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March 28, 2022

Melanie A. Bachman, Esq., Executive Director
Members of the Connecticut Siting Council
State of Connecticut
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: Docket No. 499 – Homeland Towers, LLC, Certificate of Environmental Compatibility and Public Need for the Construction, Maintenance and Operation of a Telecommunications Facility located at 16 Coote Hill Road, Sherman, CT.

Dear Ms. Bachman and Members of the Connecticut Siting Council:

I am writing to you regarding a letter sent to you on March 23, 2022 by Manuel Vicente, President of Homeland Towers. This letter confirms that Homeland Towers has applied for the DEEP General Permit referenced in the first paragraph of a letter sent to Lucia Chiocchio, Esq., an attorney for the applicant. I have not seen that letter. Nor have I seen the letter referenced in paragraph two of Mr. Vicente's letter, Mr. Neil R. Marcus' ***ultra vires*** letter to the Council dated March 18, 2022 that refers to the June 1, 2020 Access Road Agreement between Homeland Towers and Mr. Pepper Platt Jones.

In his letter, Mr. Vicente has characterized me, in paragraph 5, as an opponent to the Telecommunications Facility. I would restate, for the record, that I was acting as an Intervenor in this matter. In that capacity, I raised questions about elements of the Homeland Towers application that, based on work done by an independent radiofrequency engineer, Richard Touroonjian of Allegiant Wireless, formerly employed as an independent radiofrequency engineer by the Town of Sherman, who challenged both the location and design of the Telecommunications Facility proposed by Homeland Towers.

At the time of the hearing on Docket 499, on May 25, 2021 and June 24, 2021, I acknowledged that the Connecticut Siting Council did not have jurisdiction over the private road. However, Mr. Vicente and Mr. Vergati have incorrectly presumed that the agreement signed by Mr. Jones was binding because they had failed to investigate the legal responsibilities of the property owners who access their residential properties via

Coote Hill Road. These legal responsibilities, stated in covenants in their individual property deeds, obligate them to share equally in the costs of maintaining the shared driveway known as Coote Hill Road. For most of its approximately 1500' length, Coote Hill Road is an 11' wide gravel driveway with drainage ditches along both sides. Vehicles meeting each other on the road invariably necessitate that one of them backs up to an intersecting driveway in order for them to pass each other. For a distance of more than 800', there are only 3 intersecting driveways.

Mr. Vergatti has stated that he didn't need Mr. Jones' permission to use the road since Homeland Towers was going to be a tenant at 16 Coote Hill Road and would, therefore, have rights to use the road. He told Mr. Jones that he was making this agreement as a courtesy to Mr. Jones. However, because of the covenants in the deeds of the property owners along this private driveway, Mr. Jones was opening those property owners to a liability for road maintenance that exceeded what any of them might have reasonably expected when signing the deeds to their respective properties.

The approval of the site for the Telecommunications Facility at 16 Coote Hill Road in Docket 499 by the Connecticut Siting Council and the subsequent building permit issued by the Town of Sherman do not give Homeland Towers the right to use this private driveway. That matter is not in the jurisdiction of the Siting Council nor is it in the jurisdiction of the Town of Sherman. It is a property rights matter. Mr. Vergatti erred in not getting the consent of the abutting property owners who have a property interest in the private driveway.

I have taken the time to respond to Mr. Vicente's letter because, once again, he, on behalf of Homeland Towers, has distorted the record and what he believes are rights conferred by the Siting Council and the Town of Sherman. *Ultra vires* means "beyond the powers." Mr. Vicente has conflated the rights bestowed by the Siting Council and the Town of Sherman and the contract with Pepper Jones, if it is valid, to give Homeland Towers rights that supersede the deeded obligations and rights of property owners that access their homes via Coote Hill Road. Until this past week, I have had no contact with residents of Coote Hill Road and I have not been involved with any aspect of this application for more than 6 months.

Cordially,

Stan Greenbaum

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