

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
16 COOTE HILL ROAD, TOWN OF SHERMAN,
CONNECTICUT

DOCKET NO. 499

May 18, 2021

HOMELAND TOWERS, LLC AND NEW CINGULAR WIRELESS PCS, LLC d/b/a AT&T
SUPPLEMENTAL SUBMISSION

Applicants Homeland Towers, LLC and New Cingular Wireless PCS LLC d/b/a AT&T respectfully submit the following supplemental information to the Connecticut Siting Council in the above-referenced proceeding:

Supplemental Information Regarding Siting Council Interrogatory Response No. 31

The Applicants' response to Connecticut Siting Council Interrogatory No. 31 is hereby amended to reference the 2013 Connecticut Department of Energy and Environmental Protection ("DEEP") letter, dated June 24, 2013 which is provided herein as Attachment 1.

Supplemental Information Regarding Agricultural Soils

Included as Attachment 2 is a map of CT Prime Farmland Soils and Statewide Important Farmland Soils in relation to the proposed Facility. As demonstrated on this map, neither the proposed access road nor the tower compound are located within or immediately adjacent to CT Prime Farmland Soils.

Supplemental Letter of Support from the Sherman Volunteer Fire Department

Included in Attachment 3 is a letter from the Sherman Volunteer Fire Department ("SVFD"), dated April 22, 2021, demonstrating the SVFD's support for the proposed Facility and noting that the Facility will improve the safety of the Sherman residents, people traveling through the Town and greatly enhance the SVFD's ability to provide continuous emergency services to the community.

Response to the Sherman Conservation Commission March 16, 2021 Comments

In response to the March 16, 2021 Sherman Conservation Commission comments, the Applicants note the following:

Stormwater and Erosion Control

As detailed in Application Attachment 6, as well as the Applicants' Response to Connecticut Siting Council Interrogatory No. 37, the project will require a Connecticut Department of Energy and Environmental Protection ("DEEP") Stormwater Permit because the limit of disturbance exceeds 1 acre. As such, DEEP will conduct an independent review of the proposed stormwater management measures and tree removals, and therefore, there is no need to develop a Low Impact Development Plan or retain an independent expert to review stormwater management, as the Conservation Commission suggests.

The stormwater controls depicted on the site drawings included in Application Attachment 4 (the "Site Drawings") conform to the requirements necessary to obtain a DEEP stormwater permit. The Site Drawings also include information regarding the proposed erosion and sedimentation control measures. The Environmental Assessment Statement included in Application Attachment 5 notes that these sedimentation and erosion controls will be designed, installed and maintained during construction activities in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control. It should also be noted that the tree removal and area of disturbance included in the Conservation Commission's comments were decreased as a result of the relocation of the Facility at the proposed Site. The Facility was relocated in consultation with DEEP to avoid impacts to the slimy salamander. (See Application Attachment 10 for the DEEP concurrence that the relocation will not result in slimy salamander impacts.) Further, as detailed in the Wetland Impact Analysis included in Application Attachment 6, the proposed Facility will not alter existing surface or subsurface water flow.

Wetlands and Water Quality

As discussed in the Wetland Impact Analysis included in Application Attachment 6 and the Environmental Assessment Statement in Application Attachment 5, due to the proposed mitigation measures, no significant adverse impacts to wetlands or watercourses are proposed. The majority of the proposed gravel access road utilizes upland areas. The gravel access road will cross within the narrowest portions of the wetland and the location of each crossing consists of seasonal intermittent watercourses to avoid impacts to bordering wetland habitat that is located to the north and south of the two crossings.

The Wetland Impact Analysis includes design considerations for the access road, such as the utilization of the natural stream crossing design standards and locating the crossings at topographic plateaus to minimize filling and grading requirements. Wetland protection measures detailed in the Wetland Impact Analysis will be implemented to mitigate impacts. The hydrology of nearby wetlands will not be altered because the proposed Facility will not alter existing surface or subsurface flow. It is also worth noting that the proposed Facility is less impactful than single family development as it is unmanned, does not require septic or water services, does not result in a large impervious footprint, does not include pavement of the access drive, and will have little or no air emissions.

