

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

June 17, 2021

HOMELAND TOWERS, LLC AND NEW CINGULAR WIRELESS PCS, LLC d/b/a AT&T  
RESPONSES TO INTERVENOR GREENBAUM INTERROGATORIES

- Q1. There is no mention of a microwave dish in the Applicant's application with respect to Docket #499. The Intervenor requests that the Applicant provide all information pertinent to the installation of a microwave dish on the tower, including, but not limited to the purpose for the dish, the operator of the dish and all other pertinent details.
- A1. *The Town of Sherman's microwave dish has been consistently shown on the Applicant's drawings, see Applicants' Exhibit 1, Application, Attachment 4, Sheet CP-1 and Applicants' Exhibit 4, Applicants' Responses to Siting Council Interrogatories Set I, Attachment 8, Sheet CP-1. The microwave dish would be operated by the Town independent from the AT&T system.*
- Q2. The Intervenor requests that the Applicant provide a copy of the Agreement with the owner of the road and all subsequent communications with the owner of the road, Pepper Jones.
- A2. *Given that Homeland's agreement with the owner of Coote Hill Road, Pepper Jones, contains proprietary and confidential information, it is being submitted with a motion for protective order pursuant to C.G.S. §1-210(b).*
- Q3. The Intervenor requests a copy of the deed to the property the Applicant will be using to construct the tower showing the rights associated with the use of the road.
- A3. *This information is not required for consideration by the Siting Council for a Certificate Application per C.G.S. §§16-50p or 16-50o(c); R.C.S.A. §16-50j-74 or the Siting Council's Community Antenna Television and Telecommunications Facilities dated July 2012 ("Application Guide") and is publicly available to the intervenor at the Town Clerk's office.*
- Q4. The Intervenor requests clarification from the Applicant as to what "road" is being referred to in the above exchange. If the above exchange is in reference to the access road to be constructed on the subject property, there are contradictory statements here. Burns first said the travel surface is 12 feet wide but then it slopes down after that. Mercier then

asks if there needs to be a construction ROW corridor 15, 17 or 20 feet wide to do this installation. Burns replies that 12 feet should be fine.

- A4. *The road referred to in the response is a gravel access driveway. The width of the proposed gravel access driveway is 12-feet. The limit of disturbance required to construct the 12-foot wide gravel access driveway varies as a result of required grading and stormwater management features.*
- Q5. The Intervenor requests a road profile, a cross sectional piece of the road for the different parts of the terrain, particularly where there are grade changes, showing the amount of cut and fill required and the road bed materials – the type and thickness of the material and details like compaction ratios, and the equipment needed to perform this work including, but not limited to excavators, track loaders, bull dozers and site dump trucks. If there is excess material excavated that is not suitable for road material, as much of this subsurface material may not be, where will it be removed to? This is a civil engineering problem. It has been given some consideration because they have given the volume of materials to be excavated and the volume of materials to be hauled in to build the road.
- A5. *See the drawings included in Applicants' Exhibit 4, Responses to Siting Council Interrogatories Set I, Attachment 8. Additional details will be provided as part of any Development & Management Plan ("D&M Plan") submission.*
- Q6. The Intervenor demands blueprint details of the road profile of the Applicant. This access road is a substantial part of the project and is the source of many of the difficulties inherent in building at this location. This information is also needed to corroborate the quantity of material that the site plan calls for. Where the access road crosses the hill, details of the drainage plans are needed as well as mitigation of runoff onto neighboring properties, particularly to the north (Kavrikov) and south (Wildman) and Lake Mauweehoo. It should be noted that this is a private man made lake and that the property lines of those owners with lake frontage go to the middle of the lake (see deeds). The Applicant has stated that permission from the owner of the road is not needed. Mr. Cooper, the P&Z ZEO has stated in his comments that there ought to be a road bond to indemnify the owner of the road for any damage to the road.
- A6. *See the drawings included in Applicants' Exhibit 4, Responses to Siting Council Interrogatories Set I, Attachment 8. Additional details will be provided as part of any Development & Management Plan ("D&M Plan") submission.*
- Q7. The Intervenor demands that the applicant provide an accurate survey of the private road to the site showing the roadway and the right of way and a plan to assure that the road surface and shoulders of the road are not damaged during construction of the access road and the tower.
- A7. *See the drawings included in Applicants' Exhibit 4, Responses to Siting Council Interrogatories Set I, Attachment 8. Additional details will be provided as part of any Development & Management Plan ("D&M Plan") submission.*
- Q8. To the extent that the private road does not meet the construction standards of the access road, the Intervenor demands that the Applicant provide a road plan to mitigate damage to the private road and a plan to restore the private road to its original condition,

including restoration of the stone columns at the entrance that have been there for at least two generations.

- A8. *With respect to the stone pillars, which are the property of Mr. Pepper Jones, the Agreement Letter between Homeland and Mr. Pepper Jones provides funds to be paid by Homeland to Pepper Jones to either remove or relocate the stone pillars 20' apart. Since the date that the Letter Agreement was signed, a moving truck (not associated with the proposed Facility) has since knocked down one of the pillars and only one remains.*
- Q9. The Intervenor demands that the Applicant provide a traffic management plan for the private road and the access road so that other land owners that use the road are not inconvenienced by the construction activity at the tower site, recognizing that much of the construction of the access road, including the path it takes to the tower site has been dictated by the preferences of the landlord, owner, of the site.
- A9. *The Applicants note that this is not a question and any traffic management details for construction purposes will be addressed as part of any Development & Management Plan submission.*
- Q10. The Intervenor demands that the Applicant supply the field review photographs that were submitted as part of the interrogatories.
- A10. *See Applicants' Exhibit 4, Responses to Siting Council Interrogatories Set I, Attachment 13.*
- Q11. The Intervenor demands that the Applicant determine what modifications (give details) to the road plan will be acceptable to the land owner due to the sensitive nature of the terrain that is being crossed.?
- A11. *See Applicants' Exhibit 5, Supplemental Submission regarding the location of the facility access road.*
- Q12. The Intervenor demands that the Applicant provide a detailed road development plan that adequately addresses these questions, including that it meets the approval of the landlord.
- A12. *See the drawings included in Applicants' Exhibit 4, Responses to Siting Council Interrogatories Set I, Attachment 8. Additional details will be provided as part of any Development & Management Plan ("D&M Plan") submission.*
- Q13. The Intervenor demands that the Applicant provide a list of construction equipment for the project. What classifies a piece of equipment as major highway equipment? What size crane will be used? What size dump trucks will be used? What size concrete mixers will be used?
- A13. *Additional details will be provided as part of any Development & Management Plan ("D&M Plan") submission, since this information is part of the methods of construction to be determined by a general contractor once one is engaged. The contractor will use the appropriate equipment typical for construction of a wireless telecommunications facility as deemed necessary by the contractor to complete the project in accordance with the final D&M Plan. The equipment needed to construct the facility is not dissimilar to*

*construction equipment required for a single-family home with a similar length of driveway with the exception of a crane to assemble the tower.*

