

ATTACHMENT 12



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Lucia Chiocchio
lchiocchio@cuddyfeder.com

October 16, 2019

VIA OVERNIGHT MAIL

Bruce K. Adams
First Selectman
Town of Kent
Kent Town Hall
41 Kent Green Blvd
Kent, CT 06757

Re: Homeland Towers, LLC and New Cingular Wireless PCS LLC ("AT&T")
Proposed Wireless Telecommunications Tower Facility
Bald Hill Road - OR - 93 Richards Road, Kent, Connecticut

Dear First Selectman Adams:

This letter is being submitted to you on behalf of Homeland Towers, LLC ("Homeland Towers") and New Cingular Wireless PCS, LLC ("AT&T") with respect to the above referenced matter involving a proposed wireless telecommunication tower facility to be located at one of two candidate sites identified by Homeland Towers. One candidate site, identified as Candidate Site A, is located at Bald Hill Road and the other site is identified as Candidate Site B and is located at 93 Richards Road. Only one site is needed by AT&T and as such only one facility would be constructed. The purpose of this letter is to commence a formal consultation process with you and other Town officials prior to any application being filed by Homeland Towers and AT&T with the Connecticut Siting Council. Enclosed you will find a Technical Report prepared by Homeland Towers and AT&T which includes information on AT&T's need for the new tower, alternatives evaluated, and the environmental effects of the proposed candidate sites as identified at this time.

Background and Need for the Tower

Homeland Towers is an innovative company that provides wireless infrastructure solutions to meet the wireless communication needs of communities. Homeland Towers works closely with municipalities, commercial wireless carriers and public safety agencies and has installed numerous facilities (communications towers, antennas, and supporting equipment shelters and other infrastructure) throughout Connecticut, New York and New Jersey. This specific project is the result of years of review to provide reliable wireless services to the central portion of the Town.

As you probably know through your own experience, the exponential growth in consumer use of mobile data and overall network demands requires the development of additional wireless infrastructure to reliably serve the public. Indeed, the use of mobile data in 2017 quadrupled since 2014, which is 40 times the volume of data traffic in 2010.¹ As shown in the Technical

¹ See CTIA report: State of Wireless 2018: <https://www.ctia.org/news/the-state-of-wireless-2018>.

Report materials including data from AT&T, this proposed tower facility at one of the candidate sites would provide reliable 4G LTE service to hundreds of residents in the area and several miles of main and secondary roads.

The Tower Project

For this project, Homeland Towers collaborated with AT&T and is proposing a new tower at one of the candidate sites to meet AT&T's and other FCC wireless carriers' need for new infrastructure to reliably serve the public in the immediate area. Candidate Site A is an approximately 2-acre unimproved parcel located on the western side of Bald Hill Road. At Candidate Site A, the proposed facility would consist of a 154' tall monopole within a fenced compound in the southwestern section of the property. Candidate Site B is an approximately 6.8-acre parcel improved with a commercial building located at 93 Richards Road. At the Candidate Site B, the proposal consists of a 175' tall monopole and fenced equipment compound in the northeastern section of the property. As noted above, AT&T only needs one proposed facility and as such, only one facility will be constructed. Homeland Towers would own, maintain and operate the tower facility subject to any approval the Connecticut Siting Council may issue for the project.

Should the Town EMS, fire or police services have a need at this location, they could be accommodated as well. The tower and fenced compound are designed to support the antennas and equipment of other FCC licensed wireless carriers. The facility will be unmanned with no sanitary or water facilities and will generate an average of one vehicle trip per month by each carrier at the site, consisting of a service technician in a light duty van or truck.

State Siting Council - Balance Of Need With Environmental Impact

Connecticut State policy generally recognizes the need for new towers to serve the public and has designated the Connecticut Siting Council as the state agency with responsibility for reviewing and approving specific tower proposals. The Siting Council will evaluate this project once an application is filed with the agency. The Siting Council will evaluate each proposed candidate site by balancing the need for a tower with any significant adverse environmental impacts. The Siting Council's evaluation will result in their selection of one of the proposed candidate sites.

Jurisdiction over any proposed cellular telecommunications facility rests exclusively with the Siting Council and would be in lieu of local zoning, wetlands and other types of municipal land use review and approvals.

Town Input & Procedural Next Steps

Homeland Towers and AT&T are providing the enclosed Technical Report to the Town of Kent in accordance with Section 16-50l of the Connecticut General Statutes. The statute requires consultation with a municipality in which a tower facility is proposed prior to submission of an application with the Siting Council. The purpose of the local consultation is to give the municipality in which the facility has been proposed an opportunity to provide the prospective applicant with any recommendations or preferences it may have prior to the filing of an application with the Siting Council.



Upon review of Section 16-50l(g) of the Connecticut General Statutes, you will note that municipalities also have the option of conducting a noticed public information session on any proposed wireless telecommunications tower facility. State law requires any such information session to be held by the Town during the first 60 days of the 90-day period afforded to the municipalities for consultation with a prospective Siting Council applicant. As such, should Kent elect to conduct a public information meeting regarding this project, it should occur on or before December 16, 2019. For such public information sessions, our typical practice is for introductions to be made by a municipal official, have the project team make a presentation (usually a power point) and then respond to public questions moderated by a local official or agency.

In advance, we thank you for your consideration and will follow this correspondence with a call to your office to discuss next steps regarding the municipal consultation process. We look forward to meeting with you further on this project and learning more about Kent's interests, concerns and any recommendations prior to filing an application with the Siting Council.

Very truly yours,

A handwritten signature in blue ink that reads "Lucia Chiocchio". The signature is fluid and cursive, written over the typed name.

Lucia Chiocchio

Enclosure

cc: Planning & Zoning Commission
Manuel Vicente, Homeland Towers
Raymond Vergati, Homeland Towers
Harry Carey, AT&T
Jessica Rincon, AT&T
Project Consultant Team



TOWN OF KENT PLANNING AND ZONING COMMISSION

December 12, 2019

Lucia Chiocchio, Esq.
Partner and Vice-Chairman Telecommunications Practice
Cuddy + Feder, LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Re: Homeland Towers, LLC and New Cingular Wireless PCS LLC ("AT&T")
Proposed Wireless Telecommunications Tower Facility
Bald Hill Road – OR – 93 Richards Road, Kent, Connecticut

Dear Attorney Chiocchio,

The Town of Kent Planning & Zoning Commission has reviewed the above proposal and has the following comments.

In evaluating this proposal, the Commission applied the same criteria it would use to judge any application from any citizen of the town. After examining the sites and reviewing the plans, the Commission concludes that both projects, as proposed, do not comply with Town regulations. Consequently, the Commission would necessarily reject these proposals if they were to come before us in their present form as a normal application.

To make it easier to understand, I have listed both properties and how the proposed locations of the towers would be affected by the Town's zoning regulations.

Bald Hill Road (Map 10 Block 22 Lot 38)

- The regulations require a minimum lot size of 3 acres. This lot is listed on the tax records as 1.99 acres.
- Our regulations state that a new tower "shall be of an area and configuration such that the tower in the proposed location shall be set back from all property lines by a distance no less than 120 percent of the height of the tower." According to our calculations, that would require the tower to be located a minimum of 185' from all property lines.
- A related unmanned equipment and/or storage building(s) shall be permitted provided that it contains no more than 750 sq. ft. of gross floor area. According to the site plan presented, a total of 5 equipment areas are proposed for a total gross floor area of 1200 sq. ft.
- Screening requirements were not submitted as required by §9660.7.b. and c.

