

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 183
SOUNDVIEW LANE, TOWN OF NEW CANAAN,
CONNECTICUT

DOCKET NO. 487

April 24, 2020

RESPONSES TO INTERVENOR, HUGH WILEY, INTERROGATORIES

- Q1. How much of an increase in height is the proposed tower being designed to accommodate?
- A1. *As a matter of smart planning for future needs and to avoid tower proliferation, Homeland typically designs their facilities to be extended. This facility would most likely be designed to accommodate up to a 20' extension.*
- Q2. What other wireless carriers have expressed an interest in co-locating on the tower?
- A2. *See Applicants' Responses to Siting Council Interrogatories, Response A21.*
- Q3. The Application shows that AT&T will locate its antennas at 81' AGL, and that additional carriers will be located at ten foot intervals below the AT&T antennas; will those locations be at a sufficient elevation to serve the service objectives of the other carriers?
- A3. *The Applicants cannot determine the specific height needs of other carriers. The proposed Facility is designed to accommodate collocation in accordance with Connecticut General Statutes ("C.G.S.") Section 16-50p(b)(2) to promote immediate and future shared use of tower facilities and to avoid the unnecessary proliferation of tower such facilities in the state.*
- Q4. Will an increase in the height of the tower be necessary in order for other carriers to achieve their service objectives from the proposed site?
- A4. *See Response A3.*
- Q5. What is the lowest height at which AT&T and the other carriers antennas could achieve their wireless service objectives from the proposed site?
- A5. *Please see Applicants' Responses to Connecticut Siting Council Interrogatories, Response A17.*
- Q6. Is a stealth monopole containing internally mounted antennae feasible for the proposed location? If not, why not?

A6. *No, a tower design with internally mounted antennas is not feasible. The space limitations of internally mounted antennas require a taller tower, typically 20'-30' taller, to accommodate the required number of antenna arrays for one wireless carrier. Thus, to accommodate several carriers, the required height would significantly increase.*

Q7. When will the “noise analysis” be available (referred to in Applicants’ answer to the Siting Council’s interrogatory 31)?

A7. *The field work for the noise study was conducted on April 23, 2020. Once complete, a noise study report will be submitted to the Siting Council.*

Q8. Why was the proposed tower not located away from property lines at least as far as the height of the tower, as required by the Town of New Canaan’s zoning regulations?

A8. *The location of the tower was chosen in part to obtain a greater separation from residences.*

In addition, please note that pursuant to C.G.S Section 16-50x, the Siting Council has exclusive jurisdiction over telecommunications matters in the State. Based on judicial decisions of the United States Second Circuit Court of Appeals and the Supreme Court of the State of Connecticut, no local zoning approvals or compliance with local zoning regulations are required for such telecommunication tower facilities. See Sprint Spectrum LP v. Connecticut Siting Council, 274 F.3d 674, 677 (Dec. 17, 2011); Town of Westport v. Connecticut Siting Council, 47 Conn. Supp. 382 (Super. Ct. 2001), aff’d, 260 Conn. 266, 274 (2002). Therefore, while the Siting Council will review the New Canaan Zoning Regulations, they are not controlling and the Proposed Facility does not need to comply with setback requirements in the New Canaan Zoning Regulations.

Q9. Why is the proposed security fencing in excess of the six feet in height as suggested by the Town of New Canaan’s zoning regulations?

A9. *See Response A8 and Application Section VIII. As detailed in the Application, the proposed security fence is an 8’ tall wood shadowbox fence.*

Q10. Why is the proposed equipment cabinet not a “shed” or “other building type” found in New Canaan, as required by New Canaan’s zoning regulations?

A10. *See Response A8 and Application Section VIII.*

Q11. Why is the equipment cabinet not constructed at least fifty feet from the property boundary, as required by New Canaan’s zoning regulations?

A11. *See Response A8 and Application Section VIII.*

Q12. Will the access drive, tower or any associated equipment be located within the existing 20’ wide drainage easement?

A12. *A portion of the proposed gravel access drive is located within the drainage easement area. See Application Attachment 4.*

- Q13. Are there any deed restrictions, easements, or other encumbrances that would affect the installation of wireless communication facilities at the proposed site?
- A13. *No.*
- Q14. The Application states that the proposed facility is located approximately 420' west of the nearest wetlands; who marked the location of those wetlands?
- A14. *A field delineation of wetland resources proximate to the Site A was completed by a professional soil scientist, registered with the Society of Soil Scientists of Southern New England. The wetland delineation was performed in accordance with State of Connecticut Inland Wetlands and Watercourse regulations. The Wetlands Delineation Report was provided as Attachment 6 to the Application.*
- Q15. Will additional generators be required for other carriers that co-locate on the proposed tower?
- A15. *Other carriers may decide to install a back-up emergency generator for their facility.*
- Q16. What steps is the Applicant taking to assure that there is no leakage of fuel at the proposed site?
- A16. *See Applicants' Responses to Siting Council Interrogatories, Response A22.*
- Q17. Will additional fuel tanks be required for other carriers who co-locate on the tower?
- A17. *See Response A15.*
- Q18. Please describe AT&T's site search effort (referred to on page 5 of the Application).
- A18. *See Application Attachment 10 correspondence dated October 7, 2019.*
- Q19. Will Town of New Canaan fire, police and EMS be accommodated on the tower?
- A19. *See Applicants' Responses to Siting Council Interrogatories, Response A21.*
- Q20. Is there any need to accommodate Town of New Canaan fire, police, or EMS on the tower, given the existing antennae installation at St. Luke's School?
- A20. *See Applicants' Responses to Siting Council Interrogatories, Response A21.*
- Q21. Is the tower being designed to accommodate Town fire, police, and EMS.
- A21. *Yes, the tower will be designed to accommodate Town emergency services.*
- Q22. What is the factual basis for the statement on page 5 of the Application, that the proposed tower "will not have any substantial adverse effect on the aesthetics or scenic quality of the neighborhood"?
- A22. *See Application Attachment 8 Visibility Analysis.*