- Q14. The root system of a tree, as has been noted by Mr. Cooper, Town of Sherman ZEO, in his comments on the applicants' proposed plan, extend as far as the canopy of the tree. These trees may not need to be removed at the time of construction because the trunks do not impede the path of the roadway.
- A14. *The Applicants note that this is a statement and not a question.*
- Q15. The Intervenor demands from the Applicant a detailed accounting how many additional trees, whose root systems will be crushed under the weight of heavy construction equipment, will likely die in the next one to three years.
- A15. *See the Tree Inventory in Applicants' Exhibit 1, Application, Attachment 3.*
- Q16. The Intervenor demands that the Applicant provide specifications for the road that include the turn radii. What is the length of the truck crane that will be needed to install the tower and then antenna for each of the providers? What is the length of the tower segments that will be delivered to the site?
- A16. *See the drawings included in Applicants' Exhibit 4, Responses to Siting Council Interrogatories Set I, Attachment 8. Additional details will be provided as part of any Development & Management Plan ("D&M Plan") submission.*
- Q17. Mr. Cooper, Town of Sherman ZEO, states that the ledge will require blasting. Due to the significant difference, particularly to neighboring property owners, between "chipping" and blasting, the Intervenor demands that the Applicant determine whether or not this ledge requires blasting in order for the access road to follow this path, preferred by the landowner. Mr. Cooper states that all neighboring properties be examined and photographed prior to any blasting taking place and that the Applicant have liability insurance to indemnify the neighboring property owners should there be damage. The Intervenor demands that the Applicant provide evidence of such insurance.
- A17. *See Applicants' Exhibit 4, Responses to Siting Council Interrogatories Set II, response #9 and Applicants' Late Filed Exhibits, response #3.*
- Q18. The Intervenor demands that the Applicant provide a detailed site plan that shows the existing grade, access road grade and other pertinent details regarding erosion control measures as well as the road profile (road cross section) in these areas.
- A18. *See response #6 above. Also, as demonstrated throughout the Applicants' submissions, Sedimentation & Erosion Control during construction and post installation will be designed, installed and maintained in accordance with 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.*
- Q19. Where this information may be difficult to ascertain visually without testing in these wooded areas, the Intervenor demands that the Applicant provide the necessary testing and subsequent plans for erosion control.

A19. *See response #18 above.*

Q20. The Intervenor demands to know of the Applicant what efforts, if any, were made, to examine these intermittent water courses that flow from south to north onto a neighbor's property and then back to the south through another neighbor's property before emptying into Lake Mauweehoo on that neighbor's property?

A20. *The Proposed Facility has been designed in accordance with the DEEP's 2002 Connecticut Guidelines For Soil Erosion and Sediment Control and 2004 Connecticut Stormwater Quality Manual. In addition, the Proposed Facility's impacts to wetland resources have been properly evaluated; please refer to Wetlands Analysis in the Application – Applicants' Exhibit 1, Attachment 6. The Proposed Facility will not result in a likely adverse impact to downstream areas.*

Q21. The Intervenor demands to know if the Applicant made any effort to request permission from downstream property owners to ascertain the amount of seasonal flow in these water courses?

A21. *See response #20 above.*

Q23. The Intervenor demands that the Applicant assess the downstream properties to ascertain the amount of seasonal flow in these water courses

A23. *See response #20 above.*

Q24. Stone walls are part of the colonial history of the Coburn District of Sherman where the subject property is located. The Intervenor demands that the Applicant present a plan as to what will be done with these stone walls, according to the wishes of the landowner.

A24. *The stone wall is private property and not part of the facility. Thus, the disposition of the stones is not relevant to this proceeding. In addition, this information is not required for consideration by the Siting Council for a Certificate Application per C.G.S. §§16-50p or 16-50o(c); R.C.S.A. §16-50j-74 or the Siting Council's Community Antenna Television and Telecommunications Facilities dated July 2012 ("Application Guide").*

Q25. The Intervenor demands that the Applicant supply a plan to specifically answer Mr. Mercier's question, in light of the damage that Mr. Cooper has stated can be attributed to excavations in and around tree roots at this and any other embankment.

A25. *See the Tree Inventory in Applicants' Exhibit 1, Application, Attachment 3.*

Q26. The Intervenor demands that the Applicant provide a plan for the silt fence and silt socks regarding how and where they are spaced and a plan for their inspection and maintenance.

A26. *See the drawings included in Applicants' Exhibit 4, Responses to Siting Council Interrogatories Set I, Attachment 8. Additional details will be provided as part of any Development & Management Plan ("D&M Plan") submission.*

Q27. The Intervenor demands that the Applicant provide a plan with respect to the installation of J-hooks in the silt fence and a plan for inspection and maintenance.

A27. *See response #26 above.*

Q28. The Intervenor demands that the Applicant provide a plan for inspecting the erosion control barriers and other things at the site on a schedule that assures that they will be properly maintained and that any defects in or damage to the barriers be reported and corrected immediately. In addition, after each rain or wind event, the plan should require an additional inspection and repair. There also needs to be a plan in place for a period of at least two years to be sure that all aspects of the construction work have remained intact and free from damage.

A28. *Inspections of the erosion and sedimentation control measures to ensure they are being properly maintained will be performed in accordance with requirements under the Connecticut Department of Energy & Environmental Protection's General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities ("Construction General Permit"). Once the facility is permanently stabilized in accordance with the Construction General Permit, monitoring of the facility, access road, stormwater management areas, etc., will follow Homeland Towers' standard operating procedures.*

Q29. As per Mr. Burns comment above, the Intervenor demands that the Applicant develop a plan for third party inspection of stormwater controls and sediment control devices.

A29. *See response #28 above.*

Q30. As above, the Intervenor demands that the Applicant develop a plan for third party inspection of stormwater controls and sediment control devices.

A30. *The Applicants note that this is not a question, however, please refer to response #28 above.*

Q31. The Intervenor demands that the Applicant provide evidence and documentation that this is an acceptable best practice, having water "run off the road...as overland flow to the wetland."

A31. *For the area in question, the proposed gravel driveway will be at existing grade. The intent of the drainage design for this segment of driveway is to allow the area to maintain existing drainage patterns with runoff from the gravel driveway following those existing drainage patterns so as not to result in an adverse effect to the receiving wetland/intermittent watercourses. Since there are no significant grade changes with this segment of driveway, there is no need to concentrate stormwater flows, and therefore, the design provides for sheet flow into the surrounding uplands to mimic natural runoff characteristics. Along both shoulders of this segment of driveway, a native New England conservation seed mix will be used to create a grass filter strip which will treat any sheet runoff from the driveway. This management of stormwater follows Low Impact Development ("LID") Management Practices, one of the main tenets being managing runoff as close to its source as possible, is consistent with the DEEP*

*2004 Connecticut Stormwater Quality Manual for LID practices. See the Wetlands Analysis included in Applicants' Exhibit 1, Attachment 6 of the Application.*

Q32. The Intervenor demands that the Applicant provide evidence and documentation that this is an acceptable best practice, There is no provision for sediment control coming off a gravel road.

A32. *As noted throughout the Applicants' submissions, sedimentation & erosion control during construction and post installation will be designed, installed and maintained in accordance with 2002 Connecticut Guidelines for Soil Erosion and Sediment Control and the project will require a Connecticut Department of Energy & Environmental Protection ("DEEP") Stormwater Permit. As such, DEEP will conduct an independent review of the stormwater management and erosion control design.*

*There is significant sedimentation control for the areas in question. The provisions for sediment control coming off the gravel driveway (as shown on the drawings included in Applicant's Exhibit 4, Responses to Siting Council Interrogatories Set I, Attachment 8) is as follows:*

- The driveway surface is a pervious surface which will reduce the runoff.*
- The driveway will be sloped to one side and be graded into a proposed grass swale with stone checkdams.*
- The swale will run to a 12" culvert and empty into a riprapped apron via a flared end section of culvert to properly control and treat the discharge prior to entering the nearby wetland area.*

Q33. The Intervenor demands that the Applicant provide a maintenance plan for the access road and drainage features to be sure that all mitigation efforts to protect the wetlands are in place and functioning with special consideration given to rain or other storm events.

