

**State of Connecticut Siting Council**

**IN RE:**

**APPLICATION OF HOMELAND TOWERS, LLC AND  
NEW CINGULAR WIRELESS PSC, LLC d/b/a AT&T FOR A  
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY  
AND PUBLIC NEED FOR THE CONSTRUCTION  
MAINTENANCE, AND OPERATION OF A  
TELECOMMUNICATIONS FACILITY AT ONE OF TWO  
SITES IN THE TOWN OF KENT, CONNECTICUT**

**DOCKET NO.488**

**May 8, 2020**

Q1. Regarding the photographs included in Exhibit 1 of the Bald Hill Road Neighbors April 17, 2020 Interrogatories, for each photograph, provide the date(s) and approximate time the photograph was taken and the name of the person(s) that was on the property that took the photograph and/or assisted with the photographs.

A1. The Photos in Exhibit 1 of the Bald Hill Road Neighbors' April 17, 2020 Interrogatories were all taken at approximately 2:30 p.m. on April 16, 2020, by Anthony F. DiPentima.

Q.2 Provide the evidence demonstrating that the individuals identified in A1 who were on the Site A property to take the photographs in Exhibit 1 of the Bald Hill Road Neighbors April 17, 2020 Interrogatories had authorization from the Site A property owner to enter the property and take the photographs.

A2. Through its application, the Applicant has invited public scrutiny of the property. The barrels and other areas of environmental concern cited by the Bald Hill Road Neighbors are visible from abutting properties (see Attachment 1). The Application represents Site A as a wooded lot without structures, but does not mention these areas of environmental concern. At the time the April 16 photographs were taken, there were no signs posted "No Trespassing". Given the discrepancy between the Applicant's Application and the actual condition of the property at Site A, the Bald Hill Road Neighbors were concerned about possible spoliation of evidence if permission was sought from the Virginia company that owns Site A (the Bald Hill Road Neighbors have filed a Motion for Site Preservation and to Preclude Spoliation of Evidence on Site A with the Siting Council on April 27, 2020).

Q.3 Provide information or details regarding any materials or other items that were deposited or left on the Site A property when it was accessed for the photographs in Exhibit 1 of the Bald Hill Road Neighbors April 17, 2020 Interrogatories.

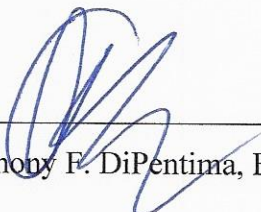
A3. The barrels, apparent burial pits, and other debris that comprise the areas of environmental concern on Site A have existed on the Site for a significant period of time prior to the present

Application to the Siting Council and prior to Applicant's purchase of the property from the Estate of John Atwood. Upon information and belief, these items were deposited on the site by the previous owner, John Atwood. Areas of environmental concern have been visible on Site A since at least 2016 via aerial photograph (see Attachment 2: aerial photograph from the University of Connecticut 2016 Orthophotography and Lidar, showing a boat and areas of white substances on the Site A property in the spring of 2016).

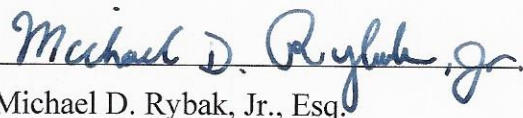
A second aerial photograph of the Site A property, taken in spring 2019, again prior to the present Application and the Applicant's ownership of the property, appears to show other areas of environmental concern, including what appears to be a yellow barrel (see Attachment 3: aerial photograph from the University of Connecticut, Spring 2019). On the 2016 aerial photograph, this barrel appears on the Atwood family homestead at 15 Bald Hill Road (now property of Peter Fitzpatrick), but the latter photo from early 2019 shows the barrel to be on the Site A property. Upon information and belief, John Atwood moved the barrel and was using both of his properties, including the area at Site A, as a junkyard, at least as far back as 2016.

In sum, the Bald Hill Neighbors have not placed debris on the property — the areas of environmental concern have existed on the Site A property since prior to this Application before the Siting Council.

