

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

ORIGINAL

IN RE:
APPLICATION OF NEW CINGULAR WIRELESS
PCS, LLC (AT&T) FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE CONSTRUCTION,
MAINTENANCE AND OPERATION OF A
TELECOMMUNICATIONS TOWER FACILITY
AT ST. MATTHEW LUTHERAN CHURCH AT
224 LOVELY STREET IN THE TOWN OF AVON

DOCKET 373

MARCH 24, 2009



WRITTEN TESTIMONY OF MARK TOOMEY
FOR THE MARCH 31, 2009 SITING COUNCIL HEARING

I would like to take this time to thank you for allowing me the opportunity to voice my strong opposition to the proposed AT&T telecommunications tower located on the property of ST. Matthew Lutheran Church at 224 Lovely Street Avon, CT. At this time I would like to begin my remarks by stating that I speak for myself, my wife Sheridan, my 2 young children Ryan and Addison and my mother-in-law Sheila who resides with us.

My written testimony will be broken down as follows:

- (I) Notification and Knowledge of proposed cell tower.
- (II) Design, Location, and Impact of proposed cell tower
- (III) Personal Feelings and Closing Comments

(I)

Notification and Knowledge of proposed cell tower

Unfortunately I first learned of this proposed partnership ST. Matthew Lutheran Church has entered with AT&T on December 23, 2009 from a certified letter from Cuddy & Fisher. This certified letter I received 2 days before the holiday did not help me and my family have a very Merry Christmas. In fact it started a lot of debate in our household and frustration directed toward the church. Once I began to investigate this potential project, I became more and more disgusted and outraged over what has been taken place. My investigation turned up documents and communication from the church on this subject that dated back to early spring 2008.

The next letter of notification I received was on January 15, 2009. (Please see exhibit A) This letter was written by our neighbor and pastor Geoff Sinibaldo. This letter was more personal and was given to only the residents that reside on Greenwood Drive. For the record, Geoff and his family reside on Greenwood Drive as well. I didn't know how to respond to this letter I received in the mail. I first viewed it as a poor back track to what has taken place across the street from my house for months and months under the radar. I then began to grow more disappointed at AT&T and the church, the neighbor I see everyday.

So as a good neighbor, I began to talk and inform others who will be affected by this "eyesore" in the sky. I did what the church decided not to do. I notified neighbors who live across the street on Bridgewater Lane, Northgate Lane, Coldspring Road and all

other surrounding neighborhoods that will be able to see this tower and be affected by it's intimidating site. Most agreed that they have beautiful views of the valley and can see the steeple from their homes. The steeple seems to be a sight of serenity to most. This tower they stated will be seen and will obstruct what the sight of the steeple means personally to them. All neighbors in the area including West and North of the church had no idea about this potential cell tower being constructed. I mention the West and the North for a reason. In the application section 5, it was stated that neighbors to the West and North were contacted with no response but somehow the neighbors on Greenwood Drive were not. I would like to know who was contacted and did not give a response. Once the neighbors were aware of the news by my efforts, they began to raise their concerns and voice their opposition through phone calls and letters to both the Town of Avon as well as the CT Siting Council. This response that has been witnessed by the Town as grown dramatically over the past couple months once they became more aware of what may evade their community they grew to love. However, by the time neighbors gained knowledge over this the train was already half way down the track.

I put all responsibly of this on the church. As a good neighbor, the church should have brought this up to their neighbors and ask for their comments and concerns. There has been numerous meetings that have taken place but yet no attendance from any from the church or AT&T. I spoke to a friend of the family who is a parishioner of the church and they were blown away by what their house of worship is looking to do to its neighbors. Would this have changed what they are looking to do? Who knows but at least when they open the doors to the church they would be able to live and pray by the saying

“ Love Thy Neighbor.”

Months prior to receiving the 2 letters I have seen and talked with the pastor of the church as well as parishioners doing yard work. There was no mention of what as been written in ‘The Voice’ for months which is a newsletter of the church. I did have a conversation with one of the pastors of the church in January. I asked him a question and it was, “ Would you be putting this tower up if there was no revenue involved?” I’m sure we all know the answer to this and it was NO! So response to other reason stated in the minutes from a meeting date November 18th Mr. Himes stated that they are installing it for the community use is not accurate. However, little do they know the community that they are looking to help has major indifferences over this proposed tower. Maybe if members of the church and AT&T attended one of the many town meetings they would have heard the concerns raised by many surrounding residents.