- The regulations prefer a location that has the least long-range visual effect. Based on an analysis by the Center for Community GIS, done on November 22, 2019, this tower will be seen by portions of the Appalachian Trail, Macedonia State Park, portions of Lake Waramaug and both North and South Spectacle Lakes.
- During a discussion with the Town Sanitarian, I was informed that an application would need to be submitted and approval granted before construction could begin. In addition, it was noted that the property owner would need to understand that there may be limitations for future development of the property beyond the cell tower.

93 Richards Road (Map 17 Block 25 Lot 1)

- The current regulations state that a locational preference would be outside of the HorizonLine Conservation Overlay District. This property and the proposed location of the cell tower are within that district. One of the Town's greatest achievements was the creation of the HorizonLine Conservation Overlay District. It is within this regulation that the Town has the ability to conserve and protect the hill summits and ridges that form the high horizon visible from the town's system of roads while allowing reasonable, appropriate and compatible uses of the land. The specific goals of the District include the preservation of scenic views and vistas that are critically important to the rural landscape and character of the Town. Based on the height of this tower, those scenic views and vistas are threatened.
- The regulations prefer a location that has the least long-range visual effect. Based on an analysis by the Center for Community GIS, done on November 22, 2019, this tower will be seen by portions of the Appalachian Trail, a large portion of Lake Waramaug, portions of North Spectacle Lake and all of South Spectacle Lake.
- Our regulations state that a new tower "shall be of an area and configuration such that the tower in the proposed location shall be set back from all property lines by a distance no less than 120 percent of the height of the tower." According to our calculations, that would require the tower to be located a minimum of 210' from all property lines.
- A related unmanned equipment and/or storage building(s) shall be permitted provided that it contains no more than 750 sq. ft. of gross floor area. According to the site plan presented, a total of 4 equipment areas are proposed for a total gross floor area of 960 sq. ft. plus a future municipal equipment area of 100 sq. ft.
- Proposed plantings were shown on the site plan, but the specifics are missing.
- The area of disturbance seems to encroach on the adjoining property.
- It was noted during a conversation with the Town Sanitarian that an addition application as well as a map showing the location of the existing septic system and well would have to be submitted to Torrington Area Health District before construction can begin. A requirement of that approval could be that no heavy equipment shall be driven over the existing septic system.

In conclusion we believe that either project would be in violation of the Town's zoning regulations and ask that alternative sites be located.

Best Regards,



John Johnson, Chairman
Town of Kent Planning and Zoning Commission

Cc: First Selectman Jean Conlon Speck



Kent Volunteer Fire Department, Incorporated
28 Maple Street, PO Box 355, Kent, Connecticut 06757

December 13, 2019

Town of Kent
Board of Selectmen
41 Kent Green Boulevard
Kent, CT 06757

To the Board of Selectmen,

We are writing you in support of the intent of Homeland Towers LLC to install a telecommunications tower at one of two candidate sites on Bald Hill Road or Richards Road.

The KVFD fully understands the many aesthetic concerns residents may have, and we are sensitive to the shift in the future visual landscape.

We, also, are responsible for protecting the residents and visitors of Kent in terms of Fire Protection and Emergency Medical Services. Communications are critical to this work; communications with Litchfield County Dispatch, the Connecticut State Police, our mutual aid fire and EMS partners, our Sponsor Hospital and other area hospitals we transport to, our patients and homeowners.

With that in mind, we focus in on three important points for the Board of Selectmen to consider:

- **We support cellular communications in all of Kent for public use.** Residents and visitors must be able to dial 911 in an emergency, and cellular technology is critical to 911 access. New technology now allows a caller to communicate to 911 dispatchers via text as well.
- **We support cellular communications in all of Kent for public safety/emergency services use.** Cellular communications technology is improving all the time and the KVFD is constantly exploring new ways to leverage these new technologies to provide the best emergency incident response to support our primary mission.
- **We support local communications at no cost to the Town or emergency services.** Emergency communications is vital to our fire and EMS operational capabilities; if we cannot communicate to each other on a fire ground or EMS incident, we cannot fulfill our mission objectives for fire suppression and patient care. Additionally, local radio communications are critical when we work alongside our Law Enforcement, Public Works and Emergency Management partners during severe weather incidents and townwide emergencies.

We appreciate the opportunity to submit this letter to be read into the record, and encourage members of the public to reach out to us to learn more about emergency telecommunications.

www.kentfire.org



Sincerely on behalf of the membership of the Kent Volunteer Fire Department,

A handwritten signature in black ink, appearing to read "Alan Gawel". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Alan Gawel

Fire Chief

Kent Volunteer Fire Department, Inc.





TOWN OF KENT PLANNING AND ZONING COMMISSION

December 12, 2019

Lucia Chiocchio, Esq.
Partner and Vice-Chairman Telecommunications Practice
Cuddy + Feder, LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

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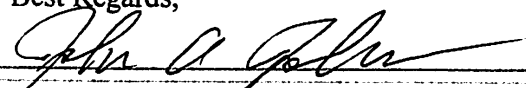
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Best Regards,



John Johnson, Chairman
Town of Kent Planning and Zoning Commission

Cc: First Selectman Jean Conlon Speck

Andrew Erickson Richards
119 Richards Road
South Kent, Connecticut 06785
860-927-3764

December 12, 2019

To Whom It May Concern:

Hello, my name is Andrew Richards and I live with my family at 119 Richards Road, where we own 40 acres of land. My property is adjacent to the land to one of the proposed cell towers in the South Kent area. At one time, my ancestors owned thousands of acres of land in Kent and the surrounding area. Generations of Richards families were born and raised on Richards Road and we are so fortunate to raise our own family here in this beautiful place. We intend to have our family enjoy our property for generations to come.

We want to make it known that we do not support a cell tower on our road. We respect the natural world that surrounds us and we treasure the beauty of our home. There are wetlands areas on the property under consideration and the property's back section is in an area of Core Forest providing essential wildlife corridor for native species. This Core Forest is part of a priority area for the multi-state Follow the Forest initiative and fragmenting this forest area can degrade habitat, impact water and air quality, and erode animal and human ability to withstand coming climate changes.

We understand that some feel there is a need for a tower in our area, but we hope that the already approved site in Warren will service the same purpose. Please take our request under consideration.

Sincerely,

Andrew E. Richards

12/13/2019

Town of Kent CT Mail - Fwd: No Bald Hill Cell tower...



Joyce Kearns <adminassist@townofkentct.org>

Fwd: No Bald Hill Cell tower...

