

CONNECTICUT SITING COUNCIL

PETITION OF NEW CINGULAR)
WIRELESS PCS, LLC (“AT&T”) TO THE)
CONNECTICUT SITING COUNCIL FOR A) PETITION NO. 1010
DECLARATORY RULING THAT NO)
CERTIFICATE OF ENVIRONMENTAL) FEBRUARY 15, 2012
COMPATIBILITY AND PUBLIC NEED IS)
REQUIRED FOR THE PROPOSED)
INSTALLATION OF A CONCEALED)
TOWER ON A WATER TANK AND)
RELATED FACILITIES LOCATED AT A)
WATER TREATMENT PLANT AT 455)
VALLEY RD., GREENWICH, CT)

PRE-FILED TESTIMONY OF LEE HIGGINS

Q1. Please state your name and address.

A1. Lee Higgins, 480 Valley Road, Cos Cob, CT 06807.

Q2. How close do you live to the subject property at 455 Valley Road?

A2. My property abuts Mr. Kosinski’s and is across the street from and within view of the subject property.

Q3. Have you fully reviewed this Petition 1010 which has been filed by AT&T?

A3. Yes.

Q4. After reviewing this Petition 1010, do you have any concerns about AT&T’s proposal?

A4. Yes. I have many very serious concerns about this Petition 1010.

Q5. Can you describe each concern that you have about the Petition 1010?

A5. I am concerned about many issues such as:

1. Environmental impact on my drinking water supply and that of approximately 130,000 others in the Town of Greenwich and other surrounding communities;
2. Environmental impact on the wetlands;
3. Environmental impact of increased sound caused by the structure;
4. Negative visual impact on neighboring properties;
5. The future use and existence of a cell tower will conflict with the residential nature of the surrounding area;
6. The cell tower will negatively impact the significant historic integrity of the subject property;
7. The Aquarion Water Company has not properly maintained the subject property so I believe that the subject property will be in further disarray if AT&T constructs a cell tower there;
8. Negative impact on the fair market value of neighboring properties; and
9. Structural integrity of the water tank.

Q6. What information or evidence have you discovered which supports any of the concerns that you have about this Petition 1010?

A6.

1. Environmental impact on my drinking water supply and that of 130,000 others in the Town of Greenwich and other surrounding communities: the water tank where AT&T proposes to place its cell tower is only about twenty six (26) feet from the Mianus River. The subject

property is classified by the Connecticut Department of Health as a Class I drinking water source as defined in DPH code 25-37c-1: Establishment of Criteria and Performance Standards for Classification of Water Company Lands SS c (1): "Class 1 land" means all land owned by a water company which is either within two hundred and fifty feet of high water of a reservoir or one hundred feet of any water courses. In addition to my family, this site provides drinking water to more than 130,000 residents. The necessary equipment shed will be built the area of the subject property that is designated as Class I land. Furthermore, AT&T's workers and independent contractors will be moving equipment and supplies within the area on the subject property which is designated as Class I land. If the structure failed our drinking water would be at serious risk. I am concerned about the following risks: 1) structural failure of the water tank; 2) a leak from the battery power source; 3) a fuel leak from the back up generator that is required in the event that power is out for longer than twelve (12) hours; and 4) "run off" into the adjacent river during construction and future operations. The recent diesel fuel spill which took place at the Verizon telecommunications facility in Rye Brook and contaminated a pond with approximately 900 gallons of diesel fuel is further evidence of the real threat that will exist if AT&T operates a fuel powered generator at the subject property.

2. Environmental impact on the wetlands: The subject property has inland wetlands which need to be preserved and I am concerned that AT&T's use of the property will impair the inland wetlands there both during construction and when the tower is serviced in the future. I live on wetlands and I take very special precautions to make sure that area of my property is protected and maintained.

