

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

APPLICATION OF OPTASITE TOWERS LLC
AND OMNIPOINT COMMUNICATIONS, INC.
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

Date: JUNE 13, 2008

**INTERROGATORY RESPONSES TO INTERVENOR KARL WAGENER
FROM CO-APPLICANT OPTASITE TOWERS LLC**

Co-applicant Optasite Towers LLC ("Optasite") submits the following responses to the interrogatories from intervenor Karl Wagener in connection with the above captioned Docket.

i. Has the applicant reviewed the Glastonbury Plan of Conservation and Development for restrictions such as conservation easements, wetlands, watercourses, and other restrictions?

1bv. Optasite has reviewed the Glastonbury Plan of Conversation and Development dated September 23, 2007. Site A (58 Montano Road) is located in the "Suburban" planning area and the Site B (618 Neipsic Road) is located in the "Fringe Suburban" planning area. The Suburban planning area policies make no mention of conservation easements, wetlands, watercourses or other restrictions as it pertains to the Site A property. The Fringe Suburban area policies do mention maintaining buffers around wetlands and protection of watercourses. The wetlands crossing proposed at the Site B Property does just that. In addition, the Plan of Conservation and Development does mention the need to "promote the utilization of existing structures and buildings for new communication transmitting towers, with new tower facilities supported only after all other alternatives are exhausted. See Plan at page 18. Optasite has established that the proposed Facility, at either Site, is the only alternative in this area of Glastonbury. In addition, as indicated in the pre-filed testimony of Charles Regulbuto, the Town of Glastonbury's Fire Department has expressed an interest in locating its emergency equipment on the proposed Facility, those promoting the goals listed in the Plan of providing for multiple users on single facilities and of expanding emergency services capabilities.

Procedural Questions for Optasite

1. During the May balloon float, there were times when one or both balloons were not in place.

a. How many minutes were the two balloons floating simultaneously and at the height of the proposed towers?

1a. While there was no legal requirement to do so, Optasite did conduct a voluntary balloon float on May 6, 2008 pursuant to the request of the Town of Glastonbury's Town Manager, Richard Johnson. A balloon was raised at Site A at a height of 120 feet and at Site B at a height of 130 feet from approximately 2 p.m. until 6 p.m. All parties and intervenors were notified of this voluntary balloon float. Optasite does not calculate the number of minutes that a balloon is afloat.

b. Do you have a record of the actual height of the balloons in the windy conditions?

1b. Optasite cannot calculate the actual height of a balloon during a balloon float and cannot control weather conditions for the day and time of any particular balloon float. At the voluntary balloon float Optasite conducted on May 6th, the balloon at Site A was raised to a height of 120 feet and the balloon at Site B was raised to a height of 130 feet.

2. The application does not appear to contain any record of the applicant's attempt to meet with the Chief Elected Official, Ms. Susan Karp.

a. What correspondence or other records of communication with Chairman Karp do you have?

2a. When representatives of Optasite contacted numerous municipal offices in Glastonbury, Optasite was directed to forward the technical report and all filings related to this Application to the Town Manager, Richard Johnson. In accordance with this, Optasite directed all communication with the Town Manger, who has subsequently filed a request for party status in this docket as the Representative of the Town of Glastonbury.

b. When did Optasite provide the Chief Elected Official with the information required pursuant to Section 16-50/(e)?

2b. See response to question 2a above. On September 27, 2007, the Town Manager, Richard Johnson, was provided with a copy of the technical report associated with this Application.

3. Page 19 of the application states that a technical report was submitted to Glastonbury's First Selectman on September 27, 2007. However, Glastonbury does not have Selectmen. The September 27 letter in Exhibit R is addressed to Mr. Richard Johnson, Town Manager.

a. Was this the only letter of September 27?

3a. The technical report was filed with the Town Manager, Richard Johnson, on September 27, 2007.

b. Did Optasite provide the required information to any elected official?

3b. As discussed above, pursuant to the requests of various municipal departments, the technical report was filed with the Town Manager, Richard Johnson.

4. Why did Optasite select the Journal Inquirer for publication of notice instead of the Glastonbury Citizen, which is read by more residents of the area?

4. Optasite published a legal notice of intent to file this Application in two separate newspapers on two separate occasions each, the Journal Inquirer and the Hartford Courant. Both of these newspapers have general circulation in the Town of Glastonbury. Of note, the statutory requirement only requires Optasite to publish a legal notice in a single newspaper. As a matter of course and where possible, Optasite endeavors to publish in two separate newspapers in order to ensure that all interested members of the public receive notice of the filing of any particular application.

Questions for Optasite for Clarification of Previously Submitted Information

1. Regarding previously submitted Exhibit J (Site Search Process):

a. On the second page, the Sullivan site is listed as Site A and the Shaw site as Site B. Is this an error?

1a. This is a typographical error. The Shaw property is Site A and the Sullivan property is Site B. As depicted on the map included in Exhibit J, Site A is shown as #1 and Site B is shown as #2.

b. On the second page, it says “In July, 2006, Optasite submitted an application for the construction of a proposed Facility at J.B. Williams Memorial Park located at Neipsic Road in Glastonbury.”

i. To what agency was the application submitted?

1bi. Optasite forwarded a proposal in May, 2006 to Raymond Purcell, the Director of Parks for the Town of Glastonbury at that time.

ii. What is the application or docket number?

1bii. To the best of Optasite’s knowledge, this proposal was not given an application or docket number. It was simply a proposal submitted to the Town of Glastonbury, to which Optasite never received a response.

2. Regarding the previously submitted Exhibit M, View 2, Candidate B, the caption says “looking southwest”. Observation from this location would appear to reflect a view closer to south-southeasterly. How did the applicants fix the direction for this photograph.

2. The orientation of View 2 is mislabeled on the associated photographic simulation and within the body of the visual resource evaluation report, contained in Exhibit M of the Application. As indicated above, View 2 does in fact represent a south-southeasterly view from Neipsic Road looking towards the Candidate B site location. The location of View 2 is depicted correctly on the mapping contained within Exhibit M.

3. Regarding answer A9 of the applicant’s May 9 Interrogatory Responses, the applicant stated that, “To the best of the Co-Applicants’ knowledge, this Application has not been discussed by any town boards or commissions. Optasite does not have any correspondence from any town boards or commissions.”


a. Has the applicant filed any materials with any of the boards or agencies of the Town of Glastonbury?

3a. No, Optasite did not forward any materials to any boards or agencies of the Town of Glastonbury. When representatives of Optasite met with the Town Manager, Richard Johnson, as is its customary practice, Optasite offered to appear at any informational meetings requested by the Town. No such meetings were requested.

b. Has the applicant taken any additional affirmative steps to solicit comments from subdivisions of the Town of Glastonbury beyond notifications required by statute?

3b. After filing its technical report with the Town of Glastonbury on September 27, 2007 and meeting with the Town Manager on October 25, 2007, Optasite continued to follow-up with the Town of Glastonbury to determine if the Town had any proposed alternate sites or if the Town required any additional information from Optasite. To date, Optasite has not heard back from the Town. In addition, as required, all land use boards and commissions were sent hard copies of this Application. See Certification of Service at Exhibit E of the Application.

Respectfully Submitted,

By: 

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Certification

This is to certify that a copy of the foregoing has been mailed, this date to all parties and intervenors of record.

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