I will concluded this section of my testimony by stating that I bought my house in the year 2001. Since then the church put an addition on and had some heavy construction done. I received notice by a letter at that time from the church of what will be taken place over the next year and that they apologize for any noise and/or inconvenience. However, they had no intention of notifying me or neighbors of what will take place on their property for the rest of my life. I find that very ironic.

(II)

Design, location and impact of proposed cell tower

After I received notification I began to review the application of this proposed cell tower. In this application the location and design of the cell tower was made public. Once I was able to comprehend the size of the tower they are proposing to construct it began stirring in my head about the true impact this will have on the surrounding neighborhood and the rural setting of our town that I grew to love.

I am sure you are very aware of the design that AT&T is proposing to construct on the property of ST. Matthew Lutheran Church. The proposed facility will consist of a 50 x 50 foot fenced in compound. The fence that will surround this compound will be a 8 foot high metal stockade fence with possible bared wire on top to keep out vandalism. If you require a visual of this visit your local state prison. Inside this compound there will be a maintenance shed, a massive amount of electrical equipment, potential generators to handle future carriers already signed on and future health risks to my children and the community.

Most important to this proposal is the design and size of the 100 foot metallic monopole. This monopole will be 40 + feet higher than the steeple and 30 + feet higher than any trees in the area. The tower will then consist of 10 foot antennas starting from the top and eventually make there way down as future carriers get on board. This will not only make our community look like a commercial zone but it will drastically change our rural neighborhood setting the town of Avon as been know for.

The location of the tower has become of greater concern for myself and family as I learned more of where it may be constructed. It will be located in an area of trees that are old and on its last leg. The area of trees are not dense and some will be removed to accommodate the compound and monopole. Once construction begins the trees will have stress put on them and will eventually die. So I disagree with the statements made that trees will be a visible buffer to neighbors on Greenwood Drive as well as other surrounding neighborhoods. I have a similar pine tree in my yard. Every year I lose large branches from heavy snow and wind. These branches do not grow back.

The proposed site will be located approximately 188 +/- feet from the nearest residential dwelling. The next closest resident will be 238 +/- feet from the compound. These dimensions were supplied in questions and answers by AT&T interrogatories dated February 27, 2009. What was not mentioned is the actual closest resident is estimating to be around 75 +/- feet from the site. This is the residence of the assistant pastor, his wife and 2 young children. This house or so called parsonage is owned by the church. But yet has a family residing there. It will potentially be in the "fall zone" of the tower.

The tower will be constructed in a R-30 residential neighborhood. It will have 39 houses within 1000 feet. However, exhibit F in the interrogatories does not show the residence or parsonage. Also isn't the church considered a residence of god? I see a lot of daily activity going in and out of the church daily and nightly. It supports church meetings, children bible study groups, weight watchers meetings, movie nights and many more activities through the week. So I believe the church is considered a home away from home for many.

At this time I would like to discuss the visual resource evaluation report in the application section 4. These photos show views from different locations in the surrounding neighborhoods and comments on how visible the tower will be. This is important because this flows into the impact of the cell tower and compound. I believe the photos that were taken come across bias and at times at fault. After reviewing the photos, all were taken in "leaf on" conditions. There were no photos shown of any "leaf off" period. The comment in the photos " Please note tower will be minimally visible during leaf off conditions" is not fully clear. Where are the photos in this application during the "leaf off" condition to see if AT&T can back up their above statement? As we all know from living in Connecticut leaves are off trees from October to May. That period consists of almost 8 months of the year. This is crucial because the houses and neighborhoods that will be impacted are larger than what was initially mentioned. Also there are no photos taken from the properties located on Greenwood drive. I believe myself and other residents on Greenwood Drive will be the ones that will be the most affected by the compound and tower proposed.

