

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF NEW CINGULAR	:	
WIRELESS PCS, LLC FOR A	:	DOCKET NO. 408
CERTIFICATE OF ENVIRONMENTAL	:	
COMPATIBILITY AND PUBLIC NEED	:	
FOR THE CONSTRUCTION,	:	
MAINTENANCE AND OPERATION OF A	:	
TELECOMMUNICATIONS FACILITY AT	:	
95 BALANCE ROCK ROAD, HARTLAND,	:	
CONNECTICUT	:	JANUARY 4, 2011

PARTY THOMAS H. SIRMAN'S HEARING INFORMATION

EXHIBITS TO BE OFFERED

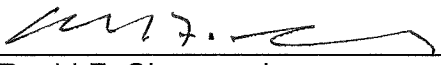
Mr. Sirman resides at 88 Balance Rock Road, Hartland, Connecticut, which is directly across the street from the location of the tower proposed in Docket No. 408. The proposed tower will be visible from Mr. Sirman's residence, and if constructed, will have a significant negative effect on the value of his property. Mr. Sirman's interests therefore will be substantially and specifically affected by this proceeding.

Mr. Sirman proposes to participate in the hearing by filing pre-hearing interrogatories, cross-examining the Applicant's witnesses, and offering oral and written testimony or evidence.

For the above-stated reasons, Thomas H. Sirman petitions the Council to participate in this docket as party.

Respectfully submitted,

THOMAS H. SIRMAN


By 
David F. Sherwood
Moriarty, Paetzold & Sherwood
2230 Main Street, P.O. Box 1420
Glastonbury, CT 06033-6620
Tel. (860) 657-1010
Fax (860) 657-1011
dfsherwood@gmail.com
Juris No. 412152
His Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on the 10TH day of November, 2010, a copy of the foregoing was sent, first class U.S. mail, postage prepaid, to:

Attorney Lucia Chiocchio
Attorney Christopher B. Fisher
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Michele Briggs
AT&T
500 Enterprise Drive
Rocky Hill, CT 06067



David F. Sherwood
Commissioner of the Superior Court

MORIARTY, PAETZOLD & SHERWOOD

ATTORNEYS AT LAW

2230 MAIN STREET • P.O. Box 1420
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DAVID F. SHERWOOD
dfsherwood@gmail.com

TELEPHONE: (860) 657-1010
TELECOPIER: (860) 657-1011

November 9, 2010

Leonard DeGray, President
Ring Mountain Hunt Club, Incorporated
265 Salmon Brook Road
Granby, CT 06035

Reference: Docket No. 408 – New Cingular Wireless PCS, LLC
Proposed Cell Tower - 95 Balance Rock Road, Hartland, Connecticut

Dear Mr. DeGray:

We represent Thomas H. Sirman, who resides at 88 Balance Rock Road, across from the proposed tower at the above referenced location.

My purpose in writing is to request permission for Mr. Sirman and his engineering and environmental consultants to enter the property at 95 Balance Rock Road for the purpose of better understanding and evaluating the suitability of the location of the proposed tower. Please let me know if you will give your permission for them to enter the property.

Thank you for your consideration. I look forward to hearing from you.

Very truly yours,

MORIARTY, PAETZOLD & SHERWOOD

David F. Sherwood

/mds

cc: Linda Roberts, Executive Director
The Honorable Wade E. Cole, First Selectman
William H. Emerick, Jr., Chairman
Warren Haag, Chairman

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November 9, 2010

Attorney Christopher B. Fisher
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Reference: Docket No. 408 – New Cingular Wireless PCS, LLC Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut

Dear Attorney Fisher:

We represent Thomas H. Sirman, who resides at 88 Balance Rock Road, across from the proposed tower at the above referenced location. I am enclosing a copy of his notice of intent to be a party in the Connecticut Siting Council's proceedings on this application for your reference.

My purpose in writing is to request permission for Mr. Sirman and his engineering and environmental consultants to enter the property at 95 Balance Rock Road for the purpose of better understanding and evaluating the suitability of the location of the proposed tower. Please let me know if you will give your permission for them to enter the property.

Thank you for your consideration. I look forward to hearing from you.

