

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.

: April 17, 2020

INTERROGATORIES TO APPLICANT(S)

The undersigned, on behalf of the Bald Hill Neighbors, as Parties and Intervenors in this matter, hereby propounds the following Interrogatories to the Applicant(s), Homeland Towers LLC and New Cingular Wireless PCS LLC (AT&T). These requests are joint and should be answered by the representative of the Applicant(s) best suited to respond.

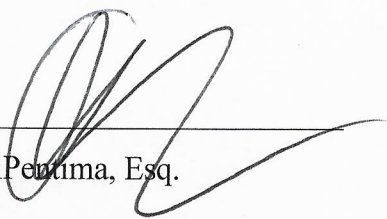
1. What are the distances from the property boundaries at Site A to the proposed monopole tower structure?
2. Are there primary residences/houses within 600 feet of the proposed monopole tower at Site A? If so, how many houses, and what addresses?
3. Did the Applicant(s) consider the effect, including any damage, (as would be consistent with Kent, Connecticut Zoning Regulations § 9610), of the proposed monopole tower on the values of homes surrounding Site A? If so, what was the effect found in terms of property values and on what factors and reports did the Applicant(s) rely in determining that effect on value?
4. Did the Applicant(s) compare the proposed monopole tower's effect values of neighboring homes near Site A to the effect of a “small cells” or similar solution (e.g., utility pole antennas, etc.) on those values? If so, how did the two solutions compare in terms of loss of value to neighboring properties?
5. What is the proposed site disturbance at Site A (in square feet, and as a percentage of the parcel's square footage)?
6. How much impervious surface area would be added to the lot at Site A, and how much of that impervious surface would be within 100 feet of the property boundaries of Site A?
7. What is the grade/slope of the property within 100 feet of the boundary shared with the property of Peter Fitzpatrick (15 Bald Hill Road)?

8. What degree of excavation and re-grading would be performed to within 100 feet of the southern and western boundaries of the Site A property, or within 250 feet of any neighboring house?
9. What is the Applicants' plan to mitigate erosion and run-off due to re-grading and impervious surface to be done within 100 feet of the property boundaries of Site A?
10. As to Site A: how far is the edge of the cell tower and compound (including any fence) from each property boundary at the closest points?
11. Has the proposed tower for Site A been designed with a "breakpoint" (technology causing the tower to snap-and-fall or telescope downward)? If so, where is that breakpoint located on the tower's structure?
12. In the event of a tower break or collapse, has the Applicant(s) studied where around Site A any substantial debris (include any portion of the monopole and any attachment thereto) would fall (e.g., a fall zone for debris)?
13. Does the Applicant(s) have a mapped and designated "fall zone" for the tower as would be delineated on a site plan complying with Kent, Connecticut Zoning Regulations § 9640?
14. Is it possible that any attachment, wire, or other apparatus of the proposed tower on Site A, or its accompanying utility compound (including wires, antennas, etc.) could catch fire (whether due to natural causes or man-made conditions)?
15. Has the Applicant(s) created a plan to prevent the spread of any such fire to nearby trees and neighboring properties (e.g., forest/brush fire mitigation plan, etc.) around Site A? If so, what is that plan?
16. How does the Applicant(s)' plan to remove 22 trees from Site A, all of which are greater than five inches diameter at four feet above-ground-level comport with Kent, Connecticut Zoning Regulations § 8530 governing preservation of major trees?
17. Could fire, weather, or other factor weaken the monopole structure being proposed for Site A, or otherwise cause any breakpoint/telescopic technology on that monopole to fail?
18. Has a soil and/or conditions study for Site A been conducted to determine whether the soil or any other conditions would enhance corrosion or otherwise prematurely weaken the monopole structure or its foundation? If so, please cite where such a report can be accessed and state whether the design specifications there comply with Kent, Connecticut Zoning Regulations § 9650(5).