As detailed in the Wetland Impact Analysis, the Applicants will prepare and file a Self-Verification Notification Form with the U.S. Army Corps of Engineers for the watercourse crossings and culvert installations will comply with the requirements of the New England District of the U.S. Army Corps of Engineers Connecticut General Permits Program through General Permit 19 Stream, River & Brook crossings. Culvert installations will also comply with the guidelines outlined in the Connecticut Department of Environmental Protection Inland Fisheries Division Habitat Conservation and Enhanced Program Stream Crossing Guidelines.

Given the unstaffed nature of the Proposed Facility and negligible traffic for maintenance requiring approximately one visit per month, operation of the proposed Facility after construction will not result in any adverse impacts to the wetland resources

Wildlife Impacts

While the Conservation Commission recommends the preservation of natural habitat quality, there are no particular species of concern identified within the comments. The Applicants submitted a request for review of the proposed Facility to DEEP. Notably, the Applicants are voluntarily agreeing to implement the US FWS conservation measures detailed in the Compliance Determination included in Application Attachment 10. The Applicants also agree to fully comply with DEEP's recommended best management practices identified in Application Attachment 10 with respect to State Listed Species potentially occurring within or close to the boundaries of the Parcel.

As discussed further in Application Attachments 5 and 10, consultation with DEEP indicated known populations of State Listed Species, including the slimy salamander. To mitigate any potential impacts to the slimy salamander, the Applicants relocated the proposed Facility from the location previously proposed in the Technical Report to the current location. Per correspondence dated January 9, 2021 and included in Application Attachment 10, DEEP reviewed this relocation and concluded that the new location of the proposed Facility eliminates all direct impacts to the slimy salamander habitat.

The Applicants' Response to Connecticut Siting Council Interrogatory No. 32 includes a map depicting the slimy salamander conservation zones and proposed limits of disturbance for the proposed Facility. As demonstrated on this map, the proposed limit of disturbance is outside of the 600-foot (Zone 3) and the 300-foot (Zone 2) buffers.

The Applicants also note that DEEP conducted a preliminary assessment of a previously proposed tower facility on the Site in 2013, which similarly indicated the potential of extant populations of State Listed Species on or within the vicinity of the Site. A copy of the 2013 DEEP correspondence is included herein as Attachment 1.

As demonstrated in the U.S. Fish and Wildlife Service ("FWS") and DEEP National Database Diversity ("NDDB") Map, included in Application Attachment 10, conservation measures for the northern long eared bat ("NLEB") are not required given that the proposed Facility is not located within 150' of a known northern long eared bat maternity roost tree or within 0.25 miles of a hibernaculum. While protection measures are not required, Homeland agrees to implement the

NLEB protection measure and will adhere to the time restrictions on tree clearing. Further, the Avian Resource Evaluation included in Attachment 10 concludes that no migratory bird species are anticipated to be impacted by the proposed Facility and no Important Bird Areas are located in proximity to the proposed Facility. Additionally, the Applicants will comply with the FWS guidelines for migratory impacts to bird species.

Well Water Quality

The Conservation Commission raises concern over the proposed Facility's impact on the water quality of homeowners' private wells, however the comments fail to detail how this contamination would occur. As noted in Application Attachment 3, the proposed Facility would be equipped with a propane fueled emergency backup power generator as well as a 500-gallon propane tank on concrete pads within the equipment compound. The Applicants selected propane as the emergency backup fuel source, as opposed to diesel, given the presence of residential drinking water wells in the area. Moreover, the proposed equipment compound will be located more than 500' from the existing home.

To the extent the concern over drinking well water quality relates to sedimentation and erosion concerns, the Applicants note that sedimentation and erosion controls for construction of the proposed Facility will be designed, installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control. As detailed in the Wetland Impact Analysis included in Application Attachment 6, the proposed Facility will not alter existing surface or subsurface water flow.

Decommissioning Plan

In accordance with the standard Connecticut Siting Council condition of approval for a new telecommunications facility, if the proposed Facility ceases to provide wireless services for a period of one year, the Applicants will dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Siting Council within 90 days from the one year period of cessation of service. Any nonfunctioning antenna and associated antenna mounting equipment on the proposed Facility will be removed within 60 days of the date the antenna ceased to function.