Very truly yours,

MORIARTY, PAETZOLD & SHERWOOD

David F. Sherwood

/mds
Enclosure

cc: Linda Roberts, Executive Director
The Honorable Wade E. Cole, First Selectman
William H. Emerick, Jr., Chairman
Warren Haag, Chairman

MORIARTY, PAETZOLD & SHERWOOD

ATTORNEYS AT LAW

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November 9, 2010

Attorney Tony E. Jorgensen
Jorgensen Law Firm
89 Oak Street
Hartford, CT 06106

Reference: Docket No. 408 – New Cingular Wireless PCS, LLC Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut

Dear Attorney Jorgensen:

We represent Thomas H. Sirman, who resides at 88 Balance Rock Road in Hartland, across from a proposed cell tower at 95 Balance Rock Road. Mr. Sirman is opposed to the application to locate a cell tower at 95 Balance Rock Road because of the adverse aesthetic and environmental impacts which would result if the tower is located as proposed.

The application for the proposed tower, which is referenced above, indicates that New Cingular Wireless investigated several alternative locations for the tower on land in Hartland owned by the Metropolitan District. These sites are apparently suitable for the proposed cell tower but were not pursued by New Cingular Wireless as they are described as “unavailable.”

According to our inquiry at the Metropolitan District, you are the attorney who represents the District in connection with the leasing of land for telecommunications towers. My purpose in writing is to inquire whether the District would consider allowing a cell tower to be located on a portion of its land in Hartland, and if so, whether New Cingular Wireless has contacted you in this regard.

Thank you for your attention to this matter. I look forward to hearing from you.

Very truly yours,

MORIARTY, PAETZOLD & SHERWOOD

David F. Sherwood

/mds
cc: Thomas H. Sirman

December 7, 2010

VIA FACSIMILE & FIRST CLASS MAIL

Attorney David F. Sherwood
Moriarty, Paetzold & Sherwood
2230 Main Street
P.O. Box 1420
Glastonbury, Connecticut 06033-6620

Re: Connecticut Siting Council Docket No. 408
New Cingular Wireless PCS, LLC
Application for a Certificate of Environmental Compatibility and Public Need for the
construction, maintenance and operation of a telecommunications facility at
95 Balance Rock Road in Hartland, Connecticut

Dear Attorney Sherwood:

We are writing to you on behalf of our client, New Cingular Wireless PCS, LLC ("AT&T"), in connection with the above referenced Application. Specifically, we are writing in response to your request on behalf of your client, Mr. Sirman, for physical access to the property at 95 Balance Rock Road. Based on our discussion, it is our understanding that Mr. Sirman requests access to the property for his wetlands consultant to conduct their own testing and analyses. For the reasons set forth below, AT&T and the property owner are declining to provide your client with access to the property for such purposes.

As you are aware, this matter is the subject of a pending State Siting Council Application. As a courtesy to Town of Hartland officials, AT&T coordinated on-site field reviews with members of the Town of Hartland Inland Wetlands and Watercourses Commission on two separate occasions and despite the end of a Section 16-501 consultation. The Hartland Inland Wetlands and Watercourses Commission also requested that the Northwest Conservation District participate in the field reviews to provide an independent verification of the wetlands delineation included in AT&T's Application which permission was granted by our client.

Subsequent to these field reviews, on December 2nd, AT&T participated in a community meeting before the Hartland Inland Wetlands and Watercourses Commission, which you and your client attended. This community meeting also provided an opportunity for the Hartland Inland Wetlands and Watercourses Commission and others in attendance to obtain additional information regarding the wetlands and the proposed facility from AT&T's consultants, including Mr. Dean Gustafson, Senior Wetland Scientist with VHB who was in attendance. In addition, correspondence from the Northwest Conservation District was reviewed at the community meeting and as noted therein, the Northwest Conservation District confirmed that AT&T's wetlands delineations contained in its Siting Council Application were accurate.

The field reviews by the Hartland Inland Wetlands and Watercourses Commission, independent verifications of AT&T's wetlands delineation and report and other information in the Application provides more than sufficient information for the Siting Council's review of AT&T's proposed facility. Any additional field review by Mr. Sirman's wetlands consultant would simply be duplicative. More importantly, it is evident from your allegations presented to the Hartland Inland Wetlands and Watercourses Commission that the true purpose of the request for access to the site by Mr. Sirman's wetlands consultant is no more than a "fishing expedition" unrelated to AT&T's proposed facility. Your claims that the underlying property owners have violated local wetlands regulations are simply not relevant to the pending Application before the State Siting Council. As such, our client has advised us that, they as a tenant, and the property owners, are declining your request for access to the site for such purposes.