A33. *See response #26 above. It is Homeland Towers' business practice to avoid impact to sensitive wetlands and habitats and maintain suitable access for its customers. Every Homeland Towers site has periodic maintenance checks performed and any areas that require attention are addressed immediately.*

Q34. As above, the Intervenor demands that the Applicant provide a maintenance plan for the access road and drainage features to be sure that all mitigation efforts to protect the wetlands are in place and functioning with special consideration given to rain or other storm events.

A34. *See responses #26 and #33 above.*

Q35. The Intervenor demands that the Applicant provide a plan for site visits for the carriers on the tower and for the owner of the tower to be sure that the site and equipment are functioning as designed. In the event that the facility and the carrier equipment are not being properly maintained, the Intervenor requests a plan for corrective measures at the State and local level including notification procedures and remedies.

A35. *See Applicants' Exhibit 4, Applicants' Responses to Siting Council Interrogatories Set II, response #10 for AT&T's remote monitoring. Additional details are not required for*

*consideration by the Siting Council for a Certificate Application per C.G.S. §§16-50p or 16-50o(c); R.C.S.A. §16-50j-74 or the Siting Council's Community Antenna Television and Telecommunications Facilities dated July 2012 ("Application Guide").*

- Q36. The Intervenor demands that the Applicant present a plan to notify the Town of Sherman prior to additional construction being done on the site and that all local and State of Connecticut permits be obtained and that site be thoroughly inspected for compliance with all of the conditions established for the initial permit.
- A36. *Pursuant to state statutes and regulations, additional co-locators require review by the Siting Council through tower share or exempt modification processes and these processes require notification to the Town.*
- Q37. The Intervenor demands that the Applicant develop a plan for the daily monitoring of the site with respect to box turtles and other species as called for by the DEEP letter referenced in the application. This would also apply to the development of a plan to protect the slimy salamander and the hognose snake as these species have been documented in the vicinity of the project.
- A37. *See Applicants' Exhibit 1, Application, Attachment 10, USFWS + NDDDB Compliance Determination.*
- Q38. The Intervenor demands that the Applicant explain to the Siting Council, the impact to the 250 acre core forest that is being bifurcated nearly in half by this project, considering that the impact is 300' to either side of the disturbed area.

*The Proposed Facility will not adversely impact the larger core forest habitat in the area that is associated with Pootatuck State Forest because the core forest has already been compromised by adjacent and on-site residential development, the Proposed Facility avoids impact to a State-listed core forest sensitive species and the Proposed Facility will implement an Invasive Species Control Plan as mitigation.*

*The large core forest that encompasses the subject property is associated with the Pootatuck State Forest located to the south. On the subject property, this core forest is already perforated by the existing residential development in the northern portion of the property. In addition, this core forest includes existing perforated forest from nearby residential development located within 50 feet of the subject property to the north, east and west.*

*The Proposed Facility and access road would result in perforation to this portion of the core forest that is surrounded on three sides by existing perforation forest. As a result, the characterization that the project would bifurcate the core forest in half is not accurate. A more accurate characterization of the core forest impact would be that the Proposed Facility would expand existing perforated forest that exists adjacent to the subject property on three sides.*

*The Proposed Facility's design has been sensitive to possible core forest impacts, particularly as it relates to core forest sensitive species, namely the State-Threatened Northern Slimy Salamander. The project successfully revised its design to avoid any*



*adverse impact to this listed species, as noted in the DEEP Natural Diversity Data Base Determination Letter, dated January 9, 2021 (refer to Applicants' Exhibit 1, Attachment 10). In addition, one of the other considerations when evaluating core forest impacts is the edge effect that occurs within 300 feet of clearing associated within the proposed development because invasive plants can colonize disturbed areas associated with construction activities. The Applicants recognize this potential and have proposed an Invasive Species Control Plan to be implemented during construction (refer to Applicants' Exhibit 1, Attachment 6 for details of the Invasive Species Control Plan).*

- Q39. The Intervenor demands that the Applicant provides a copy of the slimy salamander study to the Siting Council, with the permission of the author, Dennis Quinn and release it to the public with any necessary redactions to protect the species.
- A39. *See Applicants' Late-filed Exhibit, Attachment 5.*
- Q40. The Intervenor demands that the Applicant provide the Effective Radiated Power, or ERP, used for coverage prediction. The Applicant has not done so and the maps that have been generated cannot be properly interpreted without that information.
- A40. *Please see the following Effective Radiated Power used for coverage prediction:*

<b>Site</b>	<b>Antenna ID</b>	<b>RS ERP (dBm)</b>
CT1341	1	29.13
CT1341	2	29.13
CT1341	3	29.13
CT2006	1	29.13
CT2006	2	29.13
CT2006	3	28.96
CT2260	1	31.65
CT2260	2	30.45
CT2260	3	29.15
CT2001	1	30.45
CT2001	2	30.45
CT2001	3	31.65
CT2155	1	30.45
CT2155	2	30.45
CT2155	3	29.18

CT1331	3	28.25
CT1331	1	28.25
CT1331	2	28.25
CT1252	1	30.15
CT1252	2	30.15
CT1252	3	30.15
NW2813	1	28.25
NW2813	2	28.25
NW2813	3	28.25
CT2400	1	30.5
CT2400	2	30.5
CT2400	3	30.5
UN4388	1	29.13
UN4388	2	29.13
UN4388	3	28.96
CT1684	1	30.5
CT1684	2	30.5
CT1684	3	30.5

Q41. The Intervenor demands that the Applicant provide a revised response as noted as above. There is a tower in Patterson, New York, owned by the Town of New Fairfield, Connecticut, that has not been reported in this application and that is within 4 miles of the subject site.

A41. *This statement is incorrect as the tower owned by the Town of New Fairfield and located in the Town of Patterson, New York is included in Attachments 1 and 2 of the Applicants' Exhibit 1, Application.*

Q42. The Intervenor demands that the Applicant provide information noted by Mr. Lavin in this answer. If there is another 4G 700 MHz carrier in this area, why isn't the Applicant on that tower?

A42. *This statement was misinterpreted by the Intervenor. AT&T has a second 700 MHz RF carrier (a.k.a. frequency, license, band), separate from the FirstNet band. This statement was not a reference to any other wireless operator that could collocate on this facility.*

