipalities of Bridgeport and Fairfield, Connecticut.

Dear Ms. Bachman:

On behalf of Southport Congregational Church, enclosed please find Proposed Findings of Fact in connection with the above-referenced matter.

Please do not hesitate to contact me should you have any questions regarding this submission.

Very truly yours,



David W. Bogan

Enclosure

Copy to: Service List

SOUTHPORT CONGREGATIONAL CHURCH
PROPOSED FINDINGS OF FACT
(Docket No: 516)

- 1) The Southport Congregational Church (“the Church”) was granted Intervenor status at the October 17, 2023 public hearing, and was combined with the Grouped Intervenors by the Council.
- 2) The Church is located at 524 Pequot Avenue, in the Village of Southport, Connecticut 06890. (Whitmore PFT @ 2).
- 3) The Church was erected in 1874-1875, and is recognized by the Library of Congress for its historic significance. (Whitmore PFT @ 2).
- 4) The Church is within the area designated as the Southport Historic District, which is listed on the National Register of Historic Places. (Whitmore PFT @ 4).
- 5) The Church currently has approximately 750 adult members, 180 children, and a weekday preschool with over 100 children. (Whitmore PFT @ 2).
- 6) The proposed United Illuminating (“UI”) transmission line will adversely affect the Church’s religious experience and practices and its ability to fulfill its religious mission. (Whitmore PFT @ 3-4).
- 7) The proposal will also interfere with the Church’s operations, its economic health, and its ability to retain and grow its membership. (Whitmore PFT @ 4).
- 8) UI’s proposal contemplates temporary construction and permanent easements for the placement of high voltage transmission lines over an area that the Church uses for multiple purposes. (Tr. 12/12/23 @ 114;¹ Whitmore PFT @ 3-4). UI estimates this permanent easement to be around 6,800 square feet. (Tr. 11/28/23 @ 154). The affected space (the “Multi-Use Area”) includes a parking lot, a playground, and a facilities building that has been used for church meetings, mission work (such as assembly of

¹ All transcript references are to the December 12, 2023 hearing unless otherwise indicated.

meals, clothing drives, and organizing school supplies for those in need) and storage of materials for church fund-raising activity. (Whitmore PFT @ 3-4; Tr. @ 114).

- 9) The Church's Multi-Use Area has also been used for a variety of important Church functions, including funeral overflow seating, confirmation classes, worship services, youth group activities, high school and middle school religious classes and events, men's and women's groups, mission-related activities such as providing food for the homeless, church picnics, and other religious, social, and community service events. (Tr. @ 114-115).
- 10) The Church operates a preschool that generates substantial income comprising approximately 8% of the Church's annual budget. The preschool also furthers the Church's religious mission by promoting its values of faith, compassion, and community. Families whose children enroll in the preschool frequently are or become members of the Church. (Whitmore PFT @ 5).
- 11) The Church's preschool is located about 200 feet from UI's proposed project area. (CSC Application Table 5-9). The UI proposal would place high-voltage transmission lines in close proximity to the Church's preschool and playground facilities. (Whitmore PFT @ 5).
- 12) Parents of the Church's pre-school attendees have expressed concerns regarding the health and safety risks posed by the proposed transmission lines, and some have stated that they would not enroll their child in the preschool if UI's proposed transmission lines were suspended over the multi-use area, which includes the preschool. (Tr. @ 113).
- 13) UI's proposal will irreparably harm the Church's ability to recruit and enroll students at the preschool. Enrollment will likely decline and there is a material risk that the Church would need to terminate the preschool program. (Whitmore PFT @ 5).
- 14) The Church projects that if the preschool were to close, it would need to increase its endowment by more than \$3 million to replace the lost income from the preschool. (Whitmore PFT @ 5-6).
- 15) The Church has grown its membership by an average of 3% annually over the last 25 years. It has increased its budget by an average of 5% annually during that period, reflecting corresponding growth in its ministry and mission outreach. (Tr. @ 115-116).

- 16) The UI proposal would jeopardize the Church's ability to use its property consistent with its religious practices for the past 180 years, and the project would therefore impose a direct hinderance to its full and free religious exercise and expression. In addition, because the easement would reduce its buildable footprint by 6,800 square feet and prevent anticipated necessary expansion of the Church's facilities, it will block the Church's ability to continue to grow and freely operate as a religious institution. (Tr. @ 116).
- 17) Church members use the parking area and outside space abutting the railroad corridor to access the Church seven days a week in support of a number of efforts critical to the Church's economic, spiritual, and social well-being, including: weekday preschool; thrift shop activities; community organization meetings; clergy counseling sessions; weekday youth group meetings; bible study classes; church board meetings; weekend religious services, and weddings, funerals, and fundraising activities. (Whitmore PFT @ 6).
- 18) UI's proposal to construct a 95' fenced construction area represents the majority of the Church's parking area abutting the railroad corridor. The loss of this parking capacity would restrict the Church's ability to conduct ongoing religious and ministerial activities and impede its ability to grow new membership, which is integral to its spiritual mission. (Whitmore PFT @ 6).
- 19) The Church operates a thrift shop that generates material annual net income equal to that of its preschool, and upon which the Church depends for its annual operating budget. The thrift shop operates out of the rear basement of the main church with its entrance and exit facing the railroad corridor. The parking for patrons of the thrift shop exists in the proposed 35' easement zone contemplated by the UI project. (Whitmore PFT @ 7).
- 20) The proposal would require that the Church curtail most, if not all, of its activities during construction periods, including weekday preschool drop off and pick up, and thrift shop activity would be restricted, if not possibly closed. (Whitmore PFT @ 6-7).
- 21) During UI's multi-year construction phase, the proposed project would negatively affect traffic into and out of the thrift shop, which serves to introduce non-members to the Church's religious programs and which offers another important activity in which members can participate and work together in furtherance of the Church's mission.

Reduced traffic into and out of the thrift shop would also negatively impact the Church's revenues and finances. (Whitmore PFT @ 7).

- 22) UI's proposal to remove and clear-cut a broad swath of large growth trees, which provides a visual and acoustic barrier between the railroad corridor and the Church property, will have an adverse effect on the aesthetic integrity of the Church – an integral aspect of religious practice and worship. The experience of religious practice and worship depends not only on the aesthetics of the interior space, but on the exterior atmosphere as well. (Whitmore PFT @ 4-5).
- 23) The Church has invested significant resources over decades in landscaping and tree cultivation, in order to mitigate the visual, noise, and pollution effects from the CT-DOT owned railroad corridor. UI's proposed removal of the Church's landscaping and tree mitigation barriers would directly expose the Church's religious facilities to the infrastructure of both the MTA railroad and the UI high voltage transmission line, which would irreparably impair its worship practices, harm its ability to maintain and grow its membership, and would threaten its future viability. (Whitmore PFT @ 7-8).
- 24) UI's proposal would adversely affect the Church's real property value and the historic integrity and religious character that it has worked to create over its nearly 200-year history. (Whitmore PFT @ 8).
- 25) The negative impact on the Church's property value would extend to the Church's neighboring parsonage property located at 612 Pequot Avenue, Southport, CT. (Whitmore PFT @ 8).