Due to this incomplete evaluation in the application I took the initiative to take photos from my property toward the location of the site. These photos mentioned below are views that I currently have of the proposed site with no tower and views in which I will have in the future if the tower goes in its current location. For the record, the photos are of a similar compound and tower taken from the Canton Fire Department located on 14 Canton Springs Road Canton, CT. This tower is larger in height and the compound possibly larger in square feet. However, these photos from my property and the site in

Canton are used for the visual impact of the location that was not shown in the application. The actual dimensions of this tower in Canton can be viewed in the application section 1.

The first location of my photos was taken from my front door looking toward the proposed cell tower site. (Please see exhibit B for this photo.) It is approximately 300 +/- feet from the site. In this photo you can clearly see the shed, dumpster and trees where this will be going in. The next photos taken was standing the same distance in feet from the existing site in Canton mentioned above. (Please see exhibit C and D for these photos) As you can see, the compound will be clearly visible from my front door. The location of it will be close enough to hear any noise that may come from it from future tenants generators and the monopole will be clearly seen.

The second location of my photos was taken from the corner of my property that abuts 15 Greenwood Drive.(Please see exhibit E and F for these photos). From here you can read the company on the dumpster. This distance is approximately 200 +/- feet from the site. The next 2 photos are the same distance from above taken at the site in Canton (Please see exhibit G and H for these photos) As you can see, the visual becomes more intimidating and the impact more devastating. From this distance of my property the site will become even more evident and you will clearly make out the fence and structures inside.

The last location of my photos is the most important of all. These photos are taken of the current site. (Please see exhibit I, J and K for these photos). This is significant because these are the views of my children, the pastor's children and all other children

who play there daily currently have. You can see the evidence of use by the playground in the distance. The field right here is used for soccer, golf and activities the church puts on. The last photos taken is the most eye opening of all. They will be the views that my children and all others will see if this tower is constructed. (Please see exhibit L, M and N for these photos). The fence around the compound will be a curiosity factor to all children that play and those who enter and exit the church daily. The monopole will take away the peace and tranquility that everyone is accustomed to living in the area and attending the church daily.

Due to the design and location of this cell tower, the impact on the neighborhood will be tremendous. This potential impact on the local community around the church greatly outweighs the need for a telecommunications tower. It will affect property values, the integrity of our town and will diminish the surrounding natural environment. It will set precedent in our town and would commercialize the neighborhood and the rural setting the town has been known for. The need for the tower does not balance out what the community will lose.

(III)

Personal feeling and closing comments

Around three years ago I had a big decision to make. My mother-in-law was going to move in with us. We needed more space to accommodate our growing family. Because we enjoy the quite large piece of property we own we decided to build onto our existing

house and raise my children here. If we knew that we would be dealing with a possible cell tower located 300 +/- feet from our front door we would have moved. We stayed because of the quite neighborhood and the safety the nearby area has to offer. I put every last penny I had into my house and property only to have it potentially devalued by a cell tower. But yet my neighbor across the street will be gaining value with this tower located on the their property.

After reading the application several times and reviewing all the material enclosed there is a lot of significant false statements made, lack of proper evaluation of other sites and incomplete and biased exhibits. Some false statements include notification involved and support of the tower from some. This support was made prior to the application becoming public and what the true design and location would consist of.

In the application there are many others sites that are mentioned. And that is pretty much it. They are just mentioned. There was no proper site evaluation made on the other sites. I believe this site was chosen strictly due to the ease of the location and the full open arms and door. I would like to see more data and information regarding the other sites that were mentioned. The church is located right in the middle of the so called "dead zone." . Who is complaining about no service? The cars that drive down the road talking on their phones? The last I knew it is illegal in the State of Connecticut to talk on their phone while driving. So I ask this question, Is the design and location of the tower necessary to accommodate such a small area of spotty coverage that AT&T reports? The tower they are looking to construct is large enough to handle half the town of Avon but yet the area they are looking to cover is an area about 1 mile in radius. Do we need

100% coverage at the present location when other locations nearby could help feed the small radius called out in the application? There is already service present in the area. All that is needed is possible support from nearby towers. I currently have Verizon service and my wife AT&T, I will put to test that you stand in my driveway, Greenwood Drive or the church parking lot you will get service from your phone. So I would like to see more information regarding frequency that is given off if the tower is located on other sites that was not in the report from AT&T.

