## STATE OF CONNECTICUT CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF CROWN COMMUNICATIONS INC. FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A TELECOMMUNICATIONS FACILITY AT 258 RIDGE ROAD TOWN OF MADISON

DOCKET NO. 363

Date: August 12, 2008

## CROWN COMMUNICATIONS INC RESPONSES TO SITING COUNCIL PRE-HEARING INTERROGATORIES, SET ONE

1. Did Crown receive return receipts for all adjacent landowners listed in Application Attachment 5? If not, list the landowners who have not received notice and describe any additional effort to serve notice.

Yes.

2. What is the distance and direction to the nearest landowner from the tower site (excluding the Town of Madison)? Identify the property owner.

Annexed in Exhibit A is a perimeter plan which identifies the adjacent property to the west as owned by the State of Connecticut as part of Cockoponsett State Forest with no active use thereof.

3. What is the distance and direction to the nearest residential dwelling from the tower site? Identify the property owner.

The perimeter plan in Exhibit A identifies the nearest residential dwelling located approximately 742' southeast of the tower site and as owned by Kenneth & Sharyl Jacobs.

4. How many residences are within 1,000 feet of the tower site?

Three.

5. Provide a diagram that depicts the site parcel, facility location, abutting property lines, and names of abutting property owners. Clearly delineate the site parcel among the other parcels that comprise the 100- acre town bulky waste site property.

See the revised perimeter plan annexed in Exhibit A which shows numerous Town parcels which make up the approximately 100 acre Town Bulky Waste Site.

6. The site address and lot acreage information in the application differs from that in the visibility analysis. What location was used to generate the viewshed map? Submit a revised viewshed map on 11x17 paper that excludes the Summer Hill Road site.

A viewshed map which excludes the Summer Hill Road site and which notes the correct property address is annexed in Exhibit B. The perimeter plan included in Exhibit A identifies all Town parcels in the area. The visual simulations and field work have consistently been performed based on the location of the proposed tower site at the entrance to the Town Bulky Waste Site. Variations in the lot acreage identified in the visual report and in the application were due to the number of Town parcels involved which make up the Town's Bulky Waste Site and data relied on when the visual report was initially prepared.

7. Provide the affidavit of publication for Notice pursuant to CGS Section 16-50*l*(b).

The original and copies of the affidavit of publication are annexed in Exhibit C.

8. Would any blasting be required to develop the site?

No, based on preliminary site investigations. A geotechnical report will be prepared as part of any D&M Plan submission.

9. Provide a copy of the lease agreement between Crown and the Town of Madison.

A copy of the lease agreement is included in the Bulk Filing, Section 5.

10. The topographic map within the Application is not legible. Provide a legible, color topographic map that depicts the site location.

Annexed in Exhibit D is a color topographic map for the area along with an additional aerial photograph of the tower site area.

11. Was a Natural Diversity Data Base (Connecticut Department of Environmental Protection) review performed? Please explain.

Yes. Crown's environmental consultants reviewed the CT DEP's NDDB and confirmed there were no state or federal endangered, threatened or species of special concern in the vicinity of the proposed tower site. See Application Exhibit 5, page 4.

A copy of the NDDB map for the Madison area as updated through June 2008 is annexed in Exhibit E along with the DEP's instructions for using the form. Because the site was not in an area of concern, a request for further review by CT DEP was not required or submitted as noted in DEP's instructions.

We do note of course that Crown's Siting Council application was served on DEP and to the extent there are any DEP comments regarding species or other potential areas of concern, Crown will address them upon receipt.

12. Please see the enclosed correspondence, dated September 13, 2007, in reference to a tower in Old Saybrook, Connecticut, owned by Crown. Council records indicate that this letter received no response from Crown. Please confirm that this is correct, and if so, please explain why.

Crown representatives responded to the Council's September 13, 2007 correspondence by speaking directly with the Executive Director. Were happy to advise the Council that Crown has assisted the Town of Old Saybrook with its designs and the Town currently plans on installing whip antennas off the top of the tower and a microwave dish lower on the tower. Rent has been established at a nominal monthly amount and a standard license agreement has been exchanged with the Town of Old Saybrook.

13. Please remark as to whether Crown is willing to provide reasonable access to the proposed tower at no cost to the Town of Madison, or in the alternative, no more than a nominal fee.

The lease approved by the Town already requires Crown to provide no cost access to the Town for emergency communications under the terms and conditions set forth in paragraph 18 of the lease.

#### CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and twenty one copies of Crown Communications Inc.'s responses to the Siting Council's pre-hearing interrogatories, Set One, were served on the Connecticut Siting Council by overnight mail with a copy by first class mail to:

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

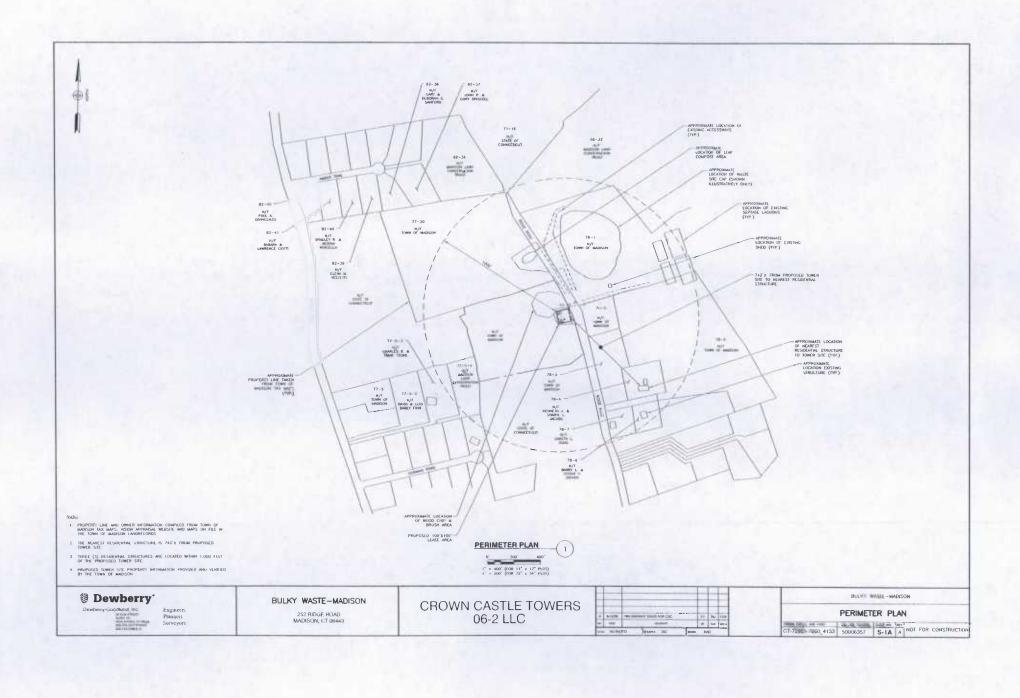
Dated: August 12, 2008

Christopher B. Fisher

cc: Bill Gorgone, Crown

Steve Birch, Crown Stew McMillan, Town Engineer Francis Kobylenski, Dewberry Michael Koperwhats, VHB Kevin Shea, Esq., Town Attorney

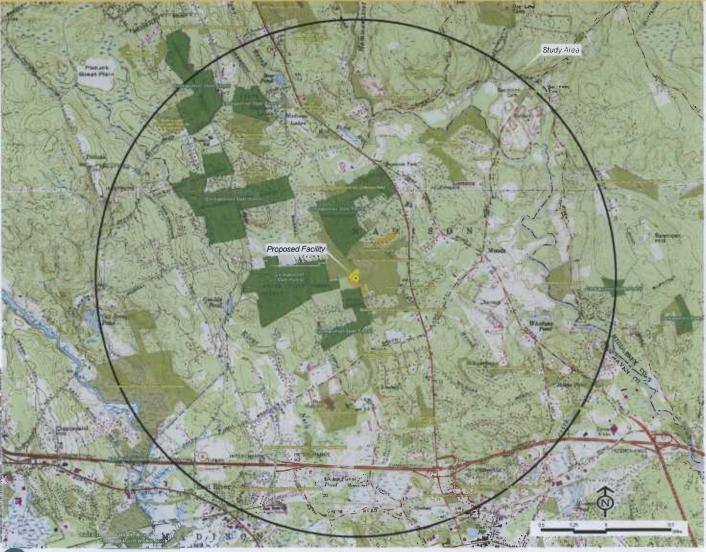
C&F:





### Viewshed Map

### Vegetation and Topography as Visual Contraints



**Proposed Crown Castle Telecommunications Facility Bulky-Waste Madison** 258 Ridge Road Madison, Connecticut

- Viewshed analysis conducted using ESRI's Spatial Analyst,
- Proposed Facility height is 150 feet AGL
   Existing tree canopy height estimated at 50 feet.

- Data Sources Digital elevation model (DEM) derived from USGS National Elevation Dataset (NED) with a resolution of one arc-second (approximately 30 meters) produced by the USGS, 1925 1999
- Forest areas derived from 2006 digital color orthophotos with 1-foot
- pixel resolution; digitized by VHB, 2007

   Base map comprised of Clinton (1984) and Guilford (1984) USGS Quadrangle Maps

   Protected properties data layer provided CTDEP; May, 2007

#### Map Compiled July, 2008









#### **Affidavit of Publication**

I, TJ Mastriano, do solemnly swear that I am the Publisher's Assistant at Shore Publishing Newspapers (*The Source*), printed and published weekly, in the state of Connecticut and that from my own personal knowledge and reference to the files of said publication the advertisement of a Legal Notice was inserted in the regular edition. Notice of the Connecticut Siting Council, May 30, 2008 was published in *The Source* newspaper on the following date:

May 29, 2008

A copy of the Legal Notice is attached hereto.

TJ Lano

Publisher's Assistant

Date: June 10,2008

Subscribed and sworn to before me on June 10, 2008.

My Commission Expires:

, Notary Public

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#### NOTICE TO CREDITORS ESTATE OF CYNTHIA L.SCHMIDT, AKA Cynthia Lane Schmidt [97-0112]

The Hon. Phillip Zuckerman, Judge of the Court of Probate, District of Madison, by decree dated May 20, 2008, ordered that all claims must be presented to the fiduciary at the address below. Failure to promptly present any such claim may result in the loss of rights to recover on such claim.

Mary J. DiMeola, Clerk

The fiduciary is:

Craig R. Schmidt c/o Gail S. Kotowski, Esquire 397 Church