1 message

Jean C. Speck <firstselectman@townofkentct.org>
To: Joyce Kearns <adminassist@townofkentct.org>

Thu, Dec 12, 2019 at 9:08 PM

----- Forwarded message -----

From: Sue <smacnow1@yahoo.com>
Date: Thu, Dec 12, 2019 at 10:37
Subject: No Bald Hill Cell tower...
To: <firstselectman@townofkentct.org>

Allow us to go on record as stating we do NOT want this tower on or near our backyards Or in our town for that matter! Violates every regulation planning and zoning has in place to protect its residents from exactly this! The proposed site sits on a mere 1.9 acres! How about our requirement of Atleast 3 acres?!@ Can we make the two existing towers work more efficiently? 3 towers for 3000 residents? When does it stop? No big box stores but cell tower x3 ok?!@ I urge you to fight for us and our healthy well being.
Sue and Peter Beerman

--

Thank you,
jean

Jean Conlon Speck
First Selectman

Town of Kent

PO Box 678

Kent, CT

o | 860.927.4627

c | 860.601.9141

visit our website: www.townofkentct.org

KenMont and KenWood Camps

**P.O. Box 266138
Weston, FL 33326**

November 20, 2019

Jean Speck
First Selectman
Town of Kent
PO box 678
Kent, Ct 06757

Dear Selectman Speck:

As owners/operators of Camps KenMont and KenWood we are writing you over our deep concern about the proposed construction of a 180 foot high cell phone tower on Bald Hill. The proposed site is immediately adjacent to our property and if constructed will have a seriously negative impact on our camp.

For almost a hundred years children from all over the world have come to Kent to enjoy the pristine environment of Camps KenMont and KenWood. Thousands of staff members have joined them for summers that have had such an influence that many return each summer as either visitors or second home owners. Numerous local residents and their children have found summer and year round employment with us and local merchants have benefited from the presence of our successful operation.

During our long history, KMKW has been a thoughtful steward of the land we own and a responsible citizen to our neighbors. As a summer home for children we care deeply about our environment and have striven to protect it. In so doing, we have done our part to insure that Kent is seen as a beautiful and bucolic place for parents to send their campers and for adults to spend wonderful time visiting.

It is most upsetting to us to learn that this may all change due to the proposed construction of a 160 foot tower that will loom over every corner of our property. It will dominate the horizon of our children's summer home and has every potential to have a negative impact on our business. It is not just the visual impact of the tower that concerns us.

Summer Address: P.O. Box 548, Kent. Ct 06757

While there may not be any conclusive scientific proof that waves emanating from cell towers are dangerous, there is certainly that perception. We are concerned that our parents will choose the "why take a chance" approach and choose another camp that does not contain this potential risk. In a business such as ours, with thin margins, this could have a devastating impact.

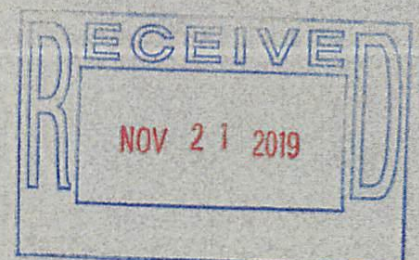
For all these reasons; financial impact, health and safety, environmental and aesthetic, we urge you to oppose construction of this tower. Let us keep Kent what it has always been – a pristine environment to raise our children in which they can enjoy a beautiful natural setting.

Thank you in advance for your consideration of our position on this issue and for all you do for Kent.

Sincerely,

Tom Troche
Tom Troche
Director

Hylton Werner
Hylton Werner
Director



11/19/2019

Town of Kent CT Mail - [Kent CT] Bald Hill Road- Opposition to Proposed Cell Tower (Sent by Melanie Ough, senora_o@yahoo.com)



Joyce Kearns <adminassist@townofkentct.org>

[Kent CT] Bald Hill Road- Opposition to Proposed Cell Tower (Sent by Melanie Ough, senora_o@yahoo.com)

1 message

Contact form at Kent CT <cmsmailer@civicplus.com>

Reply-To: senora_o@yahoo.com

To: adminassist@townofkentct.org

Tue, Nov 19, 2019 at 11:24 AM

Hello Selectmen,

Melanie Ough (senora_o@yahoo.com) has sent you a message via your contact form (<https://www.townofkentct.org/user/21/contact>) at Kent CT.

If you don't want to receive such e-mails, you can change your settings at <https://www.townofkentct.org/user/21/edit>.

Message:

Hello,

I am writing to you regarding the proposed Cell Towers in the Kent Hills. I live at 25 Bald Hill Road and would directly be impacted with such a tower as it would be on the adjacent lot in my clear view. I learned of this proposal the day I closed on my home. It is devastating. I lived in Kent over a decade ago and returned the summer of 2018 purchasing my first home for my son and I. I love my home. I love Kent. I love the beauty of Kent. Every dime I have is tied up in this home and not only will the natural beauty and peace that I have found here be diminished, so will our homes....our investments as our property values will plummet. Please assist the Kent residents to avoid these in our neighborhoods. There must be other alternative locations within this town that will not negatively impact us residents. Our neighborhood on Bald Hill is full of young children and we live here year round. We do not get to leave and visit only on weekends. Please consider how this will impact us.... I would like to be informed of any upcoming meetings regarding this as I will need to attend.

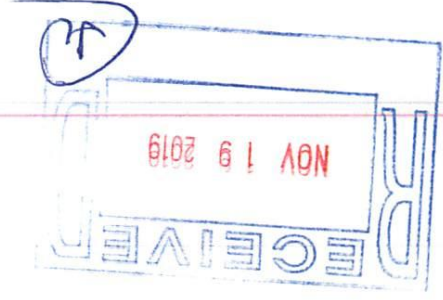
thanks you in advance.

Melanie Ough

25 Bald Hill Road

South Kent

860-601-0702



November 12, 2019

Ms. Jean Speck
First Selectman
Town of Kent
PO Box 678
Kent, CT 06757

Dear First Selectman Speck,

As a property owner in Kent, my family and I strongly oppose the placement of a cell tower on Bald Hill. The proposed location is too close to many residents and to a summer camp.

I believe the tower should be sited on state or town land where the rent would go to the whole community, not a landowner.

Sincerely,



Robert A. Karr
164 Kenmont Road
Kent, CT 06785





December 12, 2019

Kent Board of Selectmen
Kent Town Hall
41 Kent Green Blvd
Kent, CT 06757

Re: Cell Tower Proposed by Homeland Towers & New Cingular Wireless, Richards or Bald Hill Roads, Kent

To the Board of Selectmen:

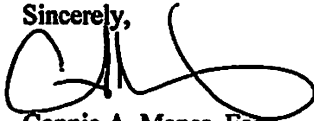
The Kent Land Trust is Kent's community land trust. Our members work to protect Kent's natural and scenic resources for the benefit of the public and future generations. In furtherance of that mission I respectfully submit the below comments with regard to the cell tower proposed by Homeland Towers and New Cingular Wireless PCS on Richards Road or Bald Hill Road.

The Kent Land Trust was incorporated in 1989 by a group of concerned Kent residents seeking to preserve rural character and natural resources within Kent. From the beginning we have been guided by the conservation priorities of the community of Kent and have conducted our activities in coordination with community and municipal partners. As a practice we remain current on municipal activities impacting Kent's natural and built environment, provide guidance on conservation-related land use matters, and align our strategic priorities with town objectives for conservation including its Plan of Conservation and Development. Our Criteria for the selection of conservation projects include consideration of Town Character Areas as well as "land which provides scenic views from public roads or trail corridors."

