



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@po.state.ct.us

Web Site: www.ct.gov/csc

PARTY STATUS REQUEST FORM

Docket/Petition No.

487

Town/City

New Canaan

Date

04/13/2020

Name:

St. Luke's School / St. Luke's Foundation, Inc.

Street Address:

377 North Wilton Road

City, State, Zip:

New Canaan, CT 06820

Contact Number:

c/o Leonard M. Braman, Esq. (203-354-1282)

E-mail:

lbraman@wrkk.com

1. Manner in which party's legal rights, duties, or privileges will be specifically affected by the agency's decision in this contested case:

St. Luke's Foundation, Inc., a/k/a St. Luke's School ("St. Luke's"), is an abutting property owner to the site of the proposed location of the new telecommunications facility (the "Facility"). The Facility would be very close to the St. Luke's property line, and would be near St. Luke's school buildings, school activities, and recreational fields all used throughout the day by students, faculty, staff, and others. A significant portion of the fall zone of the proposed tower would lie on St. Luke's property. Specifically, the entire facility is only 20 feet from St. Luke's property boundary, and the 90-foot-high tower is only 38 feet from the boundary. According to the application, St. Luke's would also be subject to the highest visual impact from the Facility of any neighboring property owner. Accordingly, it is clear that St. Luke's legal rights, duties, and privileges will be specifically affected by the agency's decision regarding the siting of the Facility.

2. Manner and extent to which party proposes to participate:

St. Luke's proposes to participate in public hearings in this matter including, but not limited to, through submission of written testimony in advance of the hearings and submission of a brief and proposed findings of fact after the close of the hearings. St. Luke's reserves the right to participate in any manner in any aspect of the proceedings.

3. Statutory authority for party request:

Conn. Gen. Stat. 16-50n provides that "(a) The parties to a certification or amendment proceeding or to a declaratory ruling proceeding shall include: . . . (2) each person entitled to receive a copy of the application or resolution under section 16-50l, if such person has filed with the council a notice of intent to be a party... and (4) such other persons as the council may at any time deem appropriate." Conn. Gen. Stat. 16-50l(f)(2) provides that "the applicant shall be responsible for sending notice of such meeting to each person appearing of record as an owner of property which abuts the proposed or alternate facility locations...." The application references St. Luke's as an abutter entitled to receive notice. Therefore, as an abutting land owner entitled to notice under Conn. Gen. Stat. secs. 16-50n and 16-50l(f)(2), St. Luke's is authorized to participate in this proceeding as a party.

Additionally and in the alternative, pursuant to Conn. Gen. Stat. 4-177a and as set forth above, St. Luke's' legal rights, duties and privileges will be specifically affected by the agency's decision in this case. St. Luke's' participation is also in the interests of justice and will not impair the orderly conduct of the proceedings.

4. Nature of evidence party intends to present:

St. Luke's may submit evidence and argument regarding, among other things, the safety, visual, scenic, and aesthetic impact of the proposed Facility on St. Luke's school activities and property.

Copies of this request are required to be electronically mailed to all participants on the service list, which can be found on our website in Pending Proceedings under the appropriate docket or petition number, at least five days before the date of the public hearing.

Signature

/s/ Leonard M. Braman

Date

04/13/2020