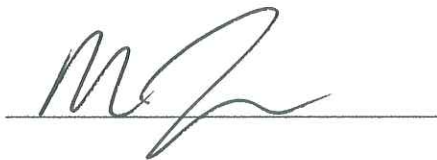
As mentioned above the report was biased and incomplete. Photos were taken from streets that aren't even around the proposed site. Visuals were supplied that don't truly detect what the impact will be. And most important there are not enough pictures taken from and around Greenwood Drive as well as the entire ridge including streets like Bridgewater Lane, Northgate and Westland Drive. These will be the ones that have the most visual impact of this tower itself.

If this site is the only feasible location, I would like some alternate positions and designs looked at. I would like to see if the site could be moved farther in the back of the property so that its impact and visual look would not be as harsh. I would also like to see if working this into the existing steeple would help save the look of the town. If not, I would like to see if another steeple could be designed to balance out the look of the church. What about a flag pole and/or different look and color of a tower? These are all questions that was never raised up and reviewed further in the application by AT&T. The church seemed to put a stop to this before it went forward. This goes to show the lack of concern and care the church has for its community. They have no intention of being

inconvenienced at all during this project. The only extra effort that will be put forth by the church in accepting this project will be opening up an extra envelope each month with its monthly revenue check enclosed.

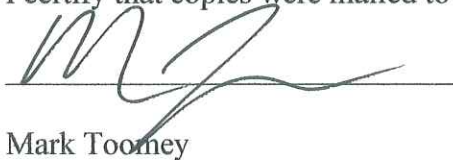
I do appreciate that there are efforts made to protect the Eastern Box Turtle that lives in the area. However, I believe AT&T has not done enough research on what the actual damage would be with their natural habitat disrupted. Not only do you have this species in the area, you have deer, bear, turkeys, rabbits and many other animals that come down from the ridge to drink out of the brook at the end of Greenwood Drive.

At this time, I would like to conclude my written testimony regarding the proposed telecommunication tower located on the property of ST. Matthew Lutheran Church 224 Lovely Street Avon ,CT. I hope that my opinion and grave concerns are heard in a way that will help affect the future lives of many neighbors, and my family and save the look of our community. I would like to thank the Connecticut Siting Council for giving me the opportunity to voice my opposition. At this time I will be open to any questions you may have.



Mark Toomey

I certify that copies were mailed to all parties of record on March 23, 2009.



Mark Toomey



SAINT MATTHEW LUTHERAN CHURCH

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The Rev. William S. Carter, Pastor
The Rev. Geoff T. Sinibaldo, Pastor

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EXHIBIT A

Dear Neighbor,

January 15, 2009

Greetings!

I would like to inform you of a partnership St. Matthew has entered into with AT&T Mobility (formerly Cingular). I do invite face to face conversation and hope we can get together soon.

St. Matthew has signed an agreement with AT&T to construct a cell tower on the St. Matthew property. It will provide cell service to the West side of Avon that has been sub-standard up until this time. As an active member of our town, we feel that having phone coverage, will make our community more safe in times of emergency, as well as benefit surrounding homes and businesses where the current signal is weak.

The tower will be located on the church property. It will stand adjacent to the dumpster in the cluster of pine trees next to our parking lot. It will take several months to construct the tower, and under AT&T, the process is currently underway to seek approval from the State of Connecticut Citing Council. We have already received a letter of support from Richard Kisiel, the Superintendent of Schools in the Town of Avon as we move forward. The Town of Avon is also enthusiastic about project, as it will extend the communication abilities of both our Police and Fire Departments. You will hear more about the tower in coming months. As good neighbors, our congregation wanted to inform you of this project at its early stages of development. As your neighbor on Greenwood Drive, I find this a helpful opportunity to benefit our community, and receive better reception in our home.

I invite further conversation as the months unfold.

Thanks!

