

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF HOMELAND TOWERS, LLC AND NEW
CINGULAR WIRELESS PCS, 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 6, 2020

**APPLICANT'S RESPONSE TO PARTY/ INTERVENOR BALD HILL ROAD
NEIGHBORS' MOTION FOR SITE PRESERVATION AND TO PRECLUDE
SPOILIATION OF EVIDENCE ON SITE A**

Applicant Homeland Towers, LLC hereby submits this response to the April 27, 2020 Motion for Site Preservation and to Preclude Spoliation of Evidence on Site A (“the Motion”), received from Party/Intervenor the Bald Hill Road Neighbors, regarding the Application for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, maintenance and operation of a telecommunications facility at one of two sites in the Town of Kent (the “Proposed Facility”). This response addresses the unsupported allegation that there are areas of environmental concern, such as burial pits, oil barrels and other environmental hazards, on Site A.

I. **The Photographs Provided in the Bald Hill Road Neighbors' Interrogatories Do Not Support a Finding that there May be Hazardous Environmental Conditions on Site A.**

As the Applicant has previously submitted and as depicted in the narrative and Attachment 3 of the Application, Site A is a 2-acre unimproved wooded lot on the western side of Bald Hill Road. Interrogatories submitted by the Bald Hill Road Neighbors dated April 17, 2020, inquire about environmental conditions on Site A and alleged the presence of hazardous substances. See interrogatories # 33-39. Specifically, interrogatories # 33, 35 and 37 refer to site photographs depicting debris and barrels in a wooded area.

As the Council is aware, Site A is owned by InSite Wireless Group LLC. To date, the property owner has not granted permission to any Party/Intervenor to enter Site A. Further, the photographs provided in Exhibit A of the Bald Hill Road Neighbors' interrogatories include no context relative to Site A and arguably could have been taken anywhere. Moreover, the Bald Hill Road Neighbors' allegations that hazardous substances are located on Site A are not supported by an environmental professional or

any other credible evidence. Their unsubstantiated allegations are merely a ploy to advance their opposition to the proposed Site A Facility.

We respectfully submit that the vagueness of these photos, the absence of any evidence or facts to support the allegations and the lack of authorization to enter Site A, are grounds for the Council to deny the Motion.

II. The Applicant Has Conducted an Environmental Review of the Property and No Recognized Environmental Conditions Exist

The Applicant retained All-Points Technology Corporation, P.C. to conduct a Phase I Environmental Site Assessment (“Phase I”) as part of its due diligence when purchasing the property. The May 9, 2019 Phase I Report indicated there were no Recognized Environmental Conditions (“RECs”) on the property and therefore, no further action was needed, and a Phase II Environmental Site Assessment was not recommended.

Upon request by the Council, the Applicant will provide a copy of the Phase I and would move for a protective order related to the disclosure of this report given that evaluation of portions of the property not impacted by the Proposed Facility do not relate to the criteria set forth in Connecticut General Statutes (“C.G.S.”) 16-50p. The information contained in the Phase I relevant to the area that would be impacted by construction of the Proposed Facility is included in Attachment 7 of the Application.

III. The Presence of Any Conditions of Environmental Concern Would Be Addressed Prior to Construction of the Proposed Facility.

Assuming, arguendo, there are conditions of environmental concern on the property, to the extent that there are hazardous environmental conditions near the Proposed Facility location, such conditions would be addressed prior to construction of the facility. Indeed, had the Applicant uncovered any condition requiring remediation during its due diligence, such remediation would be included as part of its proposal for the Site A Facility.

The environmental impacts of the Proposed Facility are being evaluated by the state’s environmental agencies and are thoroughly reviewed by the Council. The Department of Energy and Environmental Protection (“DEEP”) designee on the Council is familiar with issues related to environmental conditions. Additionally, pursuant to C.G.S. § 16-50j(g)(1), the Council has consulted and solicited written comments on this Application from DEEP and the Council on Environmental Quality (“CEQ”). On April 22, 2020, the CEQ provided written comments, which did not raise concerns about the presence of environmental hazards on Site A.

Furthermore, the property owner, a development partner of Homeland Towers, has an interest unrelated to this Application in addressing any hazardous environmental conditions that exist to maintain the value of Site A.

IV. Conclusion

Based on the foregoing, the Applicant respectfully requests that the Council deny the Bald Hill Neighbors' Motion for Site Preservation and to Prevent Spoliation of Evidence on Site A.

Respectfully Submitted,



Lucia Chiochio, Esq.
On behalf of the Applicant,
Homeland Towers, LLC
Cuddy & Feder, LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
(914) 761-1300

CERTIFICATION OF SERVICE

I hereby certify that on this day the foregoing was sent to the Connecticut Siting Council electronically with a hard copy via first class mail in accordance with Siting Council directives to prevent the spread of the corona virus and electronically to:

Keith R. Ainsworth, Esq.
Law Offices of Keith R. Ainsworth, Esq.
51 Elm Street, Suite 201
New Haven, CT 06510-2049
(203) 435-2014
keithrainsworth@live.com

Anthony F. DiPentima, Esq.
Michael D. Rybak, Jr., Esq.
Guion, Stevens & Rybak, LLP
93 West Street P.O. Box 338
Litchfield, CT 06759
(860) 567-0821
afd@litchlaw.com
mdrjr@litchlaw.com

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Lucia Chiochio
Cuddy & Feder LLP
445 Hamilton Ave, 14th Floor
White Plains, NY 10601
(914) 761-1300
lchiochio@cudgyfeder.com
Attorneys for the Applicants

cc: Raymond Vergati, rv@homelandtowers.us
Manuel Vicente, mv@homelandtowers.us
Brian Leyden, bl5326@att.com
Harry Carey, HC3635@att.com