- Q43. Again, the Intervenor demands to know what is the Effective Radiated Power, ERP, used for coverage prediction? Indications are that this tower will not provide service to Deer Run Shores to the north east along the west side of Candlewood Lake and that it will not cover Leach Hollow Road to the north of the site. In addition, sections of Timber Trails to the southwest and west will not be covered by this facility.
- A43. *As is true for all existing sites within the Town of Sherman, the Proposed Facility will not reach all areas of Sherman and the surrounding towns. The same would be true of any proposed site in Sherman, particularly given topography. It is simply not physically possible for one site to solve every coverage problem in the Town of Sherman. The proposed site at the height in the application will provide service to a wide area of Sherman inclusive of nearby communities, roads and areas in southern Sherman.*
- Q44. The Intervenor demands that the Applicant explain how a single 31/2 foot diameter balloon flown to a height of 170' can demonstrate to a viewer the impact of a 170' tower that has one to four sets of antenna panels that will appear to give the monopole a diameter of 10 – 12 feet provides a “visibility analysis” without any other reference points.
- A44. *See Applicants' Exhibit 1, Application, Attachment 8, Visual Assessment & Photo-Simulations for a detailed explanation of the visual analysis.*
- Q45. The Intervenor demands that the Applicant establish reference points so that a more accurate visibility analysis can be performed. The single balloon is not a satisfactory tool for visibility analysis. The Intervenor also demands that the Applicant provide details as to how the balloon float analysis was conducted. On page 57, Mr. Gaudet states that “I wasn't in the vehicle for this shot.” His interpretation is, therefore, based on his viewing of the photograph and does not provide an adequate explanation.
- A45. *See Applicants' Exhibit 1, Application, Attachment 8, Visual Assessment & Photo-Simulations for reference points.*
- Q46. The Intervenor demands that the Applicant clarify these responses. There has been contradictory presented in testimony and on the Applicant's application with regard to the microwave dish and whip antennas.
- A46. *There was no contradictory testimony regarding the microwave dish and whip antennas. As previously stated, and clearly shown on the Application drawings, the microwave dish and whip antennas would be installed by the Town of Sherman for use by their fire and highway department. Litchfield County Dispatch would not use the microwave dish. See Applicants' Exhibit 1, Application, Attachment 4, Sheet CP-1 and Applicants' Exhibit 4, Applicants' Responses to Siting Council Interrogatories Set I, Attachment 8, Sheet CP-1.*
- Q47. The Intervenor demands that the Applicant explain why there are locations that would have better propagation parameters that were not disclosed in this application. The Intervenor further demands that the Applicant ascertain whether this application is viable should the Siting Council determine that the tower be placed on the property in a location that mitigates many of the construction, wetlands, and habitat concerns that have been

raised by this Intervenor, the Sherman Planning and Zoning Commission and the Sherman Conservation Commission if such a location does not abide by the wishes of the landlord.

- A47. *All potential siting locations evaluated by the Applicants were disclosed. See Applicants' Exhibit 1, Application, Attachment 2, Site Search Summary. See Applicants' Exhibit 1, Application and Exhibit 5, Supplemental Submission regarding the location of the proposed facility at the Site and the relocation of the facility location to mitigate impacts.*
- Q48. The Intervenor demands that the Applicant have a plan in place for power outages that last for as much as a week. This site is on a private road. There are no Town services on the road. In the past five or six years there have been four storm events where power was out for as much as 8 days due to impassable roads in the area for service crews to access downed power lines.
- A48. *The Applicants note that this is not a question and that backup power provisioning is incorporated into the Application.*
- Q49. The Intervenor demands that the Applicant modify their plans to adequately accommodate the four carriers they are planning for. Due to the sensitive site characteristics of this property, the site plan must cover future tenants on the monopole.
- A49. *No changes to the proposed facility design are required to accommodate other carriers. As shown in the drawings included in Applicants' Exhibit 4, Applicants' Responses to Siting Council Interrogatories Set I, Attachment 8, both the proposed tower and compound area are designed to accommodate co-locators in compliance with state statutes. The drawings depict a 75' x 75' lease area that can easily accommodate the equipment and emergency generators of additional carriers.*
- Q50. The Intervenor demands that the Applicant answer the question. The question was not "Do you lose coverage at a lower height?" The question was "what is the minimum height needed to provide service?"
- A50. *The height of the Proposed Facility is the minimum height needed to provide service.*
- Q51. The Intervenor demands that the Applicant provide propagation data for 120', 130' and 150', the maximum height referred to in the Sherman Planning and Zoning regulations referred to above.
- A51. *Coverage plots for antenna heights of 170, 150, 130 and 110 feet AGL are included herein as Attachment 1 and sufficient for purposes of evaluating coverage including the contours between 110 and 130 feet AGL.*
- Q52. The Intervenor demands that the Applicant explain the above table in relation to tower height as well. -83 dBm is the stronger signal but covers fewer people.

- A52. *Coverage at the -83 dBm is provided to a smaller geographic area closest to the site. Coverage at dBm levels such as -93 dBm cover a larger geographic area. Therefore, fewer people receive the -83 dBm signal strength.*
- Q53. The Intervenor demands that the Applicant develop a method to give perspective to the visual impact of the tower from a distance of up to .8 miles from the tower. As reported above, .5 miles is, due to the height of the forest canopy, too close to see much of the tower and, in this area impacts few homes. The Intervenor also demands that the Applicant indicate the height of the tree line from any particular view as that aids in having a perspective of the height and visual impact of the tower that a single balloon does not.
- A53. *See Applicants' Exhibit 1, Application, Attachment 8, Visual Assessment & Photo-Simulations, which includes a 2-mile radius study area.*
- Q54. The Intervenor demands that the Applicant develop a detailed sequence of construction steps, a timetable, that would incorporate the sediment and erosion control measures as shown on the drawings.
- A54. *See response #26 above.*
- Q55. The Intervenor, again, demands that the Applicant perform periodic inspections, monthly during the rainy season and during snow melt and after all major rain events, particularly with respect to swales and check dams.
- A55. *See response #26 above.*
- Q56. The Intervenor demands that the Applicant provide plans that prevent sheet flow into the wetlands without first passing through a sediment control feature (basin) of appropriate size to handle a 4" rainfall.
- A56. *See Response #32 above.*
- Q58. The Intervenor demands that the Applicant clean and repair all silt and runoff damage within five days of the inspection.
- A58. *See response #26 above. A phased erosion and sedimentation control plan, providing details of the sequencing of construction dovetailed with implementation of various erosion and sedimentation control measures, will be provided as part of the D&M Plan.*
- Q59. The Intervenor demands that the Applicant provide a count of the number of heavy highway equipment trucks that might be required during initial construction for one carrier, given the more than 2400 cy of material that are needed for the access road, the removal of the logs from 90 trees and the chips from their branches and limbs, tower sections, generators, concrete, fuel tanks and other heavy equipment and materials.
- A59. *See response #13 above.*

- Q60. The Intervenor demands that the Applicant provide a count of the number of smaller vehicles that will be required to service the facility on a monthly basis, including visits from Homeland Towers, LLC or other owner of the tower, including road inspection and maintenance (including plowing), drainage inspection, wetlands inspection, repairs, carrier site visits, fuel trucks and others not mentioned.
- A60. *See Applicants' Exhibit 1, Application page 6, AT&T's service includes one light duty van or truck once per month.*
- Q61. The Intervenor demands that the Applicant present evidence regarding site visits to 26 and 28 Wagon Wheel Road and presentations and field visits related to these sites.
- A61. *Mr. Vergati visited the Wagon Wheel property on (2) occasions, once with the prior First Selectman Clay Cope along with David Hopkins on March 13, 2013 and then again with Naromi Land Trust representative Marge Josephson on September 29, 2015.*
- Q62. The Intervenor further demands that the Applicant provide the RF engineer's data that ruled these out as suitable sites, in contradiction to the findings of RCC Communications
- A62. *Please see the coverage plot for the Wagon Wheel property included herein as Attachment 2.*
- Q63. The Intervenor demands that the Applicant provide RF data for tower heights that would accommodate three additional carriers and what their effective propagation maps would look like at each of those heights.
- A63. *Homeland is not a carrier and AT&T cannot provide other carriers' network information.*
- Q64. The Intervenor demands that the Applicant provide a copy of Verizon's letter of interest.
- A64. *See Applicants' Exhibit 4, Responses to CSC Interrogatories Set I, Attachment 7.*
- Q65. The Intervenor demands that the Applicant provide a copy of their liability, workman's compensation, excess liability insurance and other insurances pertaining to this construction site and for the finished facility.
- A65. *See response #3 above.*
- Q66. The Intervenor demands that the Applicant give notice to and request access to the adjacent properties to the north and west that will be most directly impacted by wetland mitigation efforts and the property owner to the east regarding habitat issues.
- A66. *See response #23 above.*
- Q67. The Intervenor demands that the Applicant provide propagation maps for a tower height of 120' as requested earlier as well as propagation maps for 110', 100' and 90' in order to provide technical data to support this contradiction. The Town of Sherman paid \$15,000 for that study.