We agree with the comments submitted by the Kent Conservation Commission regarding the critical importance of scenic vistas to Kent's rural character, and the prospective impact of the cell tower sites described in the Technical Report. Simply stated, a tower at either of the Bald Hill Road or Richards Road sites would negatively impact scenic views from public roads and public recreation attractions including fishing and swimming areas in North and South Spectacle Lakes and Lake Waramaug. In addition, it is possible that towers at either of the Bald Hill or Richards Road sites would be visible during leaf-off seasons from public trails on Kent Land Trust properties including trails in its East Kent Hamlet Nature Preserve, Bull Mountain Preserve, West Aspectuck Scenic Wetlands, and Skiff Mountain South Preserve.

Scenic views are integral to Kent's identity as a beautiful, small, special, healthy place to live and visit in the great outdoors. Kent's residents care deeply about the natural and rural appearance of their town and depend significantly on Kent's scenic aspects as an economic driver. We join the Conservation Commission in encouraging every effort to: (a) limit cellular infrastructure to the minimum necessary, (b) site cellular infrastructure in areas of least impact on viewshed, and (c) use infrastructure designed to minimize visibility and viewshed impact. We trust that the Board of Selectmen will work to ensure that the priorities and strategic objectives of the Town of Kent and its residents are given full consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Connie A. Manes', with a large, stylized flourish extending to the right.

Connie A. Manes, Esq.
Executive Director



Housatonic Valley Association

150 Kent Road
PO Box 28
Cornwall Bridge, CT 06754
T: (860) 672-6678

Merwin House
14 Main Street
PO Box 496
Stockbridge, MA 01262
T: (413) 298-7024

37 Furnace Bank Road
PO Box 315
Wassaic, NY 12592
T: (845) 442-1039



December 13, 2019

Kent Board of Selectmen
Kent Town Hall
41 Kent Green Blvd
Kent, CT 06757

Re: Cell Tower Proposed by Homeland Towers & New Cingular Wireless (Richards/Bald Hill Roads, Kent)

To the Kent Board of Selectmen,

On behalf of the Housatonic Valley Association (HVA), thank you for this opportunity to comment on the two candidate cell tower locations proposed by New Cingular Wireless and Homeland Towers.

As an accredited land trust and regional watershed organization working to conserve natural character and environmental health across the entire tristate Housatonic River Watershed, our primary concern is the negative impact that both alternatives, Richards Road and Bald Hill Road, would have on the scenic vistas that drive the region's environmental and economic health.

The negative impacts of a tower on these assets cannot be overstated, and are a poor tradeoff indeed given the limited, incremental increase in cell service identified in the proponent's Technical Report to the Town of Kent. The number of people served is very small, less than 400, failing to demonstrate a public need for a tower at one of these locations.

These sites are in the heart of what is arguably the most exceptional stretch of Housatonic River Valley and the sweeping unspoiled ridgelines that define it. The region is a state jewel that is nationally recognized for its breathtaking views, natural beauty and world class outdoor recreation. Congress designated this region as the Upper Housatonic Valley National Heritage Area – one of just 50 such designations in the country. It is part of the congressionally designated four-state Highlands Region, an area of core connected forest that protects our drinking water, rivers, wetlands and critical wildlife habitat and is a critical conservation focus area for the state's Forest Legacy program. The Housatonic River corridor is a world-renowned recreation destination. The longest riverfront stretch of Appalachian National Scenic Trail on the eastern seaboard travels right through Kent.

It is no accident that there exists a concerted, and quite substantial, financial investment by residents, government agencies at all levels, and numerous non-profit partners to secure the region's natural heritage through conservation and increased recreational access. Millions of public and private funds invested through five decades of coordinated effort has yielded a vast network of publically accessible lands and waters in this region.

This effort has paid off. Visitors from all over the world come here to experience unrivaled natural beauty and outdoor recreation, and support the region's inns, restaurants and shops, too. Here,

unspoiled scenic beauty and outdoor recreation are the undeniable economic drivers for the entire region and, in turn, contribute mightily to the state's economy.

One or both of the proposed tower sites will be visible at different times of the year from multiple such public areas and recreation lands and waters. These include North and South Spectacle Lakes, Lake Waramaug, the Appalachian Trail, and thousands of acres of public lands and trails held by the state, the Kent Land Trust, The Nature Conservancy, Weantinoge Heritage and Steep Rock Association. The views from these areas would be significantly marred, their appeal forever diminished.

Kent residents recognize how important its scenic vistas and unspoiled ridgelines are to the continued vitality of the region. They've worked diligently to preserve unmarred ridgelines and ensure that telecommunication siting is done in the least intrusive manner. Kent became a leader among Connecticut communities when it worked with HVA to craft a zoning Horizon Line Conservation Overlay District (Kent Zoning Regulations section 5600) and more recently adopted its Telecommunication Provisions (section 9600).

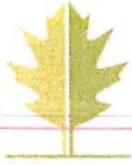
The proposed sites violate these thoughtfully crafted town regulations and compromise the region's natural and economic health in exchange for what looks to be little demonstration of public need.

We second the comments of the Kent Conservation Commission, Kent Land Trust and Weantinoge Heritage Land Trust, and appreciate this opportunity to express our strong concern.

Sincerely,



Lynn Werner
Executive Director



WARREN LAND TRUST

December 13, 2019

Kent Board of Selectmen
Kent Town Hall
41 Kent Green Blvd
Kent, CT 06757

**Re: Cell Tower Proposed by Homeland Towers & New Cingular Wireless
(Richards/Bald Hill Roads, Kent)**

To the Kent Board of Selectmen,

On behalf of the Warren Land Trust (WLT), thank you for this opportunity to comment on the two cell tower locations currently being proposed by New Cingular Wireless and Homeland Towers.

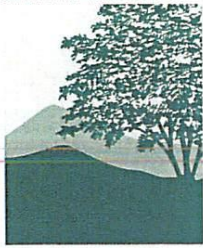
Founded in 1989, WLT is an accredited land trust whose mission is to preserve Warren's rural character. As such, we would like to express our concern about towers being proposed for Richards Road and Bald Hill Road in Kent. Either site would adversely affect scenic vistas extending well beyond their immediate vicinity. Mapping projections show that the towers would be visible not only from the Warren side of Lake Waramaug, but from other areas in our town as well – including properties protected by the Warren Land Trust.

Rural and quiet even for Connecticut's northwest corner, Warren residents place a premium on the area's natural beauty and healthy environment, as our recent Town Plan of Conservation and Development made clear. We know that we are far from alone in valuing these qualities; we know our neighbors in Kent have conveyed similar concerns about the proposed cell towers. We would therefore add our voice to opinions expressed by the Kent Conservation Commission, the Kent Land Trust, the Weantinoge Heritage Land Trust, and the Housatonic Valley Association regarding the advisability of reconsidering these sites for a proposed cell tower.

Thank you for your time and consideration, and for the work you do for your community.