Pastor Geoff Sinibaldo

EXHIBIT B



EXHIBIT C



EXHIBIT D



EXHIBIT E



EXHIBIT F



EXHIBIT G



EXHIBIT H



EXHIBIT I

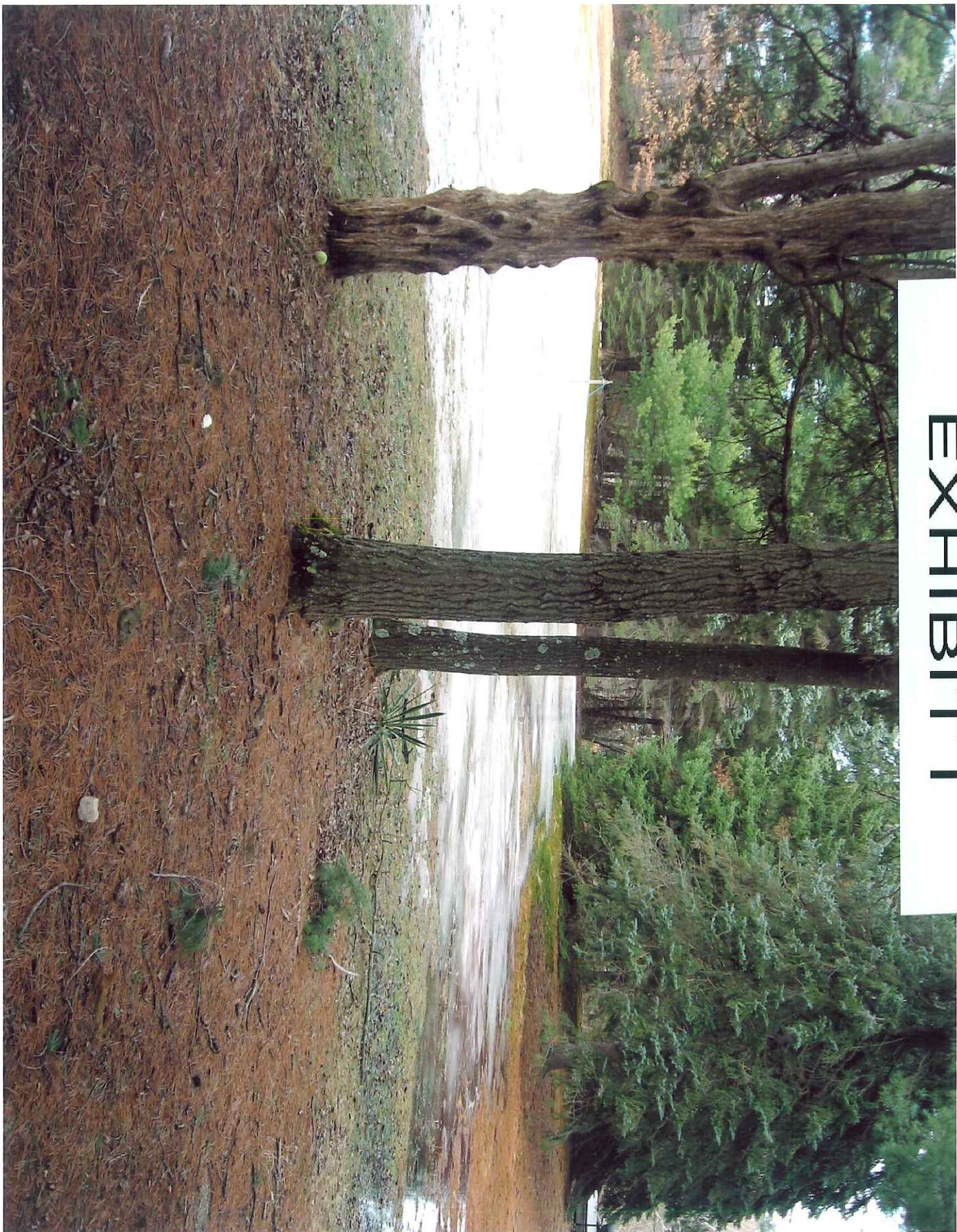


EXHIBIT J



EXHIBIT K



EXHIBIT L



EXHIBIT M



EXHIBIT N