- A67. *There are several heights analyzed in coverage plots included in Attachment 1 herein, including 110' AGL, which demonstrate the need for the tower height as proposed. See response #51 above. Additional coverage plots from the Applicants at these low heights will not specifically aid the Council further in its deliberations. The Applicants respectfully submit that the Intervenor may choose to submit evidence in this regard if it so chooses.*
- Q68. The Intervenor demands that the Applicant explain why the 22' reduction in height mentioned above was inconsequential but that reducing the tower height would be unacceptable to reduce the visual impact on the historic Coburn District that includes two families that have lived and farmed the area for 7 to 8 generations as well as Lake Mauweehoo that was created at the instigation of a third family, who has lived here since 1902, approximately, for the beauty and enjoyment of the local population.
- A68. *Coverage is achieved through a combination of height and location. The site was moved along the ridgeline, bringing it closer to the intersection of Route 37 and 39, while making little change with the alignment with and sightlines to both routes. The propagation analysis shows minimal changes in coverage with this on-site move. By contrast, reducing the height by the same amount at the proposed location opens a gap of approximately 1/4 mile on Route 39.*
- Q69. Again, the Intervenor demands that the Applicant ascertain if this project would be feasible if it had to be built on a part of the property that did not have such a great impact on the wetlands, habitat and local community (i.e., by developing the property using a much shorter driveway that avoids ledge and wetlands or even by locating the tower farther to the west, closer to the residence, completely avoiding the wetlands.
- A69. *See response #47 above.*
- Q70. The Intervenor demands that the Applicant explain the disposition of the 968 yards of excavation. Where in the application is this discussed? The soil types typically found on this type of hillside do not lend themselves to be used as roadbed on a construction access road.
- A70. *See response #3 above.*
- Q71. The Intervenor demands that the Applicant develop an alternative plan that avoids the wetland and that mitigates all of the issues associated with it and the development of the access road.
- A71. *The Applicants note that this is not a question.*
- Q72a. The Intervenor demands that the Applicant have a plan for decommissioning the tower, removing it and restoring the wetlands.
- A72a. *See Applicants' Responses to Siting Council Interrogatories Set II, Response #39.*

- Q72b. The Intervenor demands that the Applicant develop best management plans recommended by DEEP, including tree clearing limits with respect to all state listed species including but not limited to box turtles, hog nose snakes, slimy salamanders and the two species of bats that are believed to have habitat in this area.
- A72b. *See Applicants' Exhibit 1, Application, Attachment 10, USFWS + NDDB Compliance Determination.*
- Q73. The Intervenor demands that the Applicant develop a site specific plan for the employment of an independent environmental monitor to maintain proper erosion sedimentation control measures throughout the entire duration of construction.
- A73. *The Applicants note that this is not a question. See response #26 above.*
- Q74. The Intervenor demands that the Applicant develop an invasive species plan that meets the approval of the DEEP and CSC. Opening up the core forest canopy for the development of the access road and tower site will provide sunlight for invasive species common to the area.
- A74. *See Applicants Exhibit 1, Application, Attachment 6, Wetland Inspection Report.*
- Q75. The Intervenor demands that the Applicant develop implementation plans for these species protections and treat them as requirements, not recommendations.
- A75. *The Applicants note that this is not a question. See Applicants' Exhibit 1, Application, which demonstrates that all recommended best practices for species protections will be implemented.*
- Q76. The Intervenor demands that the Applicant be required in writing to assure that, if the tower is sold to another entity, that all the conditions and agreements that bind the Applicant shall be bound over to another owner of the tower. To that end, the Intervenor demands that Applicant be required to post performance bonds for the life of the lease in the event they do not carry out their responsibilities if granted a permit to construct the tower.
- A76. *The Applicants note that this is not a question. In addition, the Siting Council maintains exclusive jurisdiction over the proposed Facility and the Siting Council requires compliance with all certificate conditions if a certificate is transferred.*
- Q77. The Intervenor demands that the Applicant explain the minimum height requirement for the centerline of the microwave dish in order to connect with East Mountain in Wingdale, NY?
- A.77. *Please see response #1 above. This question should be directed to the Town of Sherman.*
- Q78. There is no mention of a microwave dish in the Applicant's application with respect to Docket #499. The Intervenor demands that the Applicant provide all information pertinent to the installation of a microwave dish on the tower, including, but not limited to the purpose for the dish, the operator of the dish and all other pertinent details.



A78. *See response #1 above.*

Q79. The Intervenor demands that the Applicant explain why both the Town of Sherman and Litchfield County Dispatch require the use of this tower?

A79. *See Applicants Exhibit 5, Supplemental Submission, Attachment 3.*

Q80. The Intervenor demands that the Applicant explain in greater detail the lack of reliable service in southern Sherman, including but not limited to the fact that their consumer website shows a coverage map that claims they provide service to southern Sherman. This information must include greater detail regarding propagation maps that show coverage for Leach Hollow Road, Deer Run Shores, Orchard Rest, the Squantz Pond lake communities, Timber Lake and all of the roads in Timber Trails.

A80. *The maps on AT&T's website include a disclaimer which expressly states "AT&T does not guarantee coverage. Our coverage maps are not intended to show actual customer performance on the network or future network needs or build requirements inside or outside of existing AT&T coverage areas." The record in this Application includes drive data (Applicants' Responses to Siting Council Interrogatories Response 42), sophisticated coverage mapping tools, and expert testimony by Mr. Lavin (Applicants' Exhibit 1, Application, Attachment 1; Applicants Exhibit 4, Responses to Siting Council Interrogatories Set I, Responses 13 to 23), which demonstrates the need for the proposed Facility.*

Q81. The Intervenor demands that the Applicant explain why customers of Verizon and companies like Consumer Cellular have experienced a marked improvement in service.

A81. *Other carriers are not subject of application and the Applicants do not have information regarding other carriers' networks.*

Q82. The Intervenor demands that the Applicant explain why the four mile radius search for other available cell towers did not include the tower owned by the Town of New Fairfield, Connecticut located in Patterson, NY.

A82. *AT&T currently operates a facility on the tower owned by the Town of New Fairfield, located in Patterson, New York. Terrain obstructions completely prevent this installation in Patterson, New York from reaching Routes 37 and 39 in the Town of Sherman.*

Q83. The Intervenor demands that the Applicant explain why other properties in southern Sherman that might have excellent characteristics for cellular communications were not included in their property search.

