



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@ct.gov
Web Site: portal.ct.gov/csc

VIA ELECTRONIC MAIL

July 17, 2024

Deborah Denfeld
Team Lead – Transmission Siting
Eversource Energy
P.O. Box 270
Hartford, CT 06141
deborah.denfeld@eversource.com

RE: **PETITION NO. 1573** - The Connecticut Light and Power Company d/b/a Eversource Energy Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the Brookfield Junction to Bates Rock Substation Upgrade Project consisting of the replacement and reconductoring of electric transmission line structures along approximately 6.7 miles of its existing electric transmission line right-of-way shared by its existing 115-kilovolt (kV) Nos. 1887, 1268, and 1485 Lines between Brookfield Junction in Brookfield and Shepaug Substation in Newtown, and along approximately 0.5 mile of its existing electric transmission line right-of-way shared by its existing 115-kV Nos. 1622 and 1485 Lines between Shepaug Substation and Bates Rock Substation in Southbury, Connecticut traversing the municipalities of Brookfield, Newtown and Southbury, and related electric transmission line and substation improvements. **Request for information concerning right-of-way at 348 Patriot Road, Southbury.**

Dear Deborah Denfeld:

The Connecticut Siting Council (Council) is in receipt of email correspondence, dated July 16, 2024, from Southbury resident, Anthony Drago, the owner of property at 348 Patriot Road, regarding the above-referenced project. The correspondence (attached) expresses concern regarding the boundary lines of Eversource's right-of-way (ROW) on his property and the proposed clearing of vegetation within the ROW.

The Council issued a Declaratory Ruling to The Connecticut Light and Power Company d/b/a Eversource Energy for the Brookfield Junction to Bates Rock Substation Upgrade Project on August 4, 2023. On November 21, 2023, January 22, 2024, and June 6, 2024, the Council approved project modifications related to access roads, work pads, wetlands and the removal of one structure from the project. None of the Council approved modifications were in the ROW proximate to 348 Patriot Road in Southbury.

In his correspondence, Mr. Drago states that ROW demarcations on and adjacent to his property, as shown on Petition Attachment B, Map Sheet 16, are not correct. Mr. Drago submitted land record documentation supporting his claim. Mr. Drago further states Eversource intends to clear all of the vegetation within the ROW at 348 Patriot Road, as demarcated on Map Sheet 16.

Pursuant to the Council's Petition 1573 Declaratory Ruling of August 4, 2023, the Council requests information as to the accuracy of the ROW easement demarcations shown on Petition Attachment B, Map Sheet 16 based on land records. In addition, the Petition narrative describes tree clearing associated with this Project as occurring from south of Vail Road in Brookfield to Structure 4620, west of Hanover Road in Newtown. No structure work or vegetative clearing is shown on Map Sheet 16 in the ROW on or adjacent

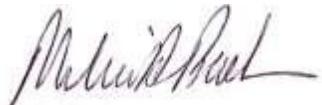
to 348 Patriot Road in Southbury. Provide information as to the reason project-related vegetative clearing is required in this area.

Please provide the requested information and a written response to the Council by August 14, 2024.

If more time is needed to gather the requested information, please submit a written request for an extension.

Thank you for your attention to this very important matter.

Sincerely,



Melanie A. Bachman
Executive Director

cc: Anthony Drago
Service List, dated May 10, 2023
The Honorable Jeff Manville, First Selectperson, Town of Southbury (selectman@southbury-ct.gov)
Kathleen Shanley, Eversource Energy (Kathleen.shanley@eversource.com)

From: Anthony Drago
Sent: Tuesday, July 16, 2024 4:04 PM
To: CSC-DL Siting Council <Siting.Council@ct.gov>
Subject: CL&P R/W definition RE: PETITION NO. 1573

I am contacting the Siting Council with a matter that needs immediate attention.

Name: Anthony & Rachel Drago
Address: 348 Patriot Rd, Southbury, CT 06488

Summary:

My property abuts the CL&P transmissions lines that run from the Bates Rock substation to Heritage Village in Southbury. CL&P has an easement across part of my property.

CL&P intends to clear all the vegetation within their right-of-way which is defined by the boundary lines of this easement onto my property. CL&P has said they plan to begin this project in the first week of August 2024.

On the CL&P project map for PE1573 (linked below), the boundary lines of this easement do not match those as shown on the property record maps obtained from Southbury Town Hall.