Respectfully Submitted on Behalf of the Bald Hill Neighbors,

By  \_\_\_\_\_  
Anthony F. DiPentima, Esq.

5/8/20  
\_\_\_\_\_ Date

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

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Juris No. 025673  
Their Attorneys

## CERTIFICATE OF SERVICE

I hereby certify that a true, original copy of the foregoing was placed in the U.S. Mail, in compliance with the April 29, 2020 email from the Connecticut Siting Council, on this 5<sup>th</sup> day of May 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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Anthony F. DiPentima, Esq.  
Commissioner of the Superior Court





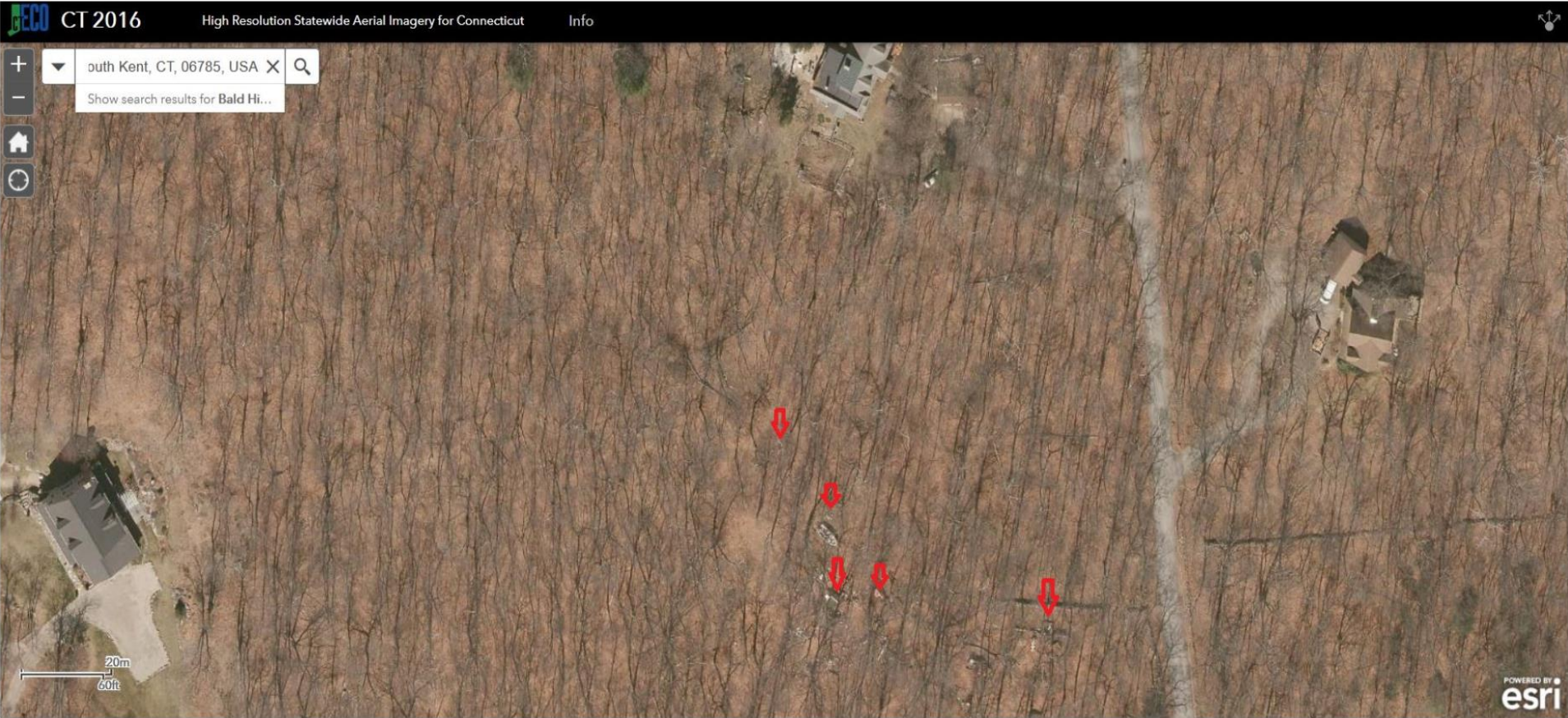




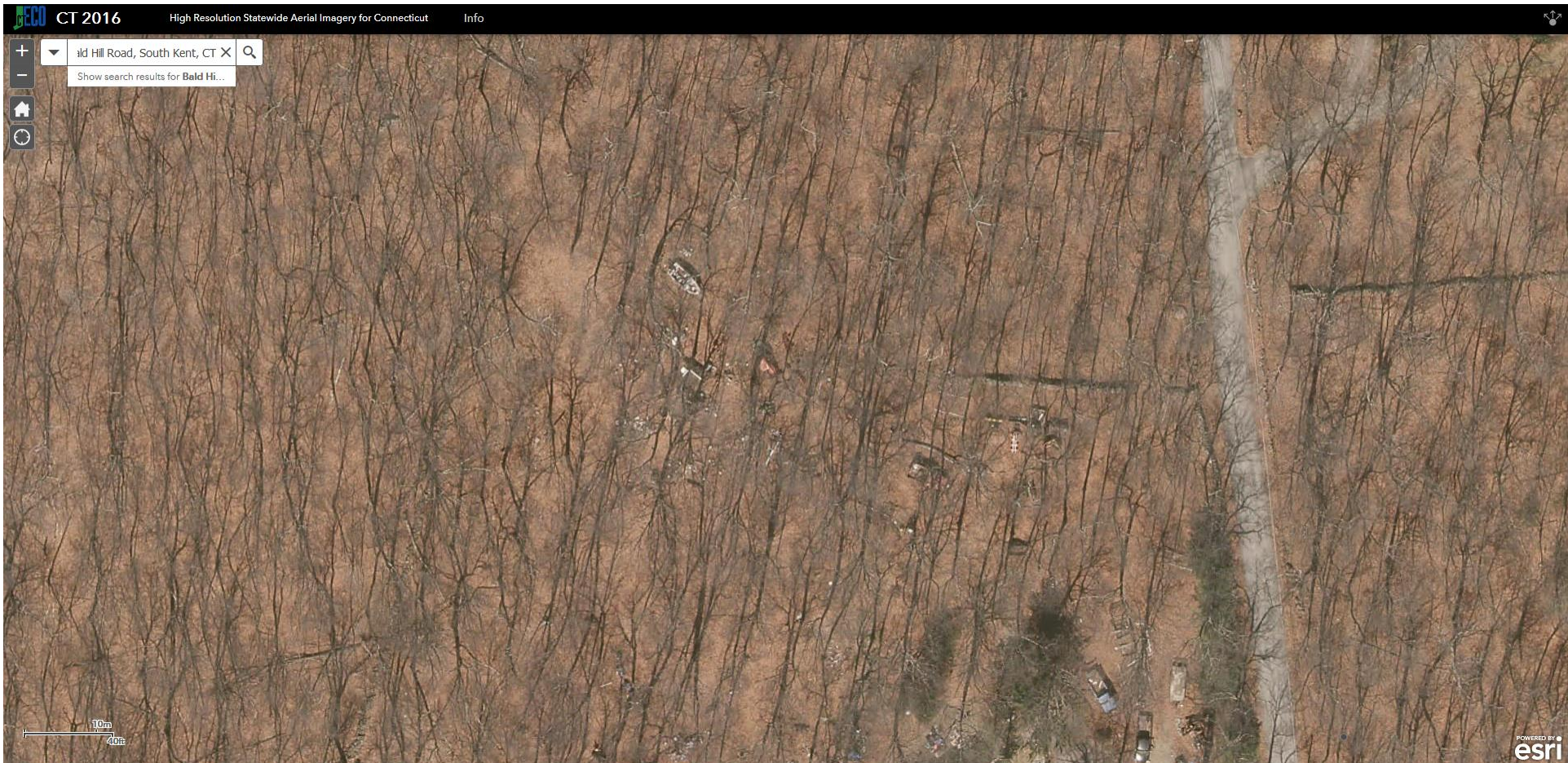




**Attachment 2 –Aerial Photographs from  
the University of Connecticut 2016 Orthophotography and Lidar**



(Aerial photograph of Site A Property – 2016)

