

State of Connecticut Siting Council

DOCKET NO. 488 —

Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for Certificate of Environmental Compatibility and Public Need for construction, maintenance, and operation of a telecommunications facility located at one of two sites: Kent Assessor ID #M10, Block 22, Lot 28 “Bald Hill Road” or 93 Richards Road, Kent, Connecticut.

I. APPLICATION TO BE DESIGNATED AS PARTIES AND ADDED TO GROUP

Matthew L. Harris and Bonnie Harris, owners of 2 Bald Hill Road, Kent, Connecticut, hereby move that the State of Connecticut Siting Council (the “Siting Council” or the “Council”) designate each as parties in the above-captioned matter. The interests of Mr. and Mrs. Harris in this matter are substantially the same as other Bald Hill Road neighbors and Mr. and Mrs. Harris are jointly represented by the undersigned attorneys, who also represent other Bald Hill Road neighbors. If admitted as parties, Mr. and Mrs. Harris request to be added to the abutting “Bald Hill Road neighbors” group, which the Siting Council granted Party and CEPA Intervenor status on March 27, 2020.¹

Mr. and Mrs. Harris incorporate the contents of the Application to Be Designated as Parties set forth by the Bald Hill Road neighbors group, which was filed with the Siting Council on March 20, 2020. The same law and arguments that apply to the other abutting neighbors apply equally to Mr. and Mrs. Harris because their property also abuts the proposed Bald Hill Road tower site.

The property at 2 Bald Hill Road, owned by Matthew and Bonnie Harris, abuts Proposed Tower Site A. As with other Bald Hill Road neighbors, Mr. and Mrs. Harris received personal notice of this Application to the Siting Council by mail.² More specifically, the northwestern corner of the Harris property at 2 Bald Hill Road abuts (across Bald Hill Road) the southeastern corner of the proposed cell tower site property.³ To the north, south, east and west are all residential properties — the properties of the other Bald Hill road neighbors, as well as the Harris property.⁴

¹ Siting Council Decision on Bald Hill Road Neighbors' Request for Status.

² Siting Council Docket No. 488, Application, Attachment 13, Certification of Notice.

³ Siting Council Docket No. 488, Application, Attachment 3.

⁴ Siting Council Docket No. 488, Application, Attachment 4.

If added to this proceeding as part of the Bald Hill Road neighbors group, Mr. and Mrs. Harris will participate as part of that consolidated group to maintain efficiency of administrative adjudication, maintenance of common-interest pleading, and ease of service-of-process for the Siting Council and all other parties and intervenors.

II. APPLICATION TO INTERVENE AND TO BE ADDED TO GROUP

In the alternative that Mr. and Mrs. Harris are not designated parties by the Siting Council, then they apply to be intervenors in this matter. Mr. and Mrs. Harris propose to be added to the “Bald Hill Road neighbors” group, which the Siting Council has previously admitted to this proceeding on March 27, 2020.

Mr. and Mrs. Harris incorporate the contents of the Application to Be Designated as Parties set forth by the Bald Hill Road neighbors group, which was filed with the Siting Council on March 20, 2020. The same environmental law and arguments that apply to the other Bald Hill Road neighbors apply equally to Mr. and Mrs. Harris, who own the nearby property at 2 Bald Hill Road.

The northwestern corner of the Harris property at 2 Bald Hill Road abuts (across Bald Hill Road) the southeastern corner of the proposed cell tower site property.⁵ The Harris house structure is roughly 515 feet from the proposed Bald Hill Road cell tower compound.⁶ The area is largely forested, natural in character, and rural, as further described in the Application previously filed by the Bald Hill Road neighbors on March 20, 2020.

Conclusion

For the foregoing reasons, Matthew Harris and Bonnie Harris, owners of 2 Bald Hill Road, should be admitted as parties and intervenors in Docket No. 488, as was done by the Council with other Bald Hill Road neighbors. Mr. and Mrs. Harris have significantly the same interests in participation as other neighbors in the Bald Hill Road neighbors group. If admitted, Mr. and Mrs. Harris should be allowed to participate as part of the Bald Hill Road neighbors for the sake of efficiency of adjudication, maintenance of common-interest pleading, and ease of service-of-process for the Siting Council and all other parties and intervenors.

⁵ Siting Council Docket No. 488, Application, Attachment 3.

⁶ Siting Council Docket No. 488, Application, Attachment 4.

Respectfully Submitted,

Matthew Harris and Bonnie Harris, 2 Bald Hill Road, Kent, Connecticut.

By  _____
Anthony F. DiPentima, Esq.

April 2, 2020
Date

By Michael D. Rybak, Jr.
Michael D. Rybak, Jr., Esq.

Guion, Stevens & Rybak, LLP
93 West Street
PO Box 338
Litchfield, CT 06759
(860) 567-0821
Juris No. 025673
Their Attorneys

CERTIFICATE OF SERVICE

I hereby certify that a true, original copy, and fifteen (15) photocopies of the foregoing were placed in the U.S. Mail on this 2nd day of April 2020 and addressed to:

Ms. Melanie Bachman
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

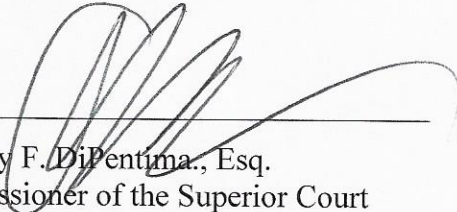
I further certify that an electronic copy of the foregoing was sent to:

siting.council@ct.gov

And I certify that electronic copies of the foregoing were sent to:

Lucia Ciocchio, Esq.
Cuddy & Feder, LLP
445 Hamilton Ave
14th Floor
White Plains, NY 10601
LChiocchio@cuddyfeder.com

Keith R. Ainsworth, Esq.
Law Offices of Keith R. Ainsworth, Esq.
51 Elm Street, Suite 201
New Haven, CT 06510-2049
keithrainsworth@live.com



Anthony F. DiPentima, Esq.
Commissioner of the Superior Court