We do wish to note that an on-site field review will take place on the date of the Siting Council's public hearing in this matter which has been scheduled for January 13, 2011. At that time, the Siting Council, parties and intervenors and members of the public will have access to the property at 95 Balance Rock Road for visual inspections. You, your client, and any consultants are welcome at that time and for such purposes.

Very truly yours,



Lucia Chiochio

cc: Chairman Caruso and Members of the Connecticut Siting Council
Linda Roberts, Executive Director
Melanie Bachman, Esq.
Robert Mercier, Siting Analyst
Michele Briggs, AT&T
David Vivian, SAI Communications

MORIARTY, PAETZOLD & SHERWOOD

ATTORNEYS AT LAW

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DAVID F. SHERWOOD
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TELECOPIER: (860) 657-1011

December 9, 2010

Attorney Lucia Chiocchio
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601

Reference: Connecticut Siting Council Docket No. 408
95 Balance Rock Road, East Hartland

Dear Attorney Chiocchio:

Thank you for your letter to me of December 7, 2010, a copy of which is enclosed for your reference. We regret your client's decision to refuse to allow Mr. Sirman's environmental consultants access to the property at 95 Balance Rock Road.

As you know, our client, Mr. Sirman, is concerned about the proximity of the tower to his residence. The property at 95 Balance Rock Road is large, over 12 acres in size, and Mr. Sirman believes that it may be possible to move the tower site to the interior of the property, which would help serve to reduce its impact on him and his neighbors.

At the meeting before the Hartland Wetlands Commission, your soil scientist, Dean Gustafson, made it clear that he had only flagged the wetlands in the immediate vicinity of the proposed tower site. Despite Mr. Vivian's assurances that "the rest of the site is wetlands," no survey or wetlands delineation of the entire property has been made available to the public. A more extensive, independent investigation by Mr. Sirman's consultants could assist the Siting Council, as well as your client, in finding a better location for the tower.

Your letter includes a self-serving recital of the "courtesies" extended to the Hartland Wetlands Commission by granting a Northwest Conservation District soil scientist brief access to the site in November, when an adequate inventory and characterization of the wetlands resources was impossible due to seasonal constraints, and to the Hartland "community" by allowing them to listen to an AT&T public relations program lauding the merits of your application. You fail to mention, however, that the primary function of the Siting Council – and an important component of the site selection process – is to locate a tower where it will have the least adverse impact on the environment and citizens of its host community.

Your refusal to allow access to the property at 95 Balance Rock Road will only confirm what many people in Hartland already suspect, that AT&T is not interested in making any modifications or accommodations whatsoever with respect to the proposed tower. Your client is quick to assure us that it wants to "work with the community" to find the best site, yet it limits access and relevant information making any meaningful community contribution to the process

Attorney Lucia Chiocchio
Page 2
December 9, 2010

impossible. Indeed, your offer of access to the property on January 13, an hour prior to the commencement of the public hearing, can only be considered disingenuous.

I hope that your client will reconsider its decision.

Very truly yours,

MORIARTY, PAETZOLD & SHERWOOD

David F. Sherwood

cc: Thomas H. Sirman
The Honorable Wade Cole
Chairman Caruso and Members of the Connecticut Siting Council
Linda Roberts, Executive Director
Robert Mercier, Siting Analyst
Karl J. Wagener, Executive Director

89 Oak Street
Hartford, CT 06106-1515
(860) 246-2500
(860) 246-2504 Fax
www.jorgensenlaw.com

December 16, 2010

VIA FACSIMILE: (860) 657-1011
VIA FIRST CLASS U.S. MAIL

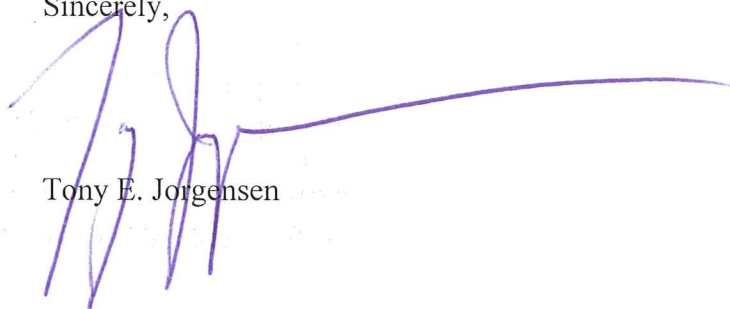
Attorney David F. Sherwood
Moriarty, Paeztzold & Sherwood
Attorneys At Law
2230 Main Street
P.O. Box 1420
Glastonbury, CT 06033-6620