3. Environmental impact of increased sound caused by the structure: At the February 9, 2012 evidentiary hearing, I learned that the unit will be required to have a generator, and an air conditioning unit. I presume the generator will run during power outages lasting longer than the battery back-up. I also assume the air conditioner will run for several months due to extended warm weather. Both will cause varying degrees of added sound to a now, quiet, neighborhood. While generators are commonly heard in this neighborhood during power outages; constantly running air conditioners are not. My concern is that the air conditioner unit that is to cool the shed will be close to the water and will therefore amplify the sound and disturb many of the surrounding residential properties.
4. Negative visual impact: I grew up in the same property in which I currently reside. The water tank has always been an eyesore that conflicted with the serene nature of the surrounding area. The addition of a large tower atop the water tank will only further impair views of the surrounding residences.
5. Desecration of a significant historic area of Connecticut: During the public hearing, there were two neighbors who cited the historic value of this land for hundreds of years. I would urge the CSC to carefully read the public testimony of Mr. Bill Cameron and Ms. Elizabeth Agresta. This land played a role in the Civil War as well as in the development of this community. Personally, the river has played a part in my family history, and its scenic beauty has always been a part of my life. I have swam and fished in these waters for many years. A cell tower that mars the natural beauty and tranquility of this area is not something I want to include in my family history.
6. Unlawful future upkeep of site: When the land was sold to Aquarion in 1953, that land came with some significant requirements as to complete screening of the site. A document from the

Town of Greenwich's Planning and Zoning Commission, dated December 22, 1953, states:

"... further, that the wash water tank be thoroughly screened by shrubbery and trees and that the entire construction be of such character as not to impair the natural beauty of the area."

Quite frankly, the site is a dumping ground for Aquarion and they have not been good stewards of the site. I've been to my neighbor's home and seen the debris that is scattered along the site including empty chemical containers, equipment, a propane tank, and even a rusted boat trailer. I see all this because Aquarion has not kept the area properly screened to keep the flushing tank from view.

7. Negative impact on my property value and that of my neighbors: There would be very few buyers who would consider purchasing a home with an active Cell Tower hundreds of feet away. For the petitioner to state that it is a "concealed" cell tower certainly does not hide a potential buyer's fear of having a cell tower immediately across the street. AT&T has not provided any evidence that the cell tower will not negatively impact the fair market value of neighboring properties.
8. Structural integrity of water tank: AT&T's engineering reports confirm that AT&T did NOT conduct a study of the foundation of the water tank, which appears to be cracked and damaged. Furthermore, AT&T's engineering reports do not demonstrate that AT&T conducted conclusive studies regarding the weight bearing capacity of the walls and roof of the water tank.

Q7. Have any other residents expressed to you any concern about this Petition 1010?

A7. Yes.

Q8. To the best of your recollection, what are their names?

A8.

Brooke Jaeger
Susan Herrmann
Richard Kosinski
Peter Janis
George Bennett
Sandi Coughlin
Pam Daly
Martha Drake
Kenneth Herrmann
Scott Caffrey
Peter Moss
Ronnie Caffrey
Gary Ashley
Angela Alfano
Alison Fels
Lilach Buehler
Erin Bates-Letourneau
Alan Gunzburg
Eric Alfano
Sage Volpe
Jesse Shultis III
Laura Larossa
Anthony Pompa
Alyson Ferrara
Alyson Febus
Carolyn Zimmerman
James Webster
Ashley Pedrosa
Tom Volpe
Rick Harris
Joanne Casco
Jesse Shultis Jr
Patrick Daly
Alison Marullo
Elizabeth Nickerson
Susan Kosinski
Kimberly Fox
Tanya Rama
Michael Fox
Richard Kral
Brooke Jaeger
Pavel Schukin
Laura Ortega

Linda Kennedy
Roger Bowgen
Leslie McElwreath
Barbara Daly
Ed Caffrey
John Rinello
Virginia Hamilton
Stephen Bitteker
Susan Russo
Barbara Stephens
Harold Mondschein
Suzanne Wind
David Dall
Michele Dall
Jonathan Hanes
Kristen Studwell
William Breck
Kevin Mackay
Karen Hasterok
Ashley Turner
Ellen Roth
Anthony Whyte
Catherine Polkinghorne
David Ayres
Elizabeth Schinto
Hans Lindh
Paulette Marshall
Jennifer Lewis
Amy Blake
Erin Woerz
Sara Keller
Logue logue
Ann Anderson
Sean Grogan
Amy Phillips
Colleen Alfano
David Alfano
Rosaura Artola
Julia Toal
Lindy Urso
Stephen Kellogg

Q9. Based upon the information, evidence and testimony that you have observed so far, do you think that the Connecticut Siting Council should approve or deny this application?