A83. *As detailed in the Applicants' submissions, the search for sites to provide coverage to southern Sherman dates back to 2013 with AT&T's search of 31 sites, which was followed up by Homeland's search that began in 2015. Homeland investigated 42 sites. See*

*Applicants' Exhibit 1, Application, Attachment 2. The Applicants respectfully submit that its years long site search was comprehensive and exhaustive.*

CERTIFICATE OF SERVICE

I hereby certify that on this day one original and 15 hard copies of the foregoing were sent to the Connecticut Siting Council and one electronic copy was sent on June 17th to the Siting Council and to:

Stan Greenbaum  
9 Peace Pipe Lane  
Sherman, CT 06784  
Phone (860) 354-2454  
sgreenbaum@uchicago.edu

Dated: June 17, 2021

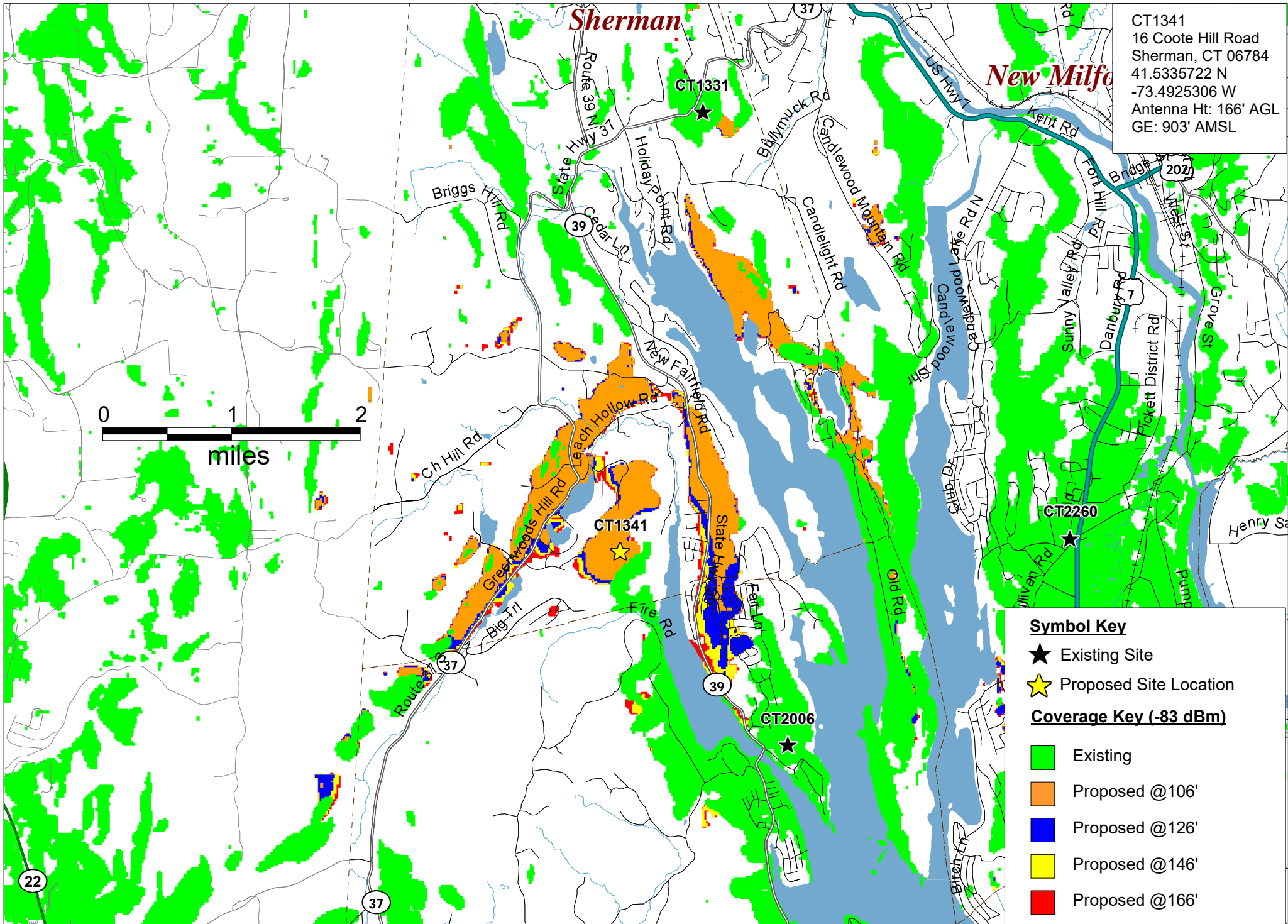


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Brian Leyden, AT&T  
Christopher B. Fisher, Esq., Cuddy & Feder LLP  
Kristen Motel, Esq., Cuddy & Feder LLP  
APT  
C Squared

# **ATTACHMENT 1**



CT1341  
 16 Coote Hill Road  
 Sherman, CT 06784  
 41.5335722 N  
 -73.4925306 W  
 Antenna Ht: 166' AGL  
 GE: 903' AMSL