Re: Docket No. 408 – New Cingular Wireless PCS, LLC Application for Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut

Dear Attorney Sherwood:

In response to your letter dated November 9, 2010, but not received until November 11, 2010, please know that the Metropolitan District would consider allowing a cell tower on its land, subject to customary due diligence efforts on the part of the District and its representatives. In addition, please know that the applicant has not contacted me, or any other District representatives, regarding its application. It is possible that someone may have reached out to me this week as I have been out of the office for medical reasons. If this is the case, I will let you know the results of any conversations that I may have with New Cingular's representatives.

Sincerely,



Tony E. Jorgensen

TEJ/sjr

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF NEW CINGULAR
WIRELESS PCS, LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
FOR THE CONSTRUCTION,
MAINTENANCE AND OPERATION OF A
TELECOMMUNICATIONS FACILITY AT
95 BALANCE ROCK ROAD, HARTLAND,
CONNECTICUT

DOCKET NO. 408
RECEIVED
DEC 23 2010

CONNECTICUT
SITING COUNCIL

DECEMBER 22, 2010

THOMAS SIRMAN'S INTERROGATORIES TO THE APPLICANT

Thomas Sirman submits the following interrogatories to the applicant, New
Cingular Wireless PCS, LLC:

Question No. 1

How did you determine that the proposed site location named in your application
complies with the Town of Hartland's Plan of Conservation and Development?

Response

Question No. 2

Why was the property identified as site no. 6 in the site search summary (tab 6 of
the application) deemed to be unsuitable as an alternative location for the proposed
tower? How did the applicant determine that the entire 40 acre parcel was part of Tunxis
State Forest? What use is the State of Connecticut currently making of site no. 6?

Response

Question No. 3

Have you considered 339 South Road, Hartland or 38 Pell Road, Hartland as alternative locations for the proposed tower?

Response

Question No. 4

If the answer to the previous interrogatory is in the affirmative, please state exactly what you did to research the sites as alternative locations, and why they were found to be unsuitable.

Response

Question No. 5

Do you have or have you conducted any studies regarding the impact of cellular communications towers on the values of neighboring residences?

Response

Question No. 6

Have you performed an analysis of the likely impact of the proposed cellular communications tower at 95 Balance Rock Road on the value of neighboring residences?

Response

Question No. 7

Other than making inquiry into the Connecticut Department of Environmental Protection Natural Diversity Database, has the applicant conducted any investigation of what endangered or threatened species may be present in the vicinity of the site?

Response

Question No. 8

Will blasting be necessary to complete construction of the facility?

Response

Question No. 9

Did the applicant conduct a survey of the property at 95 Balance Rock Road? Did the applicant conduct a topographic survey of the property at 95 Balance Rock Road? Is any survey available of the property at 95 Balance Rock Road?

Response

Question No. 10

Have all inland wetlands and watercourses on the property at 95 Balance Rock Road been delineated? If not, why not?

Response

Question No. 11

Have field inventories and resource characterization been done for any of the wetlands and watercourses resources at 95 Balance Rock Road during the growing season? Have any of the applicant's consultants visited 95 Balance Rock Road during the Spring season, and if so, when and for what purpose?

Response

Question No. 12

Has the applicant determined whether the small depressional area within Wetland B identified in the Kleinfelder report is a vernal pool?

Response

Question No. 13

What studies were conducted and what resources did the applicant use to determine that the proposed cellular communications tower would not be located in any known bird concentration areas or known migratory or daily movement flyways?

Response


Question No. 14

With respect to the applicant's response to Question 8 of the Siting Council's Interrogatories (Set One), and the applicant's Exhibit D attached to its responses, why was the proposed lease area not relocated to the extreme northeast corner of the property at 95 Balance Rock Road?

