

May 5, 2013

State of Connecticut  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051

Linda Roberts  
Executive Director  
Members of the Siting Council

To Whom It May Concern:

We will not be able to attend the May 21, 2013 continuation of the evidentiary hearing on Docket 409a, since we will be out of the country. Therefore, we are submitting our additional comments, questions and testimony herewith.

The eastern boundary of our property runs in a straight line from the middle of Barnes Road approximately 41 ½' to an iron pin at the northeast corner of our stone wall, and then continues 485' along the western edge of the current access way. We are not a party to the easement/right of way agreement on which AT&T has based its planned road changes. However, it is clear from several of the AT&T maps attached to Docket 409a that AT&T intends to encroach on our property. (See April 15, 2013, fig. 4A, 4B, and especially fig. 5B, on which the dotted line keyed as "proposed 30' easement" comes within our property for a substantial portion of its length.) We want to make it clear that we will not tolerate any incursion into our property.

Furthermore, we will not allow cutting of any trees within or partly within our property line, and of which we have complete or partial ownership. We are not a party to the referenced easement and AT&T may not use any part of our property for any purpose whatsoever, including tree cutting, drainage, or any other aspect of its proposed access road.

In order make our property line more apparent, we have engaged a surveyor to place additional iron pins (witnessed with wood stakes) from Barnes Road to the southeast corner of our property.

It should be clear that the apron to the proposed access road must also be within the boundaries of the property on which the easement was granted and not encroach on our Barnes Road frontage. This would require that the access road be shifted eastward, more towards the center of the 30' easement, which falls within the 60' corridor (or that the easement itself be shifted).

We have some other concerns about the proposed access road.

A redesigned access road, built at the center of the 30' easement, rather than along its edge, would require the removal of a large (schist) outcropping near the beginning of the access drive.

At the April 30, 2013 evidentiary hearing, AT&T indicated that they would not need to do blasting in construction of the road, but would simply chip off bits of rock if necessary. This outcrop (see photo below) measures about 6' high and runs across over half the width of the easement, so chipping is a rather minimalist term for what would be required. Nonetheless, AT&T's written proposal includes the possibility of blasting, and we believe that there is a clear danger to foundations of the historic structures in the area, including our 18<sup>th</sup> century home and barns, and the Meeting House.

We are also concerned that the extraordinary steepness of the slope at the approach to the outlet on Barnes Road may pose a hazard, both for descending heavy vehicles and for crossing traffic.

As to the easement itself, we are perplexed at maps showing that AT&T plans to substantially relocate part of the easement. We presume that AT&T would need agreement of the parties to the easement in order to do this. (This does not involve us, since we are not parties to the easement, but the question should be addressed.)



*Stone (schist) outcropping, which begins approximately 14' east of our property line and a little over 100' from the edge of Barnes Road.*

As we have noted in previous correspondence, our home is in the process of consideration for listing on the National Register of Historic Places. The family that built our home and barns in the 18<sup>th</sup> century was largely responsible for placement of the Meeting House on the site directly across the street. One of our outbuildings, part of the complex of three “barns”, is actually a plastered cottage and was used as a law office from the beginning of the 19<sup>th</sup> century (said to be the second oldest law school in Litchfield County).

(Section 106 of the National Historic Preservation Act of 1966 may have relevance here.)

The estate of the last Burrall family member living in the house sold the property to the important photographer, Clarence H. White, in 1919. His photograph of one of the windows in our home is in the collection of the Museum of Modern Art, New York.

We believe that a commercial drive alongside our historic homestead, and a cell tower above, would damage the unique character of the combination of our home and the facing Meeting House. The tranquility of Barnes Road would be ruined, and property values both on Barnes Road and along Under Mountain Road would be adversely affected, with negative impact on the Town of Canaan (Falls Village).

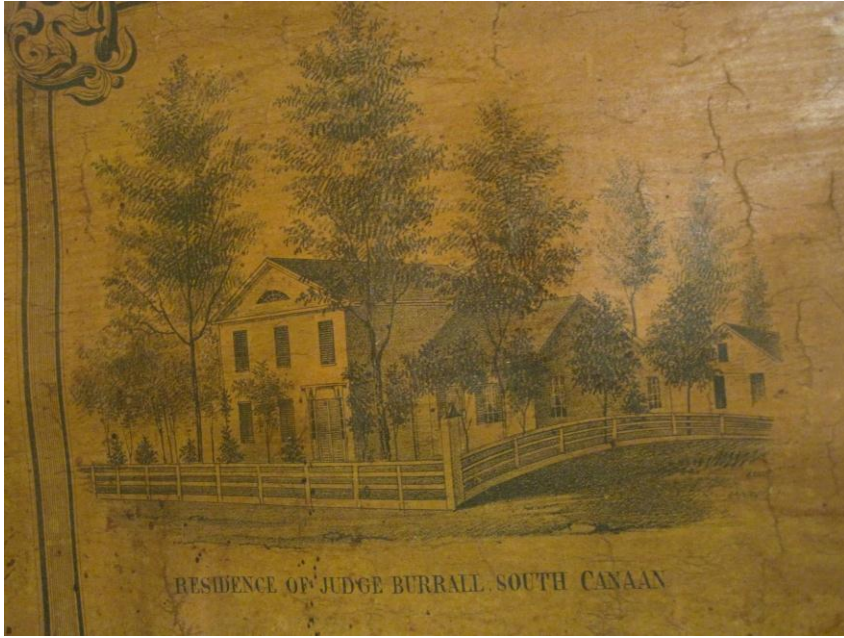
Please see below for photos of our home and setting.

Sincerely,

Marc Rosen and Susan Pinsky  
6 Barnes Road  
Falls Village, CT 06031  
pinskyrosen@me.com



*South side of house with Meeting House opposite*



*Detail of our home from 1853 map.*



*C. 1900 photo of west façade of home*



*Complex of three barns, seen from Rt. 63 (Law office is the building at right.)*



*Law office seen from the east, with center barn at right.*

CERTIFICATE OF SERVICE

We hereby certify that a copy of the foregoing document was electronically mailed to the following service list on May 5, 2013.

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