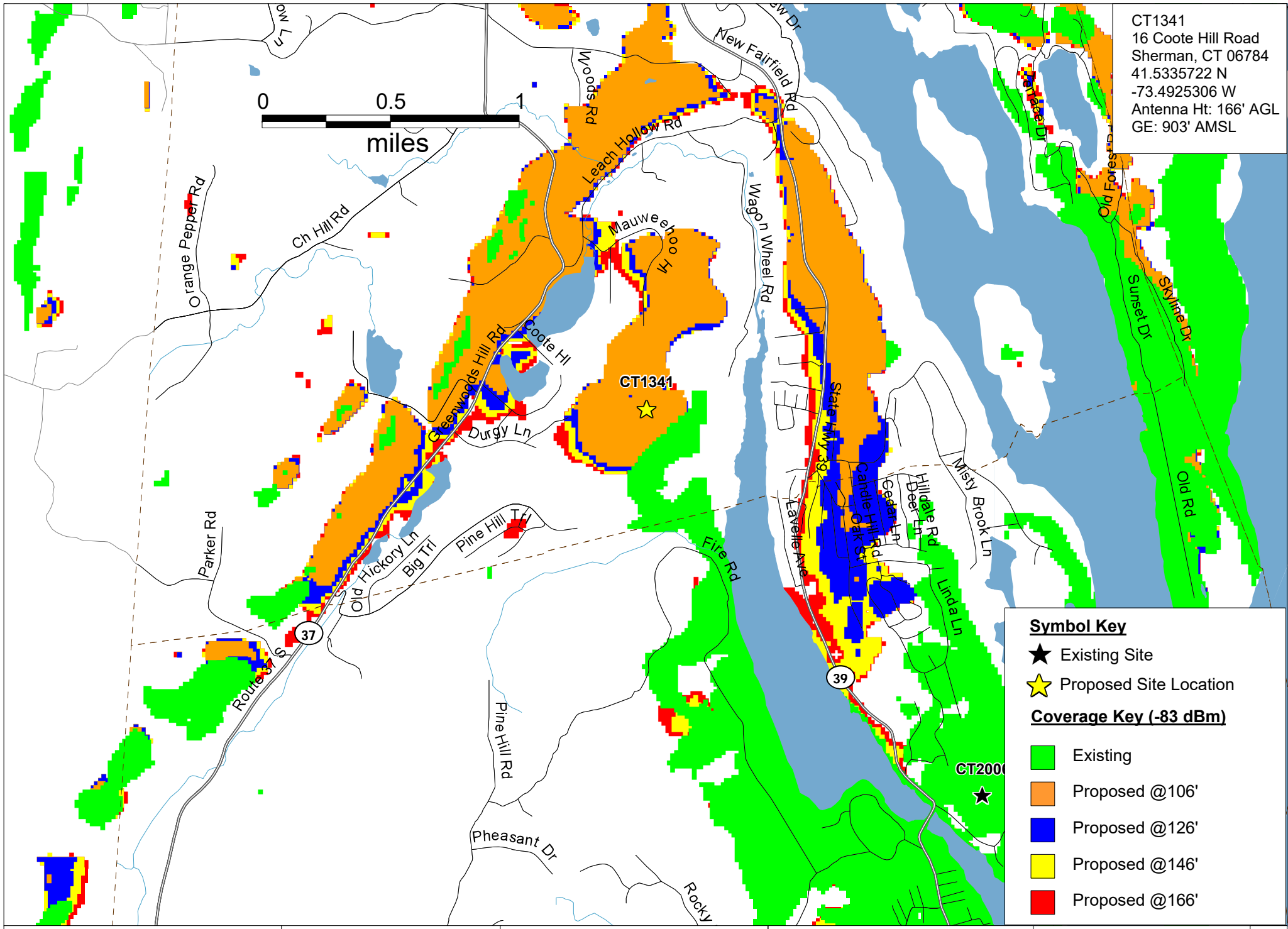
**Symbol Key**

- ★ Existing Site
- ★ Proposed Site Location

**Coverage Key (-83 dBm)**

- Existing
- Proposed @106'
- Proposed @126'
- Proposed @146'
- Proposed @166'

CT1341  
 16 Coote Hill Road  
 Sherman, CT 06784  
 41.5335722 N  
 -73.4925306 W  
 Antenna Ht: 166' AGL  
 GE: 903' AMSL



**Symbol Key**

- ★ Existing Site
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**Coverage Key (-83 dBm)**

- Existing
- Proposed @106'
- Proposed @126'
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- Proposed @166'