Response to the Sherman Land Use Enforcement Officer March 6, 2021 Comments

Wetlands and Water Quality

Regarding comments made by the Sherman Land Use Enforcement Officer, Ron Cooper, about impacts to wetlands and surface water quality, we respectfully refer to the Applicants' response to the Sherman Conservation Commission comments previously addressed herein regarding same. The proposed Facility will not have any significant adverse impacts to wetlands or watercourses. As detailed in the Wetland Impact Analysis, the Applicants are proposing mitigation measures and will file a Self-Verification Notification Form with the U.S. Army Corps of Engineers for the watercourse crossings and will comply with the requirements of the New England District of the U.S. Army Corps of Engineers Connecticut General Permits Program through General Permit 19 Stream, River & Brook crossings. The Applicants will also comply with the guidelines outlined in the Connecticut Department of Environmental Protection Inland Fisheries Division Habitat Conservation and Enhanced Program Stream Crossing Guidelines.

Stormwater and Erosion Control

We respectfully refer to the Applicants' response to the Sherman Conservation Commission comments previously addressed herein regarding stormwater and erosion control. The proposed Facility will require a Connecticut Department of Energy and Environmental Protection ("DEEP") Stormwater Permit and the proposed stormwater controls will conform to the requirements necessary to obtain a DEEP stormwater permit. The proposed sedimentation and erosion controls will be designed, installed and maintained during construction activities in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.

Suggested Access Road Relocation

Regarding the Sherman Land Use Enforcement Officer's proposed alternative driveway location, the Applicants note that while they also explored this driveway configuration, the landlord was not willing to agree to such a location due to future plans for their property. Given that the proposed Facility will comply with State and Federal requirements for the wetland crossings and stormwater management controls, there will be no adverse impacts associated with the driveway location that is proposed in the Application.

CERTIFICATE OF SERVICE

I hereby certify that on this day the foregoing was sent electronically to the Connecticut Siting Council with one hard copy sent to the Connecticut Siting Council, in accordance with Connecticut Siting Council directives.

May 18, 2021



Lucia Chiocchio
Christopher B. Fisher
Cuddy & Feder LLP
445 Hamilton Ave, 14th Floor
White Plains, NY 10601
(914)-761-1300
Attorneys for the Applicants

cc: Manny Vicente, Homeland
Ray Vergati, Homeland
Harry Carey, AT&T
Brian Leyden, AT&T
APT
C Squared
Christopher B. Fisher, Esq.
Kristen Motel, Esq.

ATTACHMENT 1



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

Bureau of Natural Resources
Wildlife Division
Natural History Survey – Natural Diversity Data Base

June 24, 2013

Ms. Coreen Kelsey
Vanasse Hangen Brustlin, Inc.
54 Tuttle Place
Middletown, CT 06457
ckelsey@vhb.com

Regarding: SR2038 – Sherman – Candidate A – telecommunications facility
Natural Diversity Data Base 201302922

Dear Ms. Kelsey:

In response to your request for a Natural Diversity Data Base (NDDB) Review of State Listed Species for SR2038 – Sherman – Candidate A, our records indicate the following extant populations of species on or within the vicinity of the site:

Northern slimy salamander (*Plethodon glutinosus*) Protection Status: Threatened Species

In Connecticut, Northern slimy salamanders are restricted to old second growth forest, characterized by steep rocky slopes, rotten logs, and a heavy duff layer. Loss of old second growth forest is the major conservation issue confronting this salamander in Connecticut. This nocturnal salamander emerges from its burrow at dusk and retreats at dawn. It is occasionally active on rainy days. During a drought, the slimy salamander can be found deep underground or under rotting logs. The species hibernates underground from November to March.

Reason for Decline: The major threat facing the slimy salamander is the loss of undisturbed mature forests to urban and suburban development in southwestern Connecticut.

Protective Legislation: *State* - Connecticut General Statutes Sec. 26-311.

Recommendation: Mature, second growth deciduous and hemlock forests shall be properly managed to protect Northern slimy salamanders. If a salamander is found, the animal should be relocated out of the work zone to prevent it from being harmed or killed.

Red bat (*Lasiurus borealis*) Protection Status: Species of Special Concern

Red bats are considered to be “tree-roosting” bats. They roost out in the foliage of deciduous and coniferous trees, camouflaged as dead leaves or cones. Red bats are primarily solitary roosters. They can be found roosting and feeding around forest edges and clearings. Typically, larger diameter trees (12-inch DBH and larger) are more valuable to these bats. Additionally, trees with loose, rough bark such as maples, hickories, and oaks are more desirable than other tree species due to the increased cover that the loose bark provides. Large trees with cavities are also utilized by this species.