Request:

I am disputing the boundary lines of the easement on my property as it is drawn in the project maps of PE1573. I am requesting CL&P update the easement border to match the Southbury town records before beginning to clear the vegetation.

Details:

This is a link to the CL&P filing with the Siting Council for the current project (PE1573). See page 75. My property is lot 291-030.

https://portal.ct.gov/-/media/csc/3_petitions-medialibrary/petitions_medialibrary/mediapetitionnos1501-1600/pe1573/petitionersubmissions/petition/compiled-petition-filing---part1---brookfield-jtn-to-bates-rock-ss.pdf

I have pulled various records from the Southbury Town Clerk which show a different easement boundary than the one illustrated in the PE1573 maps. I have attached all the supporting documents that I have.

- 1) See items 2 & 5 in the property deed.
 - a) Notes, easements, and slope rights as shown in map number 3035.
 - b) Electric Distribution Easement in favor of CL&P...in Volume 279, Page 1156 of the Southbury Land Record.

- 2) Map 3035 indicates the CL&P easement differently than in the PE1573 map. Our property is LOT #10.
- 3) Southbury Land Record Vol 279, Page 1156 refers to the "Map showing easement area to be granted" on DWG. NO. EW-E10A1-3413. This map was subsequently named map number 3072. For verification, the title block of map 3072 contains the original drawing number.
- 4) DWG. NO. EW-E10A1-3413 (Map 3072) indicates the CL&P easement differently than in the PE1573 map. Our property is LOT #10.

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

--

Anthony Drago

WARRANTY DEED (SURVIVORSHIP)

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE THAT, Edith H. Calabrese, of the Town of Middlebury, County of New Haven, and State of Connecticut

for the consideration of **Five Hundred Twenty Three Thousand Three Hundred Thirty Three and 00/100 Dollars (\$523,333.00)** received to her full satisfaction of **Anthony S. Drago and Rachel A. Drago**, both of the Town of Southbury, County of New Haven, and State of Connecticut

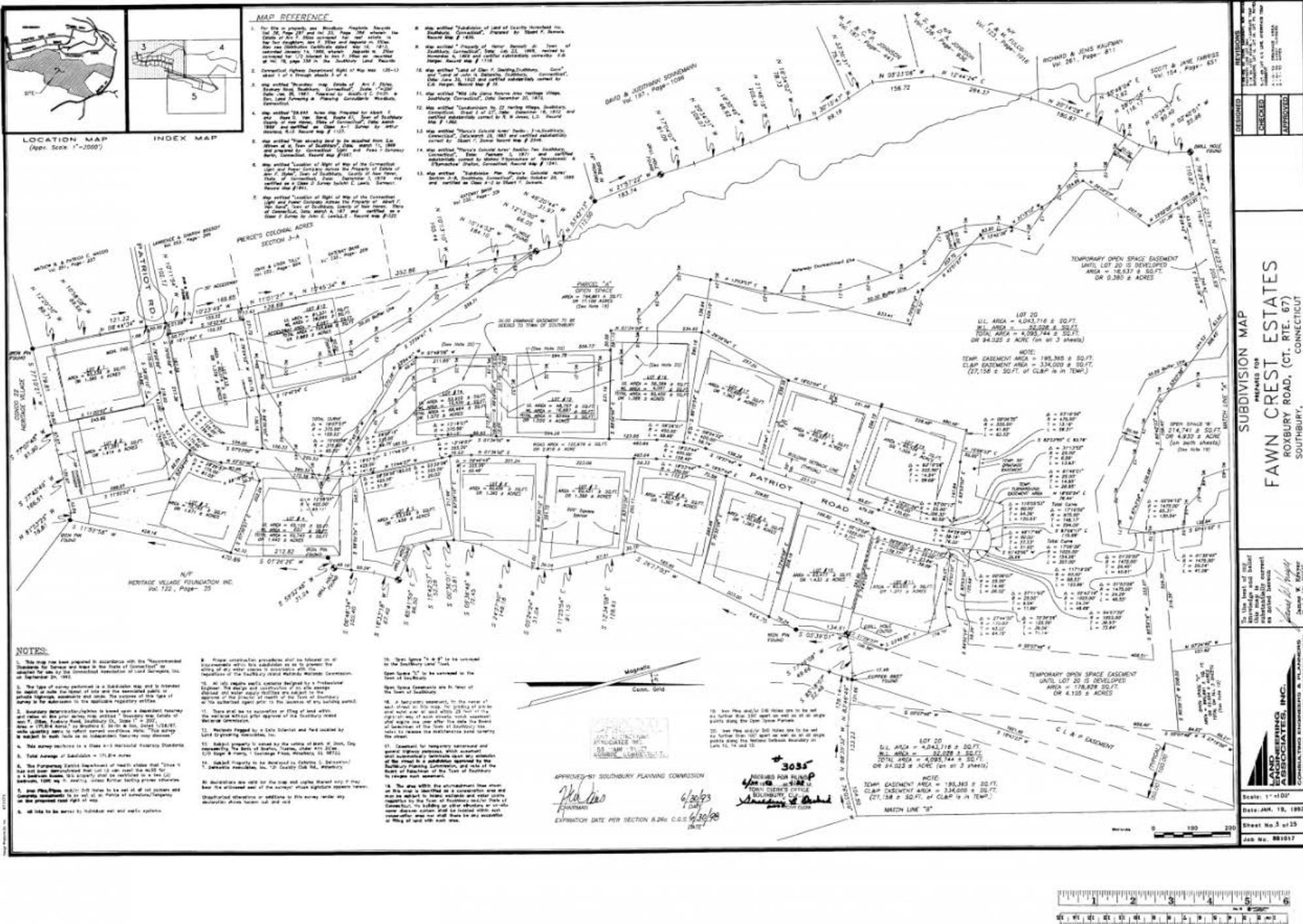
does give, grant, bargain, sell and confirm unto the said **Anthony S. Drago and Rachel A. Drago** and unto the survivor of them, and unto such survivor's heirs and assigns forever:

All that certain piece or parcel of land, with all the buildings and improvements thereon, situated in the Town of Southbury, County of New Haven and State of Connecticut, being bounded and described as follows:

All that certain piece or parcel of land known as Lot #10 of the Fawn Crest Subdivision, located in the Town of Southbury, County of New Haven and State of Connecticut, shown and designated on a certain map entitled, "SUBDIVISION MAP PREPARED FOR FAWN CREST ESTATES, ROXBURY ROAD, (CT. RTE. 67), SOUTHURY, CONNECTICUT, Scale 1"=100' Date: Jan. 19, 1993. Last Revised Through June 7, 1993", by James W. Kreyer, Licensed Surveyor, License #10042 for Land Engineering Associates, Inc., Consulting Engineers & Planners, 755 Main Street, Monroe, Connecticut 06468, recorded on June 30, 1993 in the Southbury Town Clerk's Office as Map #3035.

Said premises are free and clear of all encumbrances except as follows, to wit:

1. Building lines, if established, and any and all provisions of any municipal ordinance or regulations, any federal, state, or local law, including, but not limited to, the provisions of any zoning, building, planning, or inland wetland rules and regulations governing the subject property.
2. Notes, easements and slope rights as shown on map number 3035.
3. Certificate of Condemnation from The Connecticut Light and Power Company against Colonial Bank and Trust Co, Trustee under the Will of Ann F. Stiles dated July 23, 1969 and recorded July 25, 1969 in Vol. 91, Page 442 of the Southbury Land Records.
4. Certificate of Condemnation from The Connecticut Light and Power Company against Colonial Bank. Trustee under the Will of Ann F. Stiles dated Oct. 16, 1979 and recorded Oct. 18, 1979 in Vol. 149, Page 1120 of the Southbury Land Records.
5. Electric Distribution Easement in favor of The Connecticut Light and Power Company dated December 3, 1993 and recorded December 8, 1993 in Volume 279, Page 1156 of the Southbury Land Records.
5. Obligation as set forth in deed from Catherine C. Delmonico to Diane D. Fenn dated October 12, 1993 and recorded October 15, 1993 in Volume 277, Page 1016 and in deed from Diane D. Fenn to C. and M Homes, Inc. dated October 14, 1993 and recorded October 15, 1993 in Volume 277, Page 1021 of the Southbury Land Records.
6. Deed Restrictions dated July 27, 1993 and recorded July 29, 1993 in Volume 274, Page 920; recorded October 8, 1993 in Volume 277, Page 687; and recorded October 15, 1993 in Volume 277, Page 1036, all in the Southbury Land Records.



Map showing property boundaries, easements, and survey points. Key features include:

- Property Areas:**
 - AREA = 60,451 ± SQ.FT. OR 1.388 ± ACRES
 - AREA = 60,450 ± SQ.FT. OR 1.387 ± ACRES
 - AREA = 60,658 ± SQ.FT. OR 1.383 ± ACRES
 - AREA = 62,617 ± SQ.FT. OR 1.433 ± ACRES
 - AREA = 60,002 ± SQ.FT. OR 1.371 ± ACRES
 - LOT #10: $\Delta = 00^{\circ}19'03''$, $R = 1023.00'$, $L = 5.71'$
 - LOT #11: $\Delta = 0858'34''$, $R = 1023.00'$, $L = 23.84'$
 - LOT 20: $\Delta = 1001'14''$, $R = 97.00'$, $L = 40.58'$
 - LOT 21: $\Delta = 0428'03''$, $R = 60.00'$, $L = 38.18'$
 - LOT 22: $\Delta = 001'23'00''$, $R = 1023.00'$, $L = 38.08'$
 - LOT 23: $\Delta = 001'23'00''$, $R = 1023.00'$, $L = 26.22'$
 - LOT 24: $\Delta = 02^{\circ}43'18''$, $R = 1023.00'$, $L = 6.04'$
 - LOT 25: $\Delta = 2711'03''$, $R = 25.00'$, $L = 11.86'$
 - LOT 26: $\Delta = 2744'30''$, $R = 175.00'$, $L = 43.22'$
 - LOT 27: $\Delta = 3238'29''$, $R = 125.00'$, $L = 36.56'$
 - LOT 28: $\Delta = 0457'39''$, $R = 1023.00'$, $L = 73.84'$
- Easements:**
 - EASEMENT AREA: $\Delta = 1150'53''$, $R = 60.00'$, $L = 51.62'$
 - EASEMENT AREA: $\Delta = 1805'24''$, $R = 94.36'$, $L = 26.35'$
 - EASEMENT AREA: $\Delta = 1150'53''$, $R = 60.00'$, $L = 120.53'$
 - EASEMENT AREA: $\Delta = 1805'24''$, $R = 94.36'$, $L = 148.17'$
 - EASEMENT AREA: $\Delta = 1150'53''$, $R = 60.00'$, $L = 294.09'$
 - EASEMENT AREA: $\Delta = 1805'24''$, $R = 94.36'$, $L = 130.54'$
 - EASEMENT AREA: $\Delta = 0504'15''$, $R = 1475.00'$, $L = 130.84'$
 - EASEMENT AREA: $\Delta = 0504'15''$, $R = 1475.00'$, $L = 134.84'$
 - EASEMENT AREA: $\Delta = 0135'45''$, $R = 1475.00'$, $L = 20.54'$
 - EASEMENT AREA: $\Delta = 0135'45''$, $R = 1475.00'$, $L = 41.08'$
 - TEMPORARY OPEN SPACE EASEMENT UNTIL LOT 20 IS DEVELOPED: AREA = 178,828 SQ.FT. OR 4.105 ± ACRES
 - C.L. & P. EASEMENT: AREA = 890,861 ± SQ.FT. OR 22,293 ± ACRES (See Note 19)
- Survey Points:**
 - IRON PIN FOUND: S 0539'01" W
 - DRILL HOLE FOUND: S 2139'37" E
 - COPPER RIVET FOUND: S 851'80" W
- Other:**
 - Conn. Grid
 - Magnetic
 - Match Line "B"
 - Scale: 1" = 100'
 - Date: JAN. 19, 1993
 - Sheet No. 3 of 25
 - Job No. 881017

To the best of my knowledge and belief this map is substantially correct as noted herein

James W. Kreyer
as noted below

CONSULTING ENGINEERS & PLANNERS

755 MAIN STREET MONROE, CONNECTICUT 06468

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A metric ruler is positioned horizontally, showing centimeters from 1 to 6. The ruler has major tick marks every 1 cm and minor tick marks every 2 mm. The numbers 1, 2, 3, 4, 5, and 6 are clearly visible at the top of the ruler.

A horizontal ruler scale marked from 1 to 15 inches. The scale is marked with major tick marks every inch and minor tick marks every quarter inch. The numbers are in a black sans-serif font.

W3050 - LOT # 10
RE1018-1 REV. 5-89

ELECTRIC DISTRIBUTION EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, C AND M HOMES, INC., A NEW YORK CORPORATION, 23 CAMPBELL DRIVE, SOMERS, NEW YORK

hereinafter call Grantor, hereby grants to The Connecticut Light and Power Company, a specially chartered Connecticut corporation with offices in Berlin, Connecticut, its successors and assigns, hereinafter called Grantee, with WARRANTY COVENANTS (except for the matters described in Schedule A if such schedule is attached), the perpetual right to construct, maintain, replace, relocate, remove and rebuild on, across, over and under the land hereinafter described (Easement Area), an electric distribution system consisting of poles, guys, braces, wires, cables, conduits, transformers, transformer pads, pedestals, meters, structures for street lights and traffic signals, fixtures and other appurtenances useful for providing electric, communication, signal and streetlighting service (including wires, cables and conduits running from the poles, transformers and pedestals to any structures erected on the Grantor's lands); the right to provide electric, communication, signal and streetlighting service by means of the same; and the right to enter the Grantor's lands for the purpose of inspecting, maintaining or removing same and the right, after consultation with the Grantor when practicable, to trim and keep trim, cut and remove such trees or shrubbery as in the judgement of the Grantee are necessary to maintain its services.

Said Easement Area is located on the Grantor's lands on the entire 50' road plus 10' on both sides of ~~the~~
the same road in the Town of Southbury, Connecticut, as more particularly described on the map entitled "Map showing easement area to be granted to The Connecticut Light & Power Co. across land of "Fawn Crest Estates" Patriot Road Southbury, Connecticut Scale: 1"=100' Oct. 25, 1993 File #W3050 Dwg. No. EW-E10A1-3413", which map has been or will be filed in the office of the town clerk of said Town of Southbury, Connecticut.

The Grantor agrees, except with the written permission of the Grantee, that (i) no building, structure, or other improvement or obstruction shall be located upon, there shall be no excavation, filling, flooding or grading of, and there shall be no parking of vehicles or planting of trees or shrubbery upon the Easement Area or outside the Easement Area within five (5) feet from any facilities or appurtenances installed to provide services to any structures erected on the Grantor's premises, and (ii) nothing shall be attached, temporarily or permanently, to any property of the Grantee installed by virtue of this easement. The Grantee may, without liability to the Grantor and at the expense of the Grantor, remove and dispose of any of the aforesaid made or installed in violation of the above and restore said land to its prior condition. In the event of the damage to or destruction of any of said facilities of the Grantee by the Grantor or agents or employees thereof, all costs of repair or replacement shall be borne by the Grantor.

The Grantee further agrees, by the acceptance of this deed, that as long as and to the extent that the electric distribution system together with all appurtenances, located on said land pursuant to this easement are used to provide electric, communication, signal or streetlighting service, the Grantee will repair, replace and maintain such facilities at its own expense (except as otherwise provided herein) and in connection with any repair, replacement or maintenance of said system the Grantee shall promptly restore the premises to substantially the same condition as existed prior to such repair, replacement or maintenance, provided, however, that such restoration shall not include any structures, other improvements or plantings made by the Grantor contrary to the provisions of this easement.

If any portion of the above described land upon or under which said facilities or appurtenances thereto shall be located, is now or hereafter becomes a public street or highway or a part thereof, permission, as set forth in Section 16-234 of the General Statutes of Connecticut relating to adjoining landowners, is hereby given to the Grantee and to its successors and assigns, to use that portion of the land for the purposes and in the manner above described.

Any right herein described or granted, or any interest therein or part thereof, may be assigned to any communication or signal company by the Grantee, and the Grantor hereby agrees to and ratifies any such assignment and agrees that the interest so assigned may be used for the purposes described therein for communication or signal purposes.

The words "Grantor" and "Grantee" shall include lessees, heirs, executors, administrators, successors and assigns where the context so requires or permits.

TO HAVE AND TO HOLD the premises unto it, the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has hereunto caused (set) its
hand(s) and seal(s) to be affixed this 3rd day of December, 19 93.

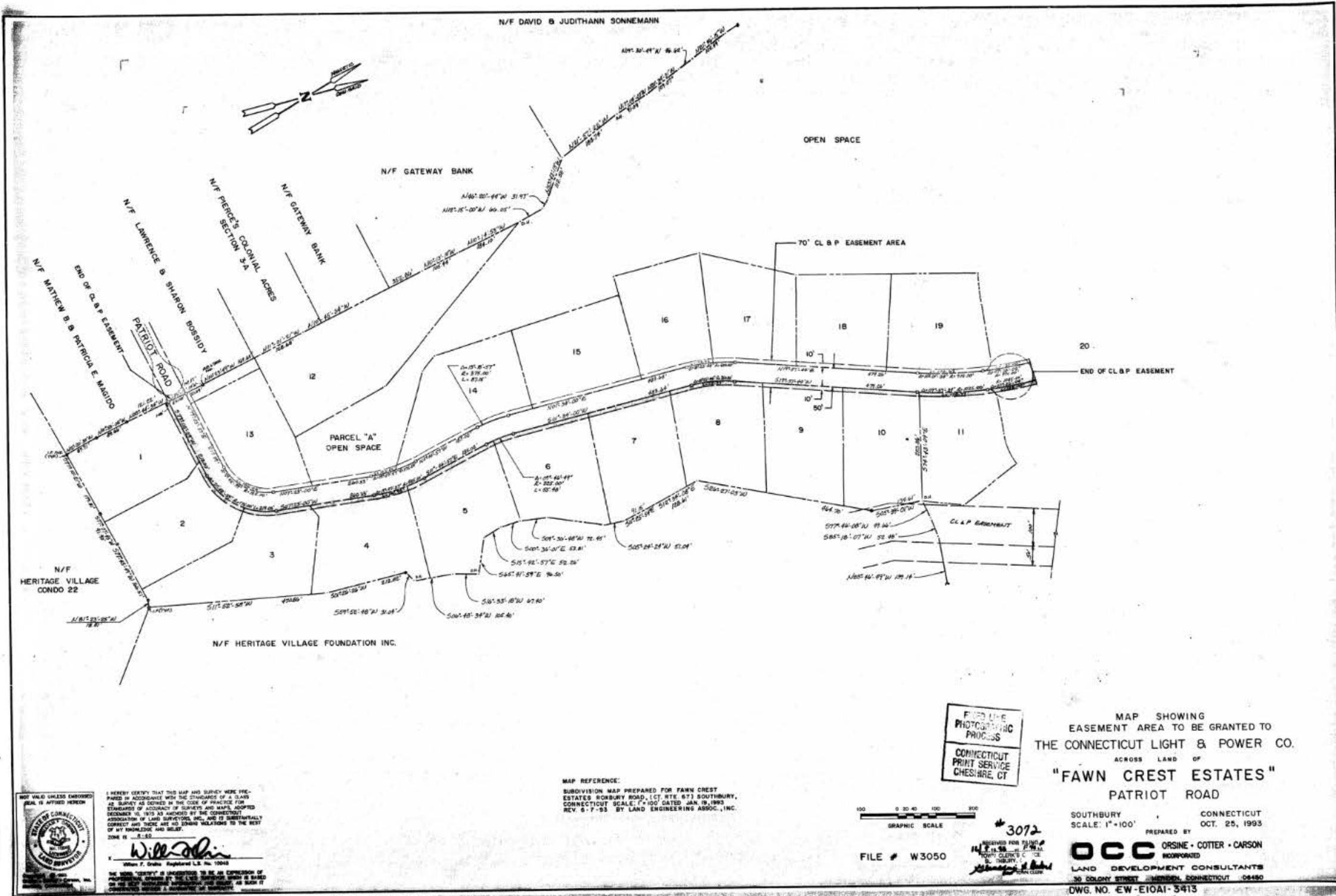
Signed, sealed and delivered in presence of:

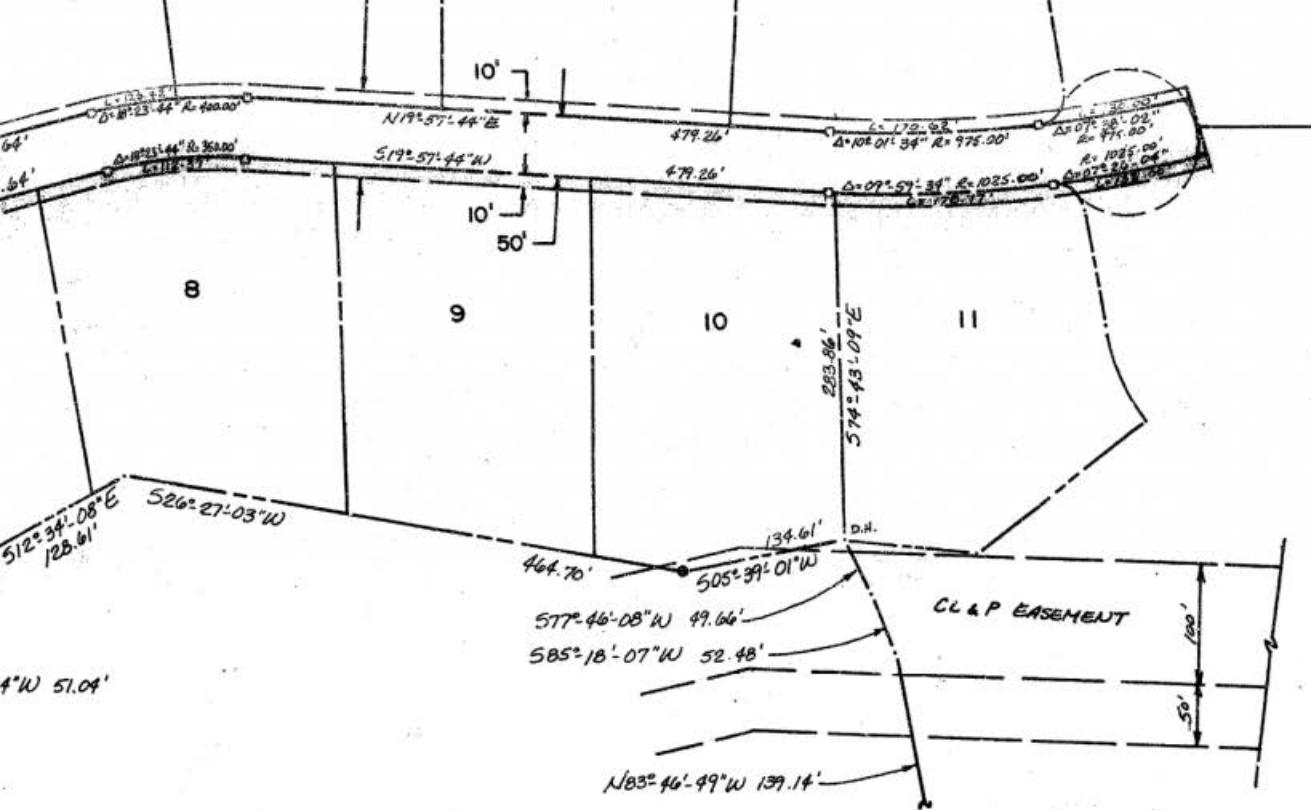
Lawrence Hager
Lawrence Hager
Linda Cole
Linda Cole

C AND M HOMES, INC.

Neal R. Maison, Jr.
BY Neal R. Maison, Jr. (L.S.)
Its President
Daily Authorized (L.S.)

The purpose and intent of this easement is for Grantor to grant an easement in favor of Connecticut Light & Power Company only to the extent of Grantor's interest in Lot No. 10 as shown on the above easement map.





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END OF CL & P EASEMENT

FOR FAWN CREST
T. RTE. 67) SOUTHBURY,
DATED JAN. 19, 1993
GINEERING ASSOC., INC.

100 0 20 40 100 200
GRAPHIC SCALE

FILE # W3050



RECEIVED FOR FILING
14 JUN 1993 at 1 P.M.
TOWN CLERK'S OFFICE
SOUTHBURY, CT
S. BURKE, Clerk
TOWN CLERK

MAP SHOWING
EASEMENT AREA TO BE GRANTED TO
THE CONNECTICUT LIGHT & POWER CO.
ACROSS LAND OF
"FAWN CREST ESTATES"
PATRIOT ROAD

SOUTHBURY
SCALE: 1" = 100'

CONNECTICUT
OCT. 25, 1993

PREPARED BY

OCC ORSINE • COTTER • CARSON
INCORPORATED
LAND DEVELOPMENT CONSULTANTS
30 COLONY STREET MERIDEN, CONNECTICUT 06450

DWG. NO. EW-E10A1-3413