Response

Respectfully submitted,

THOMAS H. SIRMAN

By 
David F. Sherwood
Moriarty, Paetzold & Sherwood
2230 Main Street, P.O. Box 1420
Glastonbury, CT 06033-6620
Tel. (860) 657-1010
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Juris No. 412152
His Attorneys

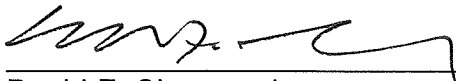
CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December, 2010, a copy of the foregoing was sent, first class U.S. mail, postage prepaid, to:

Attorney Lucia Chiocchio
Attorney Christopher B. Fisher
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601
lchiocchio@cuddyfeder.com
cfisher@cuddyfeder.com

Michele Briggs
AT&T
500 Enterprise Drive
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Michele.g.briggs@cingular.com

Margaret F. Rattigan
Murphy, Laudati, Kiel, Buttler &
Rattigan, LLC
10 Talcott Notch, Suite 210
Farmington, CT 06032



David F. Sherwood
Commissioner of the Superior Court

RESIDENTIAL

VALUATION RECORD

Assessment Year	10/01/2001	10/01/2002	10/01/2005
Reason for Change	2001	2002	2005
VALUATION	L 0	57340	85340
Market 2005	B 0	119810	143870
	T 0	177150	229210
VALUATION	L 0	40140	59740
Assessed/Use	B 85720	83870	100710
	T 85720	124010	160450

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
Soil ID	Acreage	-or-	Depth	Rate	Rate	Value	Factor	
Actual	Effective	Effective	-or-	Rate	Rate	Value		
Frontage	Frontage	Depth	Square Feet					
1 Homesite	2.0000		1.00	40000.00	40000.00	80000.00		80000
2 Res Excess Acres	1.7800		1.00	3000.00	3000.00	5340.00		5340

Site Description
 Topography: Rolling
 Public Utilities: Electric
 Street or Road: Paved
 Neighborhood: Static
 Zoning: R-1

Legal Acres: 3.7800

B: BUILDING NOTES
 90% COMP FOR 2001

Supplemental Cards
 TRUE TAX VALUE 85340

Supplemental Cards
 TOTAL LAND VALUE

IMPROVEMENT DATA

01

PHYSICAL CHARACTERISTICS

Style: 2 Story
 Occupancy: Single family
 Story Height: 2.0
 Finished Area: 2354
 Attic: None
 Basement: None
ROOFING
 Material: Asphalt Shingles
 Type: Gable
 Framing: Std for class
 Pitch: Not available
FLOORING
 Sub and Joists 1.0, 2.0
 Hardwood 1.0, 2.0
EXTERIOR COVER
 Wood Siding 1.0, 2.0
INTERIOR FINISH
 Drywall 1.0, 2.0
ACCOMMODATIONS
 Finished Rooms 7
 Bedrooms 4
 Formal Dining Rooms 1
 Fireplaces: 1

HEATING AND AIR CONDITIONING

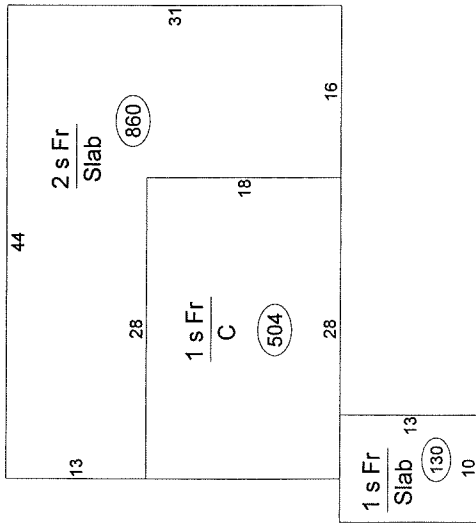
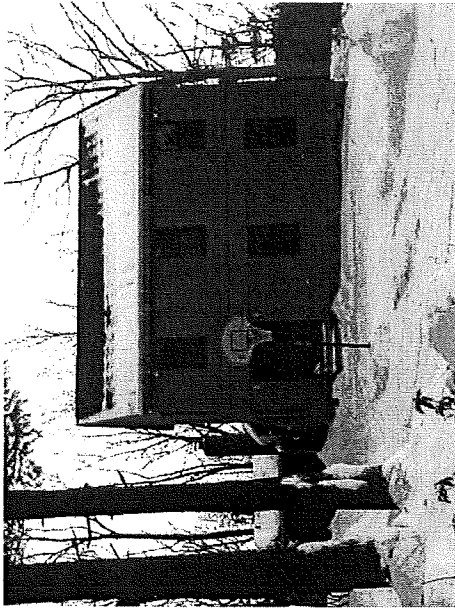
Primary Heat: Forced Hot Air-gas
 Lower Full Part
 /Bsmt 1 Upper Upper