Height Analysis

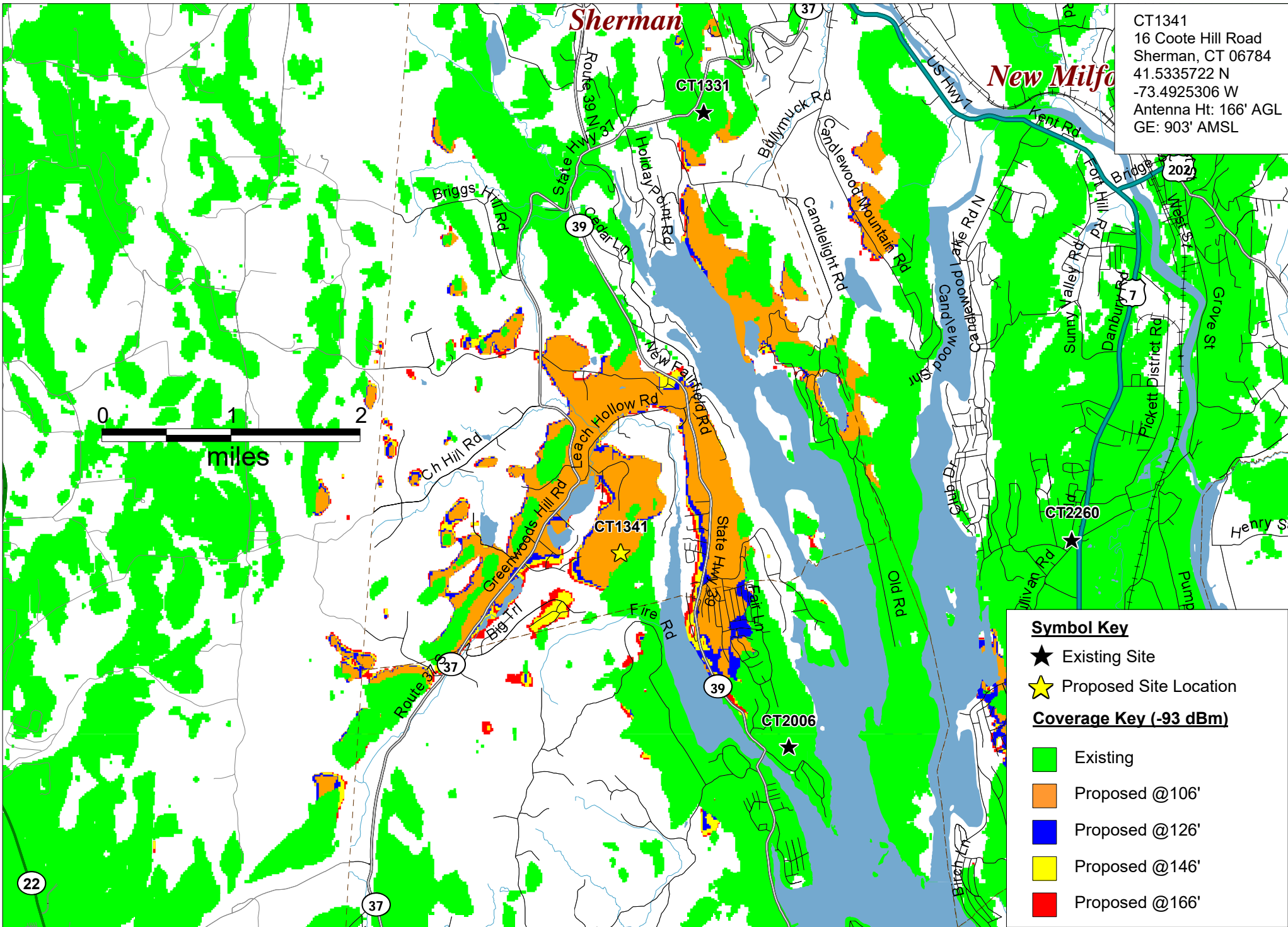
CT1341

16 Coote Hill Road  
 Sherman, CT 06784



PREPARED ON  
 DATE: 12/02/2020

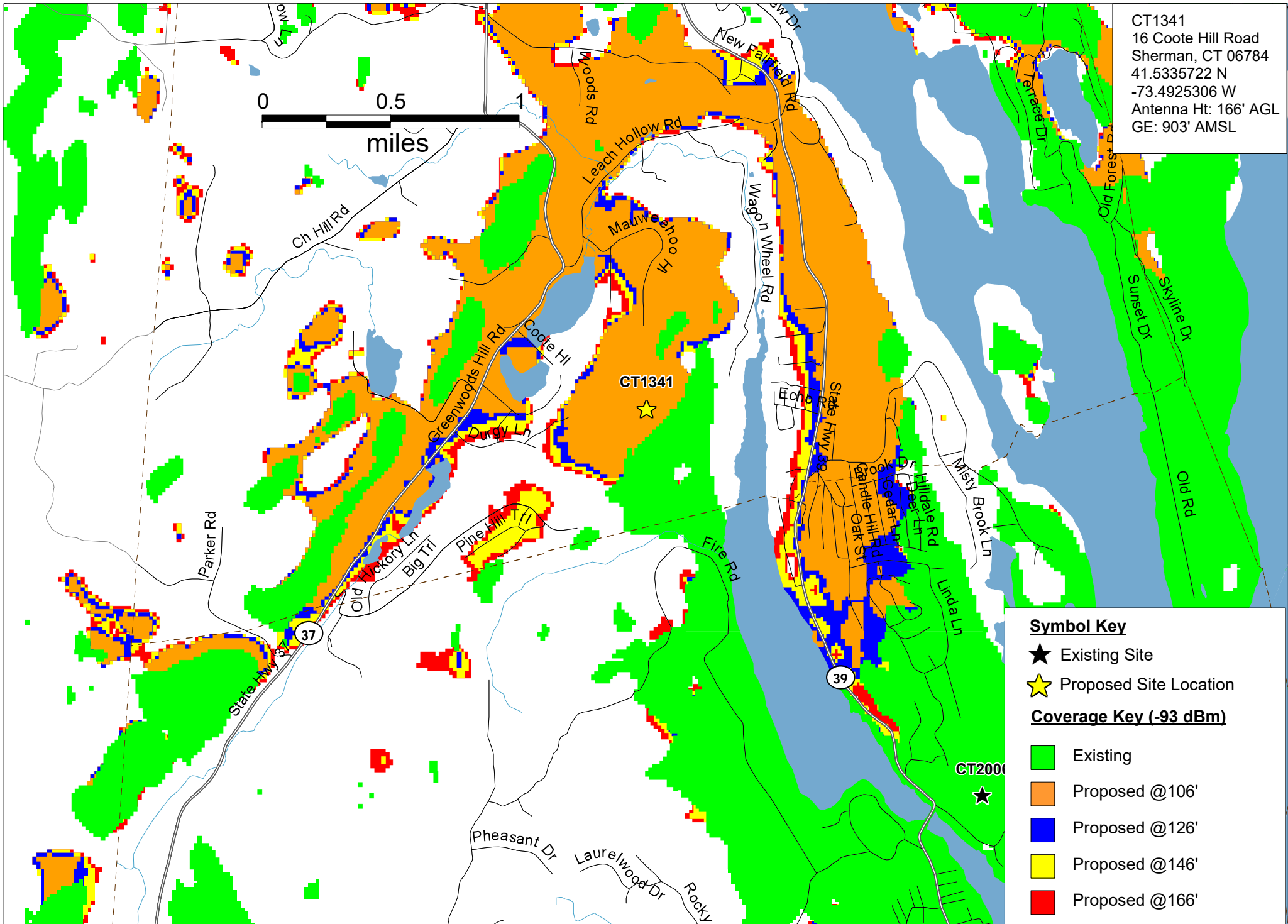
REV 0



CT1341  
 16 Coote Hill Road  
 Sherman, CT 06784  
 41.5335722 N  
 -73.4925306 W  
 Antenna Ht: 166' AGL  
 GE: 903' AMSL

- Symbol Key**
- ★ Existing Site
  - ★ Proposed Site Location
- Coverage Key (-93 dBm)**
- Existing
  - Proposed @106'
  - Proposed @126'
  - Proposed @146'
  - Proposed @166'

CT1341  
 16 Coote Hill Road  
 Sherman, CT 06784  
 41.5335722 N  
 -73.4925306 W  
 Antenna Ht: 166' AGL  
 GE: 903' AMSL



**Symbol Key**

- ★ Existing Site
- ★ Proposed Site Location

**Coverage Key (-93 dBm)**

- Existing
- Proposed @106'
- Proposed @126'
- Proposed @146'
- Proposed @166'

Height Analysis

CT1341

16 Coote Hill Road  
 Sherman, CT 06784



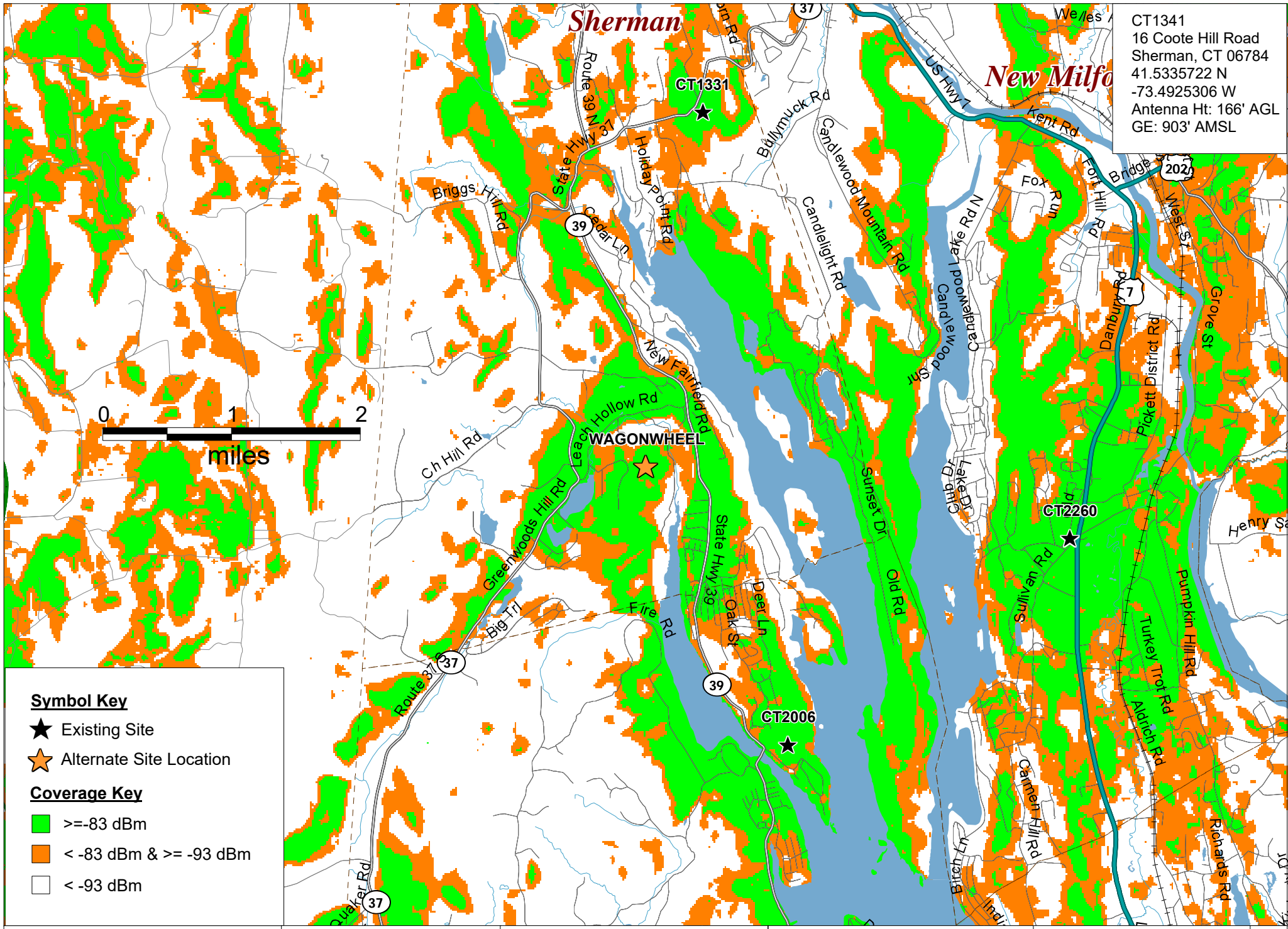
PREPARED ON \_\_\_\_\_  
 DATE: 12/02/2020

REV 0



# **ATTACHMENT 2**

CT1341  
 16 Coote Hill Road  
 Sherman, CT 06784  
 41.5335722 N  
 -73.4925306 W  
 Antenna Ht: 166' AGL  
 GE: 903' AMSL



**Symbol Key**

- ★ Existing Site
- ★ Alternate Site Location

**Coverage Key**

- $\geq -83$  dBm
- $< -83$  dBm &  $\geq -93$  dBm
- $< -93$  dBm

Existing & Alternate Coverage

CT1341

16 Coote Hill Road  
 Sherman, CT 06784



PREPARED ON  
 DATE: 9/11/2020

REV 0