Retaining the above mentioned trees, wherever possible, may minimize the potential for negative impacts to this state-listed species.

Recommendations: Acoustic surveys conducted last summer for bats, identified red bats north of this property. Populations of these bats could be encouraged in the long-term by retaining large diameter coniferous and deciduous trees whenever possible. Red bats migrate south during the winter months, therefore forest clearing during this time period is preferable.

Eastern hognose snake (*Heterodon platirhinos*) Protection Status: Species of Special Concern

Eastern hognose snakes are a species that has been declining due to loss of suitable habitat. They favor sandy areas with well drained gravelly soils. The active period for these snakes is April through November. Therefore, they will be more visible at this time and, in most cases, move out of harm's way.

The Natural Diversity Data Base includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substituted for on-site surveys required for environmental assessments. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated into the Data Base as it becomes available. If the project is not implemented within 12 months, then another Natural Diversity Data Base review should be requested for up-to-date information.

Please be advised that this is a preliminary review and not a final determination. A more detailed review may be conducted as part of any subsequent environmental permit applications submitted to DEEP for the proposed site.

Thank you for consulting the Natural Diversity Data Base. If you have any additional questions, please feel free to contact me at Elaine.Hinsch@po.state.ct.us.

Sincerely,
/s/
Elaine Hinsch
Program Specialist II
Wildlife Division

Cc: DEEP Office of Planning and Program Development

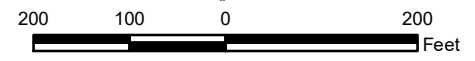
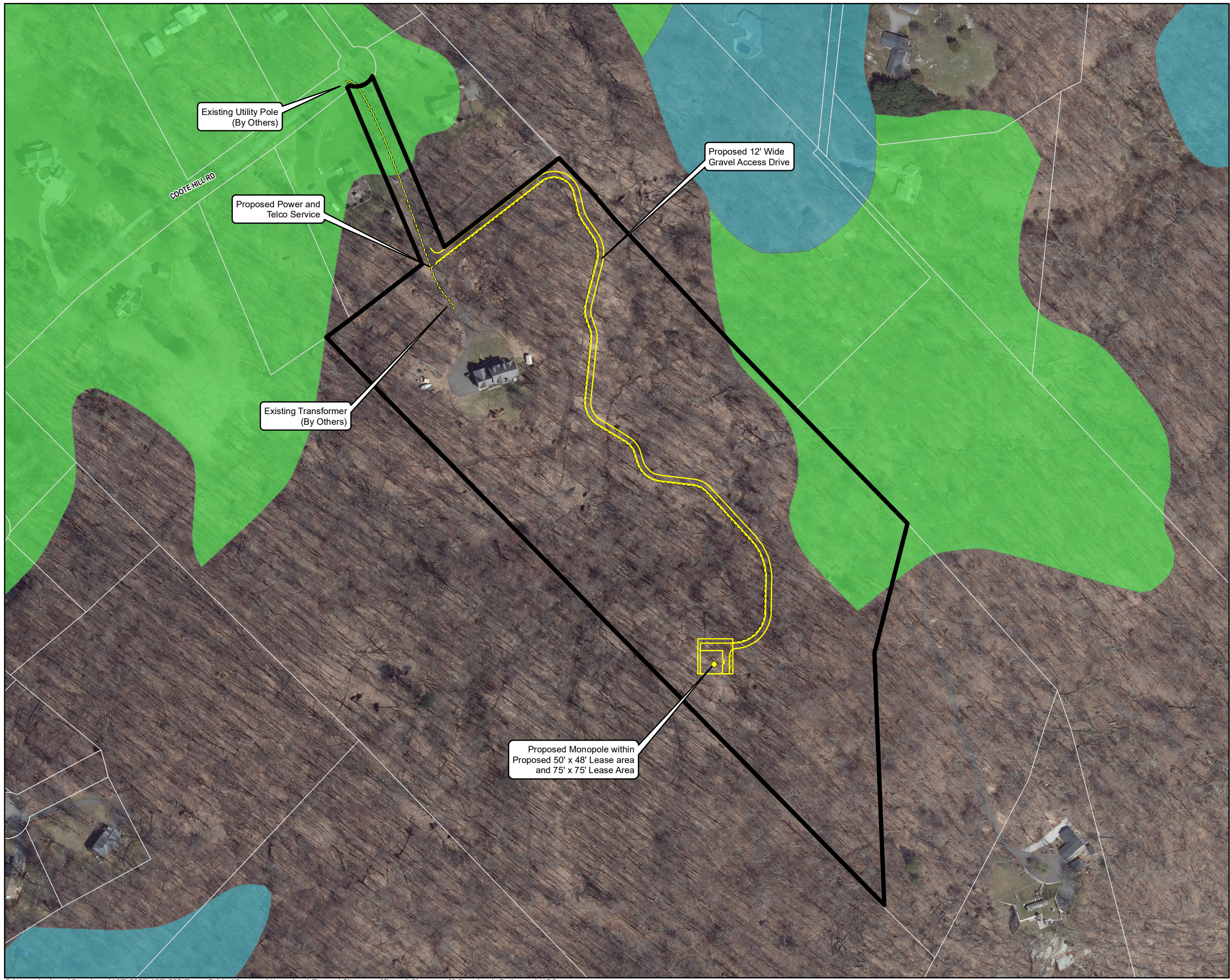
ATTACHMENT 2