Sincerely,

Rebecca Neary
President, The Warren Land Trust



WEANTINOGE
HERITAGE LAND TRUST

Directors

Hiram P. Williams, Jr.
President
South Kent

Kirsten Peckerman
Vice President
Washington

V. Charles Jackson
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New Milford

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December 12, 2019

Kent Board of Selectmen
Kent Town Hall
41 Kent Green Blvd
Kent, CT 06757

Re: Cell Tower Proposed by Homeland Towers & New Cingular Wireless, Richards
and Bald Hill Roads, Kent

Dear Selectmen,

Thank you for the opportunity for Weantinoge Heritage Land Trust, Inc. (Weantinoge) to submit public comments on the proposed cell towers on Bald Hill and Richards Roads in Kent. Founded in 1965, Weantinoge is a guardian of natural and working lands, public recreation areas, and drinking water resources. As Connecticut's largest land trust, Weantinoge preserves 10,500 acres of vast, connected natural areas in Litchfield and northern Fairfield Counties. Our conserved lands include public hiking preserves; working farms; habitat for rare, threatened, and endangered species; and miles of rivers, lakes, and streams. Through this great breadth of conservation work across the region and especially in Kent, New Milford, Warren, and Cornwall, it has become clear that land and water conservation provides essential economic, public health, and natural resource benefits for all Connecticut residents.

As a regional organization, Weantinoge has dedicated over 50 years to large scale, deliberate, scientifically-based land conservation across town boundaries. Town-based land trusts, as well as the State of Connecticut and the Federal Government, have done the same. The result is a regional mosaic of conserved lands that protect our wetlands, farmland soils, lakes and rivers, ridgelines, and vast forests. These conservation lands provide a wealth of public benefits: clean air, clean water, carbon sequestration, habitat, hiking trails, hunting opportunities, and access to lakes for fishing, swimming, and boating. Economic benefits include attracting tourists to our beautiful landscapes, a summer camp (in the shadow of one of the proposed towers), and enhancement of property values with unspoiled views and stunning scenery. Litchfield County's beauty attracts hundreds of thousands of annual visitors, some of whom come to drive or bicycle on our roads to admire our landscape.

The two towers, as proposed, will directly jeopardize the regional benefits that conservation and careful stewardship of our forests, ridgelines, and public recreational gems have created. Within 5 miles of the towers are

- 14,500 acres of protected open space and
- 22,000 acres of identified core forests, the most ecologically important forested lands in the State.

And according to the bare earth visual analyses completed by CCGIS, across four towns the Bald Hill Road tower could be visible from over 24,000 acres and over 850 tax parcels, while the Richards Road tower could be visible from over 30,000 acres and over 1,500 tax parcels. These towers could be visible from important public destinations like the Appalachian Trail and South Spectacle Pond in Kent and Lake Waramaug in Warren. Clearly, the impact from these potential towers is significant and would persist for decades.

We also echo the comments of the Kent Conservation Commission regarding the critical importance of scenic vistas to Kent's rural character, and the prospective impact of the cell tower sites described in the Technical Report. There will be significant visual impacts from either tower, in all seasons, from public trails, (town designated) scenic public roads, public waterways, and regional destinations, not to mention negatively impacting property values of private homes.

In addition, the towers would not, by any measure, comply with local zoning regulations, especially the Town of Kent's carefully crafted Horizonline Conservation Overlay District. And we lament that State law perverts the approval process by exempting towers from local jurisdiction.

Utmost care must be taken to evaluate tower locations and their impacts on a regional scale to ensure they are planned and sited to (a) limit cellular infrastructure to the minimum necessary, (b) site cellular infrastructure in areas of least impact on viewsheds, (c) use infrastructure and technology designed to minimize visibility, and (d) explore the range of technologies available to accomplish the goals of cellular coverage with the fewest impacts.

Thank you.

Sincerely,



Paul Elconin
Director of Land Conservation



KENT CONSERVATION COMMISSION

Kent Town Hall
41 Kent Green Boulevard
Kent, Connecticut 06757

December 12, 2019

Kent Board of Selectmen
Kent Town Hall
41 Kent Green Blvd
Kent, CT 06757

Re: Cell Tower Proposed by Homeland Towers & New Cingular Wireless, Richards or Bald Hill Roads,
Kent

To the Board of Selectmen:

The Kent Conservation Commission works to protect Kent's natural beauty and resources and keep Kent a healthy place to live, work and visit. We are responsible for creating and updating reports including the Town Natural Resources and Conservation Inventory, maintaining open space and public recreational inventories, educating the public about the natural resources and environment in and around Kent, and advising municipal commissions and departments on matters impacting conservation and environmental resources. In that regard we respectfully submit the following comments on the cell tower proposed by Homeland Towers and New Cingular Wireless PCS on Richards Road or Bald Hill Road.

1. Kent Community Priorities for Preserving Scenic Views

Fundamental to Kent's natural beauty and rural character are its stunning, sweeping views of the Southern Berkshire foothills from scenic country roads as well as public trails and lakes.

Kent residents have taken great pains to enact zoning regulations that are protective of Kent's scenic aspect. In 2005, the Town of Kent was the first in Connecticut to enact Horizon-line Conservation District overlay zoning, "to conserve and protect the hill summits and ridges that form the high horizon visible from the town's system of roads".¹ In its most recent update to the Zoning Regulations, Kent's Planning and Zoning Commission addressed telecommunications facilities in Section 9600. The stated purpose of the regulations is to "• Preserve the scenic, historic, environmental, and natural character and appearance

¹ "The specific goals of the District include the preservation of scenic views and vistas that are critically important to the rural landscape and character of the Town, and the minimization of erosion and sedimentation hazards caused by the development and use of steep hillsides and ridges." Town of Kent Zoning Regulation 5710. Proposed uses within Horizon-line District areas are subject to additional review depending on area, height, and other potential disturbances.

of the Town of Kent while allowing adequate telecommunications services to be developed. • Establish locations least disruptive to the public health, safety and welfare in Kent and consistent with the Plan of Conservation and Development. • Minimize adverse visual effects through proper design, siting and vegetative screening. • Avoid potential damage to adjacent properties. • Minimize the height of towers and the number of towers, especially free-standing towers. • Provide for the orderly removal of abandoned antennas and towers. • Provide guidance for towers and other wireless communication facilities which are subject to the jurisdiction of the Connecticut Siting Council. • Require the submission of information necessary to evaluate the proposed facility.” Kent Zoning Regulations, Section 9610. For towers, the Regulations encode a preference for locations outside the Horizon-line Conservation Overlay District, and locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening and have the least long-range visual effect. Kent Zoning Regulations, Section 9630.

Kent’s most recent town Plan of Conservation and Development (POCD) was completed in 2012. Both the introduction to the POCD and the order in which strategies are presented strongly underscore that protecting and maintaining scenic rural character is Kent’s topmost priority.² The POCD strongly underscores a community objective of protecting scenic beauty, recognizing that Kent’s scenery plays a large part of what draws visitors to our town and its businesses, influences parental choices about our exceptional boarding schools, and compels new residents to purchase homes and settle here. Among strategies to preserve natural and rural heritage, the POCD asserts that “Kent will continue and refine use of the Horizonline Conservation District standards to help preserve scenic integrity of the Town’s landscape.” POCD, p.8. The POCD goes on to discuss means of mitigating the impact of “disruptive” communications infrastructure in the Village Center by limiting future above-ground facilities, as well as other means of limiting the impact of residential and commercial development on the rural, scenic aspects of the town.

This conservation-weighted approach continues throughout the POCD, which addresses telecommunications as such: [T]he Town should carefully evaluate proposed locations and siting of telecommunications towers or other major facilities to prevent or mitigate environmental and scenic impacts” POCD, p.25, and “[t]he Town should continue to monitor state regulations regarding cell towers in order to ensure inclusion in siting discussions of possible future installations. Cell tower locations should not be approved without comment by PZC and Town Officials.” POCD, p.45.