19. As to Site A: in the event of a tower collapse/break, is it possible that the monopole structure or any attachment thereto could fall onto a neighboring property or neighboring houses?
20. In the event of a storm or high wind event, is it possible that debris (e.g., snow, ice, etc.) could blow or otherwise fall onto neighboring property or onto neighboring houses around Site A?
21. Has the Applicant(s) received any easement encumbering neighboring property abutting Site A that create a permitted "fall zone" for any portion of the monopole tower structure or any attachment thereto falling on abutting property?
22. Has the Applicant(s) conducted or relied on any meteorological study showing wind directions and speeds at proposed Site A, including both average and storm/high-wind conditions? If so, what was the wind condition data relied on in formulating the proposed tower plan for Site A?
23. What is the strength rating of the Site A proposed monopole tower against wind and similar conditions that might cause the tower to fall or break?
24. How does the proposed construction of a 150-foot monopole and its accompanying utility structures at Site A comport with Kent, Connecticut Zoning Regulations § 1410 and § 1420, which provide that a land use is prohibited unless it is specifically permitted?
25. Kent, Connecticut Zoning Regulations § 9660 require that a cell tower be on a lot size of at least three acres and the tower shall be set back from all property lines by a distance of not less than 120 percent of the height of the tower. How does Site A comport with these regulations?
26. As to Site A, under Kent, Connecticut Zoning Regulations § 9660, is there any position that the tower could be placed on Site A that would conform with only the setback requirements?
27. How does the Applicant(s) justify the building of a 150-foot monopole on a 1.99 acre site (Site A) in a rural residential use district of the Town of Kent, in violation of Kent, Connecticut Zoning Regulations § 3200, as well as § 1510 and § 1520?
28. As described in Kent, Connecticut Zoning Regulations § 9640, has the Applicant(s) completed and provided a report showing the following together: the rationale for locating the proposed Site A tower on a rural residential zoned lot of 1.99 acres; an analysis comparing the functionality of proposed Site A tower to other tower locations and alternative technologies; and a report showing that the proposed 154-foot tower on Site A is the minimum tower height to provide adequate coverage? If so, please cite where such a report can be accessed.
29. Does the Applicant(s) intend to apply for a zoning permit (whether a Special Permit or any other type of zoning-related permit) from the Zoning Officer of the Town of Kent under Kent, Connecticut Zoning Regulations § 9640? If not, then on what legal authority does the Applicant(s) rely for not complying with § 9640?

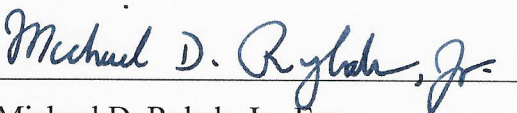
30. Will the proposed equipment shed and facility on Site A be more than 750 feet in gross floor area or more than 12 feet in height? Will such facilities and shed be screen from view from adjacent properties and any public streets, including Bald Hill Road as set forth in Kent, Connecticut Zoning Regulations § 9660?
31. Will construction and maintenance traffic for proposed Site A require any changes made to Bald Hill Road to accommodate such traffic and construction or maintenance? If so, what changes are required?
32. Has the Applicant(s) studied and developed any plan to ensure adequate emergency access to the site, including maintaining a site operation and management provider, and ensuring emergency vehicle access up Bald Hill Road and to the tower site via adequate driveway? If so, what measures are involved in that plan?
33. Has the Applicant(s) conducted a Phase I Environmental Site Assessment (“ESA”) for Site A (see Exhibit 1 attached hereto)? If so, what were the results, and please supply a copy of that report and the name of the person or entity who prepared that report.
34. Has the Applicant(s) conducted a Phase II ESA for the presence of hazardous substances (see Exhibit 1 attached hereto)? If so, what were the results of those assessments and tests, and please provide a copy of that report and the name of the person or entity who prepared that report.
35. Does the Applicant(s) have a remediation plan in place if hazardous substances are found after testing or disturbed after commencement of construction on Site A (see Exhibit 1 attached hereto)? If so, what is the substance of that plan?
36. Does the Applicant(s) have a plan to prevent the spread of any hazardous substances or other contaminants at Site A disturbed during construction, whether directly related to tower or any other part of the areas to be disturbed on the property, to ground water feeding the wells of neighboring properties?
37. Is the Applicant(s) required by any statute or regulation to notify the Department of Energy and Environmental Protection before removing or disturbing potentially hazardous debris or substances on Site A (see Exhibit 1 attached hereto)?
38. Has the applicant retained the services of a Licensed Environmental Professional (“LEP”) to test Site A and supervise the remediation of the site? If so, please identify the name, addressee and credentials of the LEP.
39. Has any LEP on behalf of the Applicant(s) prepared a scope of study or any reports for Site A? If so, please provide copies of same.

Respectfully Submitted,
The Bald Hill Neighbors.

By 
Anthony F. DiPentima, Esq.

April 17, 2020

Date

By 
Michael D. Rybak, Jr., Esq.

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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 17th day of April 2020 and addressed to:

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

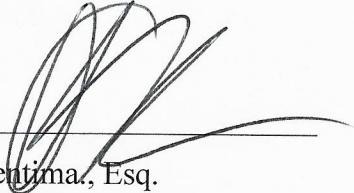
I further certify that an electronic copy of the foregoing was sent to:

siting.council@ct.gov

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

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Commissioner of the Superior Court