**Farmland Soils
Proposed Wireless
Telecommunications Facility
CT009
Sherman II
16 Coote Hill Road
Sherman, Connecticut**

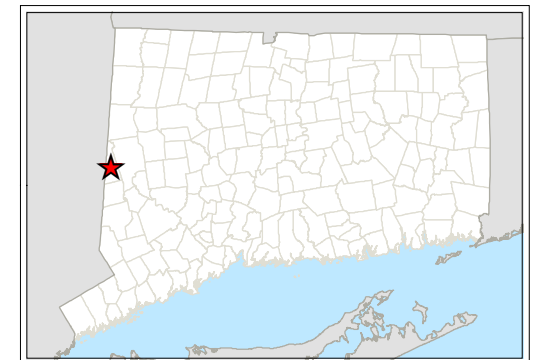


Legend

- Proposed Monopole
- Proposed Site Layout
- - - - Proposed Electrical and Telco Service
- Subject Property
- Approximate Parcel Boundary
- Prime Farmland Soils
- Statewide Important Farmland Soils



1 in = 200 ft



Map Sources:

Ortho Base Map: CTECO 2019 Aerial Imagery
 CTDEEP's data library (<http://www.ct.gov/deep>)
 Data layers are maintained and updated by CTDEEP and represent the most recent publications.
 Map Date: March 2021

ATTACHMENT 3

Sherman Volunteer Fire Department

PO Box 249, Sherman, Ct. 06784

860-354-9273

22 April 2021

Raymond Vergati
Homeland Towers, LLC
9 Harmony Street, 2nd Floor
Danbury, CT 06810

Dear Mr. Vergati,

In alignment with the Sherman Volunteer Fire Department's (SVFD) mission of providing 24/7 continuous fire and emergency medical services to our community, please find the note of support below for the proposed cell tower in Sherman, Connecticut.

This morning, just prior to this letter being drafted, the SVFD was dispatched to a motor vehicle accident-rollover in the Southern end of Sherman along Route 37 South. Upon the SVFD's arrival, we were advised by a bystander that she had been driving up and down the road frantically trying to call 911 to summon help. Her call could not be completed however, due to the absence of cell service. This same circumstance is repeated on a nearly daily basis in Sherman. Fires, criminal acts, and medical emergencies requiring an immediate response by emergency services are delayed due to a lack of cell service.

Additionally, the lack of cell service substantially inhibits the quality of service the SVFD can provide to the community. Mobile data devices that require cellular connectivity to operate have become a standard method for emergency services around the world to receive critical information, directions, and details pertaining to the incident prior to arrival on scene. Our ambulance and paramedics also require cellular connectivity to transmit life-saving information to the hospitals for emergency room physicians to advise on appropriate patient care procedures and have the hospital staff adequately prepared for the patient's arrival.

The SVFD supports the erection of a cell tower in Southern Sherman to greatly improve the safety of the town's residents, people traveling through town, and to greatly enhance the SVFD's ability to provide the best possible emergency services to the community. We thank you for providing us with the opportunity to support this cell tower.

Sincerely,



Christopher Fuchs
Chief of Department,
Sherman Volunteer Fire Department