These explicit directives are supported by many additional municipal mandates to protect Kent’s scenic views. In 1989, the Town passed a Scenic Road Ordinance intended to protect scenic vistas among other specific criteria.³ This Commission’s Town Character Study, incorporated within the POCD as Appendix

² According to the POCD “Kent’s rural character is highlighted by the valley and ridge topography of the Town’s land area...Open space protection efforts and strong land use controls, including horizonline protection, have helped preserve Kent’s rural character and should be continued.” POCD at p.2.

³ “In 1987 the Connecticut State Legislature enacted PA 87-280 authorizing certain rural two-lane state highways or portions of them to be designated as “Scenic Roads.” The Act was intended to recognize the sight-seeing appeal of such roads ...Many towns, including Kent, followed with similar ordinances. Kent’s Scenic Road Ordinance, passed

L, names, maps and describes special areas of beauty and character to provide guidance on preserving critical elements of the Town's rural character. Finally, the Conservation Commission's Natural and Cultural Resources Inventory, again updated and incorporated by reference into the POCD, devotes an entire chapter to Recreational and Scenic Resources (Chapter 10).

2. Impact of Proposed Tower Sites

It should be noted that a full environmental assessment of the Richards Road site is not included in the Technical Report provided by Homeland Towers and New Cingular Wireless. The Conservation Commission makes no statement about non-viewshed-related environmental impacts of the Richards Road site at this time; it will do so once a full assessment has been published. It should additionally be noted that the Technical Report filed in connection with the tower proposal states that a "balloon float" will be conducted at each of the proposed sites in order to prepare a visibility analysis. In the event such activities are performed, the Conservation Commission may prepare additional comments related to viewshed, to supplement its comments herein.

At this time however it is clear that a tower at either of the proposed cell tower sites would be visible from many areas of Kent. The Richards Road site is within the Horizon-line Conservation District, a map of which is appended hereto.⁴ A viewshed analysis prepared by the Center for Community GIS in late November, also appended hereto, demonstrates the projected visibility of a tower from either site in both bare-earth and leaf-on scenarios.

As can be seen, a tower sited at either Bald Hill Road or Richards Road would be clearly visible - even during times of full foliage - from all of South Spectacle Lake, a publicly accessible lake. At both sites, a tower would be visible from North Spectacle Lake, the location of a popular summer camp business in town. During leaf-off at both sites a tower would likely be visible from the Appalachian Trail and many other public trails in Kent, Warren and Washington, as well as from a substantial part of Lake Waramaug, a renowned publicly-accessible lake drawing countless visitors each year to vacation homes and a popular State Park. The Richards Road site maintains this impact on Lake Waramaug even during times of full foliage.

in 1989, allows property owners to petition the Planning and Zoning Commission to designate their road as "scenic" based on specific criteria, including scenic vistas, stone walls and a preponderance of mature roadside trees. Natural & Cultural Resources Inventory, p.101.

⁴ **HORIZON BELTS METHODOLOGY** The Horizonline Conservation District defines the elevated areas of Kent where the construction of a 35' structure, or portion of, would project above the natural topography and thus form a silhouette against the sky. The intersection of sky and landform (regardless of vegetation height) is defined as the horizonline and is specific to viewing locations. The viewing locations for this map were considered to be from along Kent's system of public roads. The viewing points selected for GIS analysis include road intersections, town boundaries, and hydrographic ridgelines. The horizon belts selected for protection were those within 1000 feet of a ridge or overlaying slopes $\geq 15\%$.

In sum, a tower at either of the Bald Hill Road or Richards Road sites would negatively impact scenic views from public roads and public recreation attractions including fishing and swimming areas. These scenic views are integral to Kent's identity as a beautiful, small, special, healthy place to live and visit in the great outdoors. Kent's residents care deeply about the natural and rural appearance of their town and in fact depend significantly on Kent's scenic aspects as an economic driver and contributor to personal wellness. For these reasons, the utmost care should be taken to: (a) limit cellular infrastructure to the minimum necessary, (b) site cellular infrastructure in areas of least impact on viewshed, and (c) use infrastructure designed to minimize visibility and viewshed impact. Care should also be taken to weight these considerations against the marginal impacts in coverage shown in the Technical Report.

Thank you for helping to ensure that the priorities and strategic objectives of the Town of Kent and its residents are given full consideration in planning and decisionmaking in matters significantly impacting these objectives.

Sincerely,

A handwritten signature in black ink, appearing to read 'Connie A. Manes', with a large, stylized loop at the end.

Connie A. Manes, Esq.