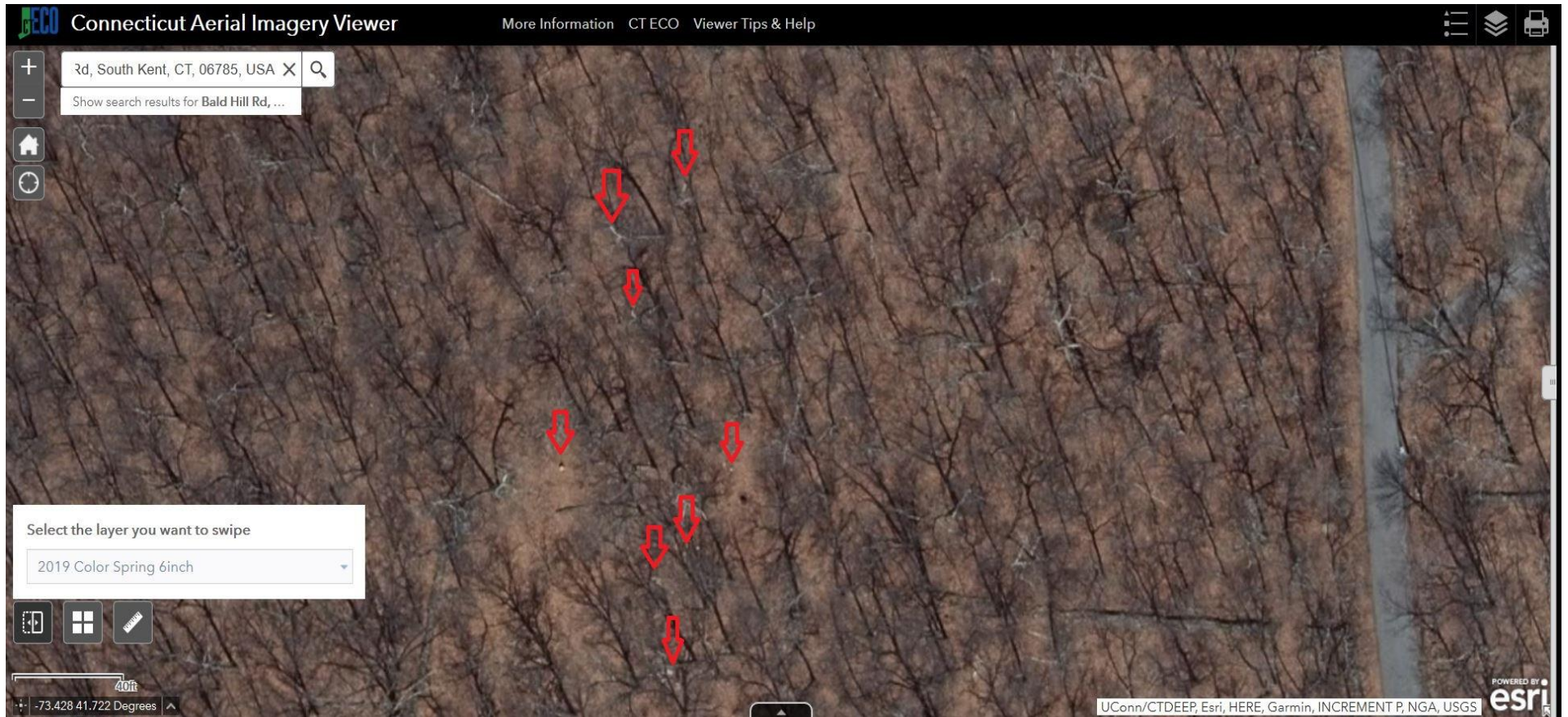


(Aerial photograph of Site A Property and Adjoining Properties – 2016)



(2016 Aerial Close-Up of Debris Shown Above)

**Attachment 3 — Aerial photograph from the University of Connecticut, Spring 2019**



(2019 Aerial Photograph of Site A Property)