

**STATE OF CONNECTICUT  
SITING COUNCIL**

DOCKET NO. 488 - Homeland Towers and New Cingular Wireless Application for a Certificate of Environmental Compatibility and Public Need for the proposed construction, maintenance and operation of a wireless telecommunication facility on one of two sites in Kent, Connecticut.

JULY 16, 2020

**AFFIDAVIT OF MATTHEW WINTER**

I, Matt Winter, the undersigned, being duly sworn, do depose and say:


1. I am over the age of eighteen and believe in the obligations of an oath.
2. I reside at 85 Kent Cornwall Road, Kent, Connecticut.
3. I am the chair of the Kent Planning and Zoning Commission ("Commission"). I was a member of the Commission on December 12, 2019.
4. On December 12, 2019, the Commission unanimously approved a letter of the same date, to be signed by then Commission Chairman John Johnson to Lucia Chiocchio, Esq., of Cuddy + Feder, LLP. A copy of the letter is attached hereto and incorporated herein by reference. The letter dealt with the proposed construction of a wireless telecommunications tower facility to be located on either Bald Hill Road or 93 Richards Road in the Town of Kent, Connecticut. I understand that that proposed facility is now the subject of the Connecticut Siting Council's Docket No. 488.
5. The Commission's letter to Attorney Chiocchio notes that the proposed facility would be inconsistent with the Kent Zoning Regulations and recommends that an alternative site be chosen. In voting to approve the letter, the Commission adopted the comments and reasons stated therein.
6. The Commission's letter to Attorney Chiocchio reflects the Commission's official position on the application as decided on December 12, 2019, and is submitted as the Commission's pre-filed written testimony to the Siting Council.

7. I believe the facts contained therein are true and accurate to the best of my knowledge and belief.

FURTHER the deponent sayeth not.

  
Matthew Winter

Subscribed and sworn to before me this 16th day of July, 2020. This document was remotely notarized and/or witnessed and executed under the authority granted by Connecticut Governor Lamont's Executive Order 7Q dated March 30, 2020, providing for remote execution of notarized documents, testamentary documents and documents to be recorded on the land records of a municipality using simultaneous and recorded remote video teleconferencing technology.

  
Commissioner of the Superior Court  
Notary Public  
My commission expires: May 26, 2023

**THERESA L FLECK**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 01FL6325196**  
**Qualified in Westchester County**  
**My Commission Expires May 26, 2019** <sup>23</sup>



## 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, 14<sup>th</sup> 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

## CERTIFICATE OF SERVICE

This is to certify that a true copy of the above Affidavit of Matthew Winter was or will immediately be delivered electronically on July 16, 2020 to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will immediately be electronically served.

Ms. Melanie Bachman, Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
[Siting.council@ct.gov](mailto:Siting.council@ct.gov)

Lucia Ciocchio, Esq.  
Cuddy & Feder, LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601  
[lchiocchio@cuddyfeder.com](mailto:lchiocchio@cuddyfeder.com)

Keith R. Ainsworth, Esq.  
Law Offices of Keith R. Ainsworth, Esq., LLC  
51 Elm Street, Suite 201  
New Haven, CT 06510-2049  
[keithrainsworth@live.com](mailto: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  
[afd@litchlaw.com](mailto:afd@litchlaw.com)  
[mdrjr@litchlaw.com](mailto:mdrjr@litchlaw.com)

Dated: July 16, 2020  
Danbury, CT

  
Daniel E. Casagrande, Esq.