A9. Based on what I have observed so far, I think that the CSC needs to deny this application.

Q10. If the Connecticut Siting Council were to approve this Petition 1010, do you think that the approval should require any changes to what AT&T has proposed so far?

A10. Yes.

Q11. What changes do you suggest?

A11. If this tower is approved, I think the CSC should require the following conditions of approval:

- a) Any generator used by AT&T, or any future telecommunications company cannot use any fuel source;
- b) The equipment shed must be sound-proof;
- c) The air conditioning unit should be state-of-the-art "low sound";
- d) AT&T is required to construct a special dry well to absorb the rain-water run-off that will be increased due to the added surface area;
- e) The cell tower should not be constructed as a tower. Instead, AT&T should install antennas on the water tank thereby reducing the structure by at least ten (10) feet so that there will no structure on the water tank that exceeds five (5) feet in height;
- f) AT&T is required to plant trees of at least forty (40) feet in height when first planted to be placed around the perimeter of the water tank with the intent of the trees growing to a maximum height which will cover the entire tank and any structure(s) on top of the water tank; and

- g) AT&T must provide some type of indigenous cover (i.e., ivy) to mask the water tank and any structure(s) on top of the water tank.
- h) AT&T must provide a landscaping bond of an amount that would cover the costs of the work to be completed by AT&T as required by any condition's approval.


Q12. Did you request that AT&T consent to a reasonable extension of time to allow your group to retain experts to provide an analysis of the issues of potential environmental impact which concerned your group?

A12. Yes, we have asked AT&T twice to provide its consent for reasonable extensions of time and AT&T refused both requests.

Q13. Why did you ask for a continuance?

A13 I am busy tending to my job and family responsibilities, and unlike AT&T, I have not been building a case for this Petition 1010 for many months. My neighbors were served notice of the petition some time in mid-November, 2011 and told me about it. Therefore, we only had about ninety (90) days to prepare some sort of defense based on the overwhelming protest to this petition. We recently requested of the petitioner for a continuance, for a second time, of just twelve (12) days and, again, AT&T refused.

I, LEE HIGGINS, duly sworn, hereby verify that this statement was prepared by me or under my direct supervision and is believed to be true and accurate to the best of my knowledge and belief.

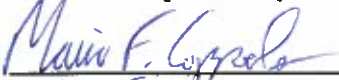


Lee Higgins

2-15-12

Date


The above signed, LEE HIGGINS, personally appeared before me and verified that the above pre-file testimony for the Connecticut Siting Council is true and accurate and that he adopted it by his free act and deed on this 15th day of February.



Mario F. Coppola
Commissioner of Superior Court
Notary Public/
My Commission expires _____

RESPECTFULLY SUBMITTED BY:

**LEE HIGGINS, KAORI HIGGINS,
PETER JANIS, ELIZABETH JANIS,
RICHARD KOSINSKI & SUSAN KOSINSKI**

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CERTIFICATE OF SERVICE

This is to certify that on the above date a true copy of the foregoing has been sent both electronically and by U.S. Mail, first-class, postage pre-paid, to the following parties of record:

Ms. Linda Roberts, Executive Director, Connecticut Siting Council, 10 Franklin Sq., New Britain, CT 06051 (1 original, 15 copies, plus 1 electronic)

New Cingular Wireless, PCS, LLC (AKA – AT&T), Christopher Fisher, Esq. Cuddy & Feder, LLP, 445 Hamilton Avenue, 14th Fl., White Plains, NY 10601



Mario F. Coppola, Esq.