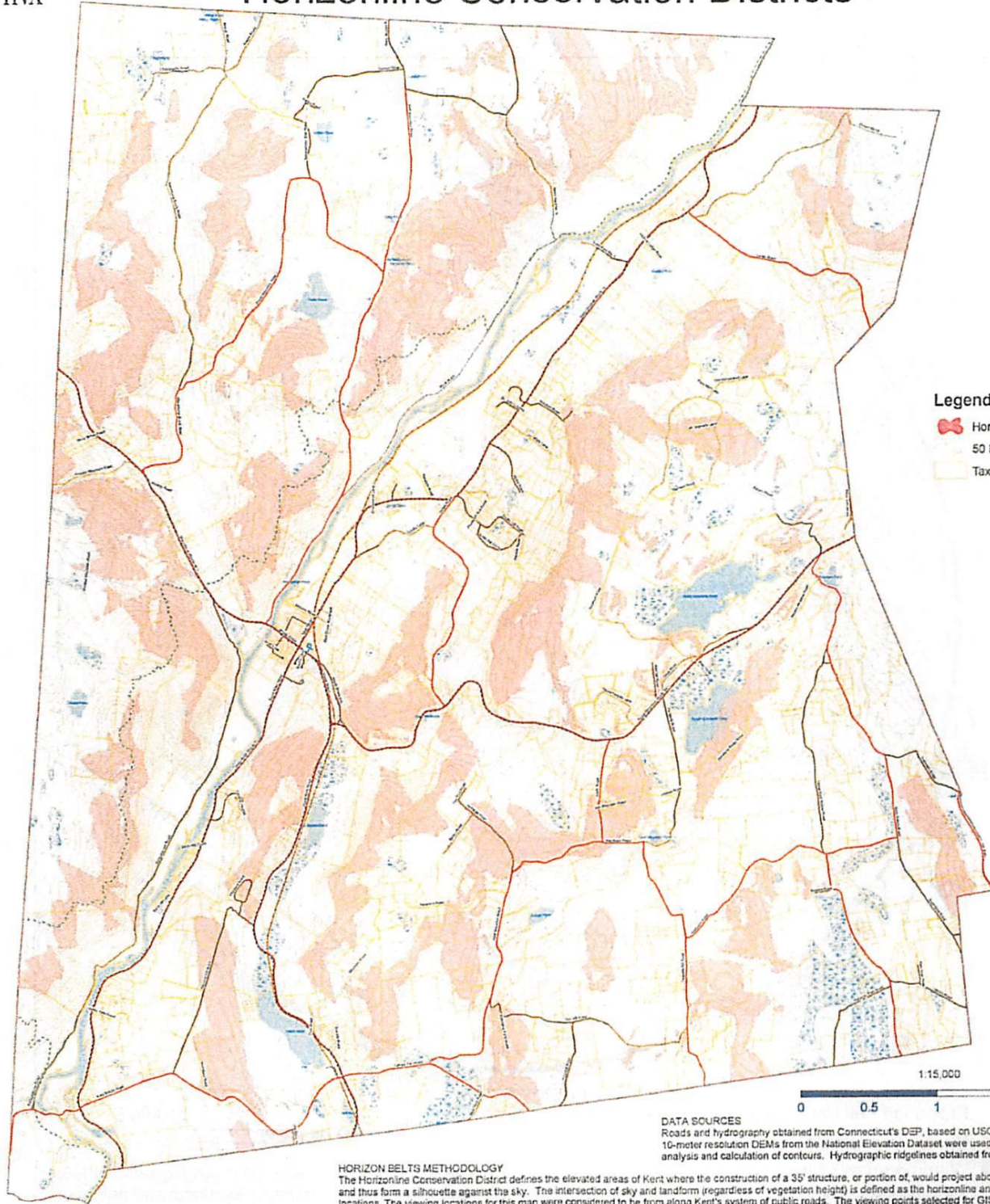
Chair, Kent Conservation Commission






TOWN OF KENT, CONNECTICUT

Horizonline Conservation Districts

Map prepared on 4/14/05 by
Kirk Dwyer, PhD, GIS Manager
Housatonic Valley Association
150 Kent Road, PO Box 26
Cornwall Bridge, CT 06754
Phone: 860-673-0678
Email: hvamaps@optonline.net
This map is not to be construed
as an accurate survey



Legend

-  Horizon Belts
-  50 Foot Contours
-  Tax Parcels

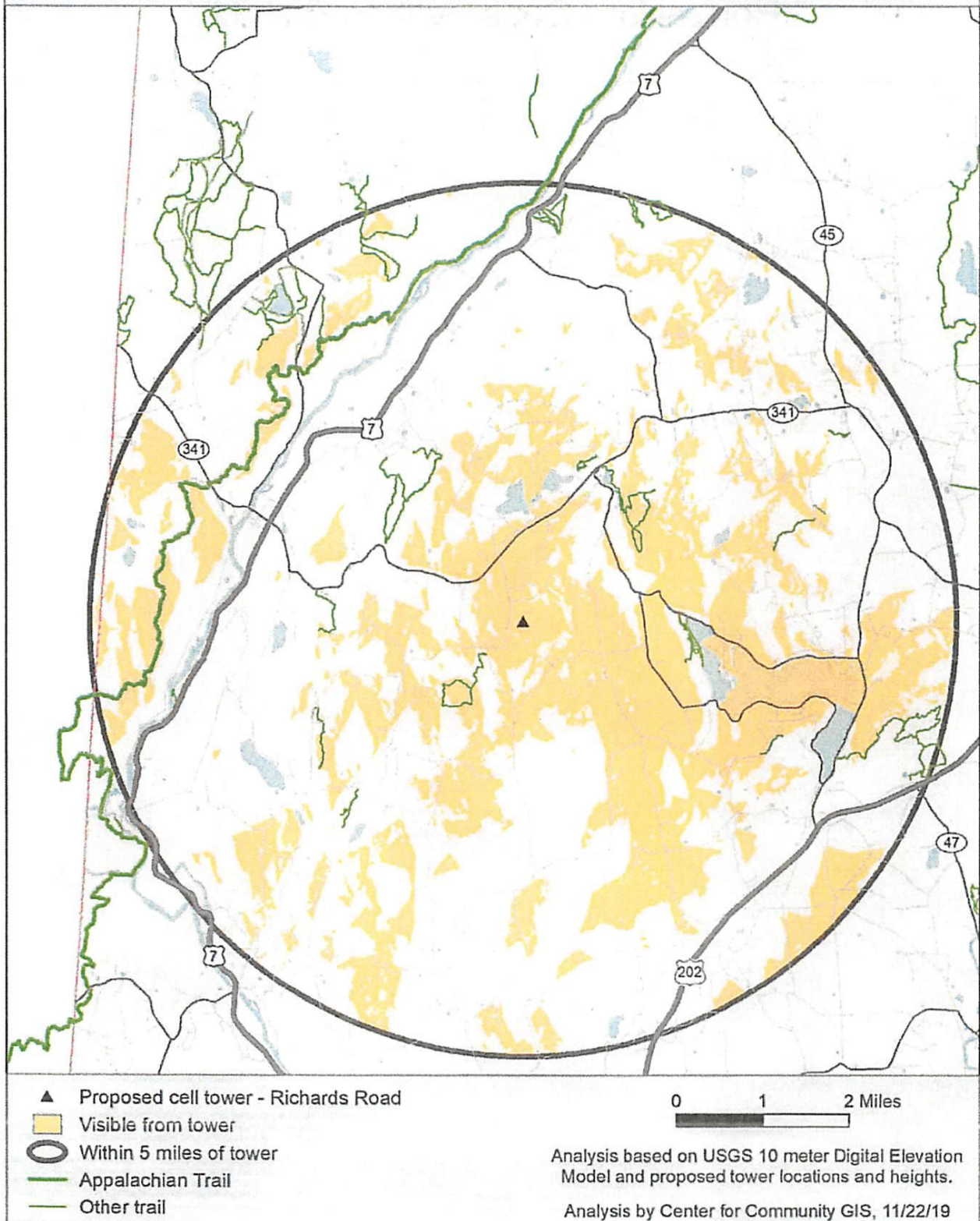


DATA SOURCES
Roads and hydrography obtained from Connecticut's DEP, based on USGS DLG files.
10-meter resolution DEMs from the National Elevation Dataset were used for the viewshed
analysis and calculation of contours. Hydrographic ridgelines obtained from DEP's subbasins data.

HORIZON BELTS METHODOLOGY
The Horizonline Conservation District defines the elevated areas of Kent where the construction of a 35' structure, or portion of, would project above the natural topography and thus form a silhouette against the sky. The intersection of sky and landform (regardless of vegetation height) is defined as the horizonline and is specific to viewing locations. The viewing locations for this map were considered to be from along Kent's system of public roads. The viewing points selected for GIS analysis include road intersections, town boundaries, and hydrographic ridgelines. The horizon belts selected for protection were those within 1000 feet of a ridge or overlying slopes $\geq 15\%$.

