

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

ORIGINAL

RE: OPTASITE TOWERS, LLC AND  
OMNIPOINT COMMUNICATIONS, INC.  
APPLICATION FOR A CERTIFICATE  
OF ENVIRONMENTAL COMPATIBILITY  
AND PUBLIC NEED FOR THE  
CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A TELECOMMUNICATIONS  
FACILITY AT 58 MONTANO ROAD/  
618 NEIPSIC ROAD IN THE TOWN OF  
GLASTONBURY, CONNECTICUT

DOCKET NO. 359

RECEIVED  
JUL 21 2008

CONNECTICUT  
SITING COUNCIL

JULY 21, 2008

**PROPOSED FINDINGS OF FACT**

The Intervenor, Karl Wagener, respectfully submits the following proposed findings of fact in connection with the Siting Council's consideration of this docket.

I. PROPOSED SITE "A" BEST LOCATION FOR NEEDED TOWER

A. Wetlands Disturbance.

1. Site "A" has no wetlands impact, while Site "B" has 2,852 square feet of wetlands disturbed. PowerPoint Exhibit, "Site Comparison".
2. Site "B" requires a box culvert be placed in a stream, and the placement of the culvert will necessitate disturbance to the wetlands potentially involving temporary relocation of the watercourse. Pre-filed testimony of Dean Gustafson, p. 3.
3. There is no way to access Site "B" except by disturbing wetlands, as the intermittent watercourse runs the entire length of the Site "B" property from North to South. Pre-filed testimony of Dean Gustafson, p. 3.

B. Relative Numbers of Trees to Be Removed.

1. Site "A" will require a total of nine trees to be removed to locate the tower and accompanying compound at that Site. PowerPoint Exhibit, "Site Comparison".
2. Site "B" will require a total of 53 trees to be removed to locate the tower and accompanying compound at that Site. PowerPoint Exhibit, "Site Comparison".
3. The size and diameter of the trees to be removed at Site "A" are significantly smaller than those at Site "B". (Site "A": 3 trees at 6" diameter; 2 at 8"; 2 at 10"; 2 at 12". Site "B": 8 trees at 6"; 8 at 8"; 8 at 10"; 7 at 12"; 7 at 15"; 5 at 18"; 1 at 20"; 7 at 24"; 1 at 30"; 1 at 40"). Application, Exhibit A, Clough Harbour Associates, LLP, dated March 13, 2008. Application Exhibit B, Clough Harbour Associates, LLP, dated March 13, 2008.

C. Site A is Uniquely Suited to a Monopine Installation.

1. The area around Site "A" is largely wooded, with a mix of deciduous and evergreen trees. Trees to the north are in the 100 to 120-foot range. Transcript of Public Hearing, June 17, 2008, 3:35 PM, p. 35, lines 13-14, Michael Libertine.
2. For people on Neipsic Road, this would cause the monopine to appear only a bit taller than the horizon tree-line, which is the situation where a monopine can blend in. Transcript of Public

Hearing, June 17, 2008, 7:05 PM, pp 76-77, comments of Karl Wagener in response a question from Dr. Bell.

3. A monopine would be less damaging to the scenic resource from the vantage point of Route 2, especially the eastbound direction.

D. Scenic Quality of Sites "A" and "B".

1. Migratory birds can be seen traveling along the ridgeline near Sites "A" and "B". Pre-filed testimony of Karl Wagener, p. 4.
2. Many nearby residents would be more directly and negatively impacted by the placement of the tower at Site "B" instead of Site "A". Pre-filed testimony of Imtiaz N. Wahla.

E. Size of Compounds and Access Road Length.

1. The compound at Site "A" would be 50 feet by 50 feet, while the compound at Site "B" would be 70 feet by 70 feet. PowerPoint presentation, "Site Comparison".
2. Access road for Site "B" would be much longer and more destructive than the access road for Site "A" (1,412 feet as compared to 334 feet). PowerPoint presentation, "Site Comparison".

II. THE RIDGELINE UPON WHICH THE PROPOSED TOWER WOULD BE PLACED IS A SCENIC RESOURCE OF LOCAL AND REGIONAL SIGNIFICANCE.

- A. The Town of Glastonbury considers this area to be important for environmental protection and preservation. Letter of Town Manager, Richard Johnson, dated June 12, 2008.