PLUMBING

3 Fixt. Baths #
 Kit Sink 2 6
 Water Heat 1 1
 TOTAL 1 1 8

REMODELING AND MODERNIZATION

Amount Date



SPECIAL FEATURES

Description	Value
D :MAS-STK	3400

SUMMARY OF IMPROVEMENTS

ID	Use	Story Hgt	Const Type	Grade	Year Const	Year Eff Const	Year Cond	Base Rate	Feat-ures	Adj Rate	Size of Area	Computed Value	Phys Obsol	Market %
D DWELL	0.00	0.00	1936	AV	0.00	Y	0.00	2354	203820	30	0	100	100	142670
01 UTLSHED	1.00	1	AVG	2001	2001	AV	7.00	10X	18	14	0	100	100	1200
												1390	14	0

Data Collector/Date: EJM 07/31/2002

Appraiser/Date: 01/01/1900

Neighborhood: Neigh 1 AV

Supplemental Cards: 143870

TOTAL IMPROVEMENT VALUE

ADMINISTRATIVE INFORMATION

PARCEL NUMBER
28-07-005

Parent Parcel Number

Property Address
SOUTH RD 339

Neighborhood
1 East Hartland

Property Class
101 Single Family

TAXING DISTRICT INFORMATION

Jurisdiction

Area
065

Routing Number
8-1-004

OWNERSHIP

CASE ARLOW H & SUSAN A
339 SOUTH RD
E HARTLAND, CT 06027

Census Tract: 3301

Tax ID 98100139

TRANSFER OF OWNERSHIP

Date

11/24/1997 * Bk/Pg: 61, 944
10/02/1995 * \$270000
07/03/1995 * Bk/Pg: 59, 237
05/11/1987 * \$230000
\$0 Bk/Pg: 58, 567
\$0 Bk/Pg: 46, 391

Printed 01/05/2011 Card No. 1 of 1

RESIDENTIAL

VALUATION RECORD

Assessment Year	10/01/2001	10/01/2002	10/01/2003	10/01/2005	10/01/2006
Reason for Change	2001	2002	490 Add	2005	2006
VALUATION	L 0	169000	169000	197000	197000
Market 2005	R 0	247800	247800	303740	329420
	T 0	416800	416800	500740	526420
VALUATION	L 0	48720	41608	62080	62080
Assessed/Use	B 169960	173470	173460	212620	230600
	T 169960	222190	215068	274700	292680

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
Soil ID	-or-	Acres	Depth	Rate	Rate	Value	Factor	
Actual Effective	Effective	Effective	Square Feet	Rate	Rate	Value		
Frontage	Frontage	Depth						
2.0000	34.0000	1.00	40900.00	40000.00	80000			80000
5.0000	5.0000	1.00	190.00	190.00	6460			6460
		1.00	445.00	445.00	2230			2230

- 1 Homesite
- 2 PA490 Forest
- 3 PA490 Farm

FC06: FIELD CHECK 2006
 G: GENERAL NOTES
 GENERAL NOTES
 WOOD STOVE
 added PA490 farmland (Tillable C) status 01/26/04
 RFC: 2002 Reval Hearing Change

Supplemental Cards
 TRUE TAX VALUE

88690

Supplemental Cards
 TOTAL LAND VALUE

8690


CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of January, 2011, a copy of the foregoing was sent, first class U.S. mail, postage prepaid, to:

Attorney Lucia Chiocchio
Attorney Christopher B. Fisher
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601
lchiocchio@cuddyfeder.com
cfisher@cuddyfeder.com

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Rocky Hill, CT 06067
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Margaret F. Rattigan
Murphy, Laudati, Kiel, Buttler &
Rattigan, LLC
10 Talcott Notch, Suite 210
Farmington, CT 06032



David F. Sherwood
Commissioner of the Superior Court