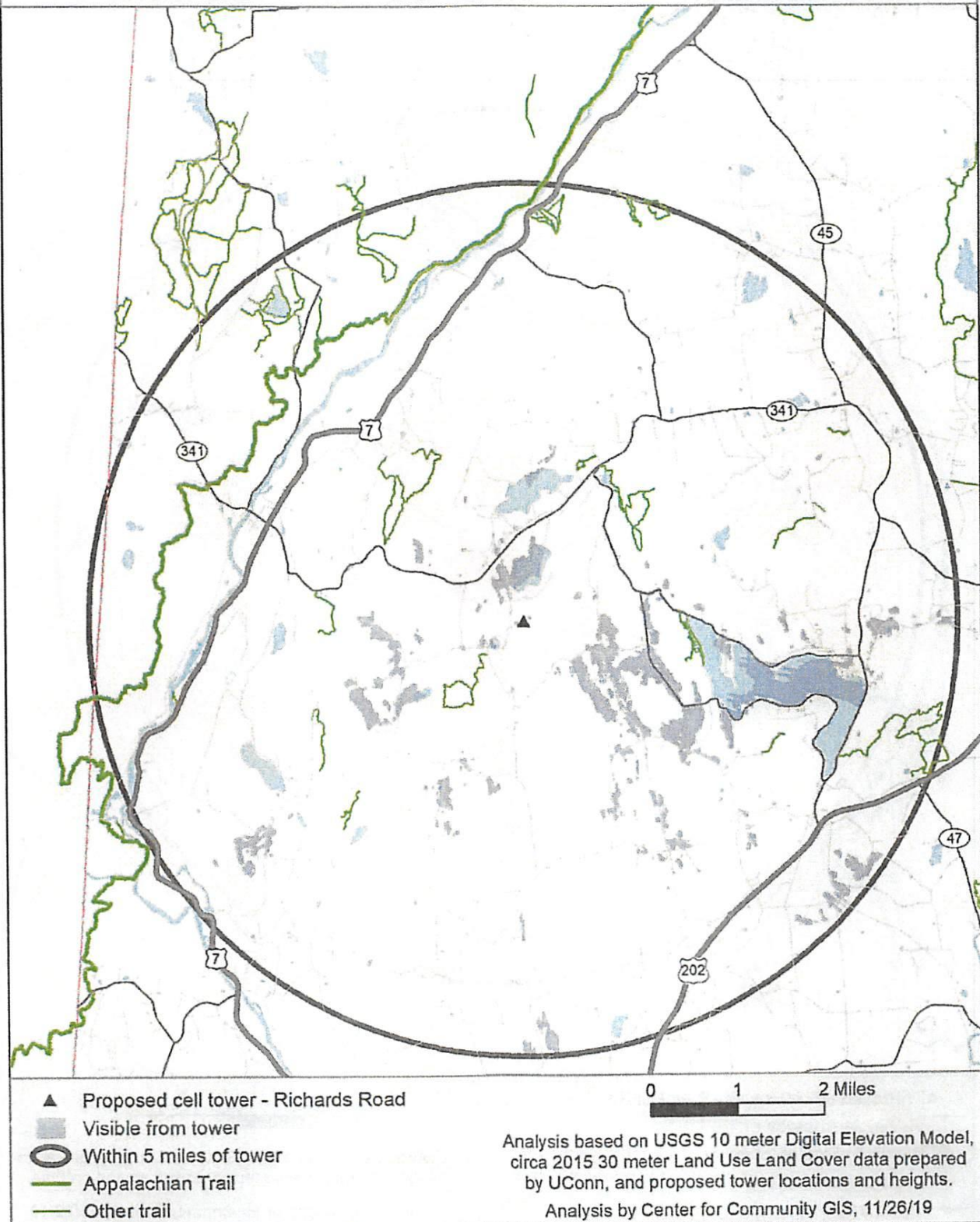
Visibility of Proposed Cell Tower, South Kent, CT

This bare earth analysis does not factor in possible visible obstructions from land cover, such as trees or buildings.



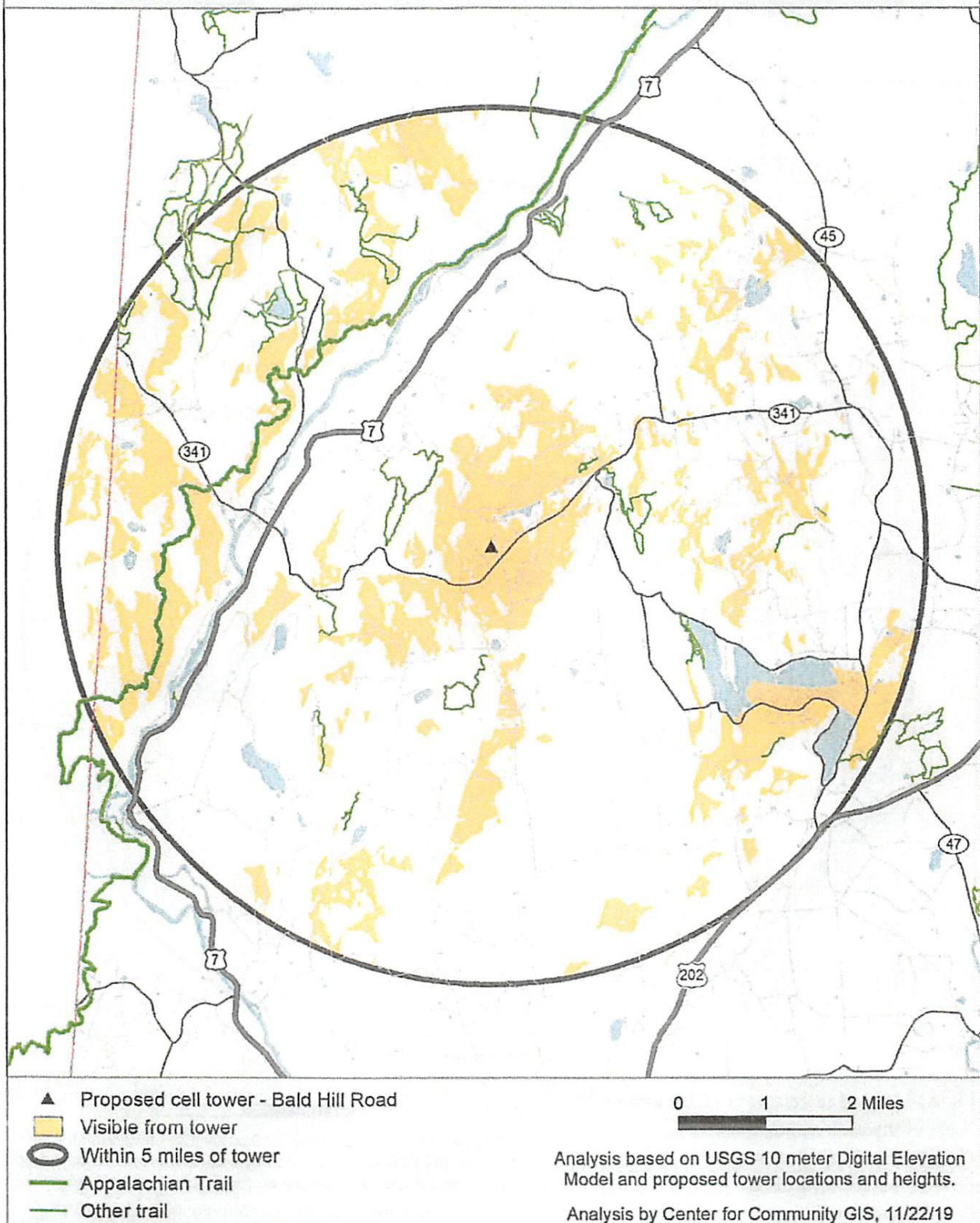
Visibility of Proposed Cell Tower, South Kent, CT

This analysis uses land cover data to account for forested areas obstructing tower visibility.



Visibility of Proposed Cell Tower, South Kent, CT

This bare earth analysis does not factor in possible visible obstructions from land cover, such as trees or buildings.



Visibility of Proposed Cell Tower, South Kent, CT

This analysis uses land cover data to account for forested areas obstructing tower visibility.