- Q23. Which roads are the “several State and other arterial roads” referred to in Section B, 2) on page 12 of the Application?
- A23. *See Application Attachment 1 AT&T’s Radio Frequency Report and Coverage Maps.*
- Q24. What carriers, other than AT&T, have been “engaged in site searches in the New Canaan area over a period of years”, as set forth on page 14 of the Application, and what were the results of those search efforts?
- A24. *See Applicants’ Bulk Filing Section 6: Wireless Market Study of the Town of New Canaan, CT, prepared by Centerline Solutions, December 1, 2014.*
- Q25. Other than sending letters, what investigation was conducted by Homeland with respect to the sites identified in the section of the Technical Report labeled “Properties Investigated by Homeland Towers” as sites B through W (“Alternative Sites”).
- A25. *Homeland had a phone conversation and email correspondence with the owner of Site B, reached out to the owner of Site L via a phone call with no response, and conducted a site visit and meeting with the Site O owner.*
- Q26. In the communications to the owners of the Alternative Sites, what did Homeland communicate with regard to the terms of its proposal?
- A26. *Proposal letters were sent to the owners of alternate sites/properties with no defined rental terms. Typical, letters are sent without terms in an effort to determine if an owner is interested. Interested property owners will contact Homeland to discuss in more detail. See Applicants’ Application Attachment 2.*
- Q27. Were the financial terms of the proposal disclosed to the owners of the Alternative Sites?
- A27. *Homeland discussed terms, including financial terms with the owner of the alternative site located at 1160 Smith Ridge Road. However, upon further correspondence the owner decided not to pursue a lease with Homeland and as such, Homeland ceased review of this property as an alternative. The owners of other alternative sites that were evaluated did not respond to proposals sent to them by certified mail from Homeland and therefore specific financial terms of the proposal were not discussed with those property owners. Please see Application Attachment for a list of alternative site owners that received correspondence from Homeland.*
- Q28. Did Homeland make any effort to contact the owners of any of the Alternative Sites by telephone?
- A28. *See Response A25.*
- Q29. Did Homeland conduct a prorogation (sic) analysis for any of the Alternative Sites?
- A29. *After submission of the Application, the attorney for the owner of 1160 Smith Ridge Road contacted the Applicants’ attorney to advise Homeland of his client’s renewed interest in leasing space on his property for a tower facility. Homeland contacted the owner of 1160 Smith Ridge Road to discuss his interest and to obtain information to*

evaluate this property. AT&T's radio frequency engineers evaluated this property and determined that a tower facility at this property would not provide service to the area intended for covered by the Proposed Facility.

Q30. With respect to Alternative Site "C", 1160 Smith Ridge Road, was a propagation analysis performed?

A30. *See Response A29.*

Q31. Why did the owner of 1160 Smith Ridge Road decide "not to pursue a lease with Homeland Towers", as stated in the Technical Report?

A31. *See Response A29.*

Q32. What monthly base rental was offered to the owner of 1160 Smith Ridge Road?

A32. *The proposed lease terms with the owner of 1160 Smith Ridge Road, including details regarding monthly rent and other financial terms, are not relevant to this proceeding and excluded from any public disclosure.*

Q33. What percentage of the rental from other carriers who co-locate on the tower was offered to the owner of 1160 Smith Ridge Road?

A33. *The proposed lease terms with the owner of 1160 Smith Ridge Road, including details regarding monthly rent and other financial terms, are not relevant to this proceeding and excluded from any public disclosure.*

Q34. Have either of the Applicants had communications with the owner of 1160 Smith Ridge Road, since their receipt of a letter from counsel informing them of the owner's interest in locating a tower on his property?

A34. *See Response A29.*

Q35. In a New Canaan Advertiser article that was published April 17, 2018, Mr. Richey is quoted as having said that the rental from his lease with Homeland is expected to be "in the range of \$2,500 - \$3,000". Is this statement accurate?

A35. *See the Siting Council's February 11, 2020 decision granting the Applicants' Motion for Protective Order related to the disclosure of the monthly rent and financial terms contained within the lease agreement. As set forth in the Siting Council's decision the lease details regarding monthly rent and other financial terms, are Confidential Information that is not relevant to this proceeding and excluded from any public disclosure.*

Q36. In that same article, Mr. Richey is quoted as having said that in the unlikely event four carriers locate on the tower, rent could be "in the \$4,000 area". Is that statement accurate?

A36. *See Response A35.*

Q37. What percentage of the rent paid by other carriers who co-locate on the proposed tower is payable to Mr. Richey?

A37. *See Response A35.*

Q38. In a September 19, 2019 article, Mr. Richey indicated that the base rent under the lease is \$2,500; Is this accurate?

A38. *See Response A35.*

Q39. How much do carriers generally pay to co-locate on towers in Connecticut?

A39. *The amount carriers pay to co-locate on towers in Connecticut varies depending on a number of factors specific to each location and is not relevant to this proceeding.*

Q40. What is the annual rent that is being paid by AT&T to Homeland?

A40. *See Response A35.*

Q41. Which entity is funding the construction of the tower?

A41. *Homeland Towers LLC.*

Q42. Does Homeland intend to transfer the certificate to InSite Towers Development, LLC?

A42. *Yes.*

CERTIFICATE OF SERVICE

I hereby certify that on this day the foregoing was sent electronically to the Connecticut Siting Council and the service list below, in accordance with Connecticut Siting Council directives to waive hard copy filing requirements to prevent the spread of the coronavirus.

April 24, 2020



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