- B. The proposed tower locations are along the ridgeline which is a part of the Eastern Border Fault. The Eastern Border Fault is prominent because it rises out of the Connecticut River Valley, marking the abrupt transition from the valley to the eastern highlands. Pre-filed Testimony of Karl Wagener dated June 12, 2008, Q3. Wagener Pre-filed Exhibit A.
  - C. The Glastonbury Town Plan of Conservation and Development calls for the protection of ridgelines. Glastonbury Town Plan of Conservation and Development, pp. 30, 56, 57, 63.
  - D. The Town of Glastonbury, with the cooperation of local land trusts, individual citizens and developers, has made extraordinary effort to protect the scenic values of the Eastern Border Fault ridgeline. Pre-filed Testimony of Karl Wagener, Q4. Wagener Pre-filed Exhibit B.
  - E. Bird migration along this ridgeline is a prominent feature, with eagles, hawks and herons all using this ridgeline for traveling, due to the favorable lift provided by the slope of the ridge. Pre-filed Testimony of Karl Wagener, Q4.
- III. EVIDENCE THAT THE PROPOSED TOWER NEEDS TO BE AT PRECISELY THE HEIGHT PROPOSED WAS INCONCLUSIVE.
- A. Only ten-foot increments were utilized in studying the signal strength in this application. Interrogatory Responses to Intervenor, Karl Wagener, From Co-Applicant, Omnipoint Communications, Inc., dated June 16, 2008, p. 3.
  - B. While at 107 AGL, there is a gap in the coverage along Route 2, and, at

117 AGL, that gap is not present. At what height this gap disappears was not established. Interrogatory Responses to Connecticut Siting Council from Co-Applicants, Optasite Towers, LLC, and Omnipoint Communications, Inc., dated May 6, 2008, Exhibit 4.

- C. At either height, a gap would still remain further southeast along Route 2, just north of State Highway 83. Application, Exhibit H. Interrogatory Responses to Connecticut Siting Council from Co-Applicants, Optasite Towers, LLC, and Omnipoint Communications, Inc., dated May 6, 2008, Exhibit 4.

IV. APPLICANT FAILED TO MAKE GOOD FAITH EFFORTS TO CONTACT CHIEF ELECTED OFFICIAL OF TOWN OF GLASTONBURY, AS REQUIRED BY STATUTE.

- A. It is uncontested by the Applicants that they have not been in contact with the Chair of the Town Council, Susan Karp.
- B. None of the Applicant's correspondence directed to the Town of Glastonbury was addressed to Susan Karp. Exhibit E of Application.
- C. The Applicants directed all reports and materials to Richard Johnson, the Town Manager, not to Susan Karp, its Chief Elected Official. Interrogatory Responses to Intervenor, Karl Wagener, from Co-Applicant Optasite Towers, LLC, dated June 13, 2008, responses 2a, 2b. Pre-filed testimony of Charles Regulbuto, dated June 12, 2008, Q6.
- D. The Co-Applicant, Optasite Towers, LLC, does not even bother to allege that it attempted to reach Susan Karp in its Findings of Fact. Optasite

Towers, LLC, Proposed Findings of Fact, dated July 21, 2008, Paragraphs  
39 - 42.

RESPECTFULLY SUBMITTED,  
KARL WAGENER

By  \_\_\_\_\_

Eric Knapp, Esq.  
Branse, Willis & Knapp, LLC  
148 Eastern Boulevard, Suite 301  
Glastonbury, CT 06033  
Telephone: (860) 659-3735  
Fax: (860) 659-9368  
Juris Number: 418384  
His Attorney

**CERTIFICATION**

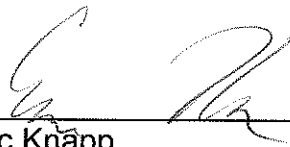
I hereby certify that on this 21<sup>st</sup> of July, 2008, a copy of the foregoing was mailed, postage prepaid, to all parties and Intervenors of Record.

Julie D. Kohler, Esq.  
Cohen & Wold, P.C.  
1115 Broad Street  
Bridgeport, CT 06604

Richard D. Johnson, Town Manager  
Town of Glastonbury  
P.O. Box 6523  
Glastonbury, CT 06033

Sarosh Wahla, Esq.  
Wahla & Associates, P.C.  
429 Capitol Avenue  
Hartford, CT 06106

Carrie L. Larson, Esq.  
Pullman & Comley, LLC  
90 State House Square  
Hartford, CT 06103-3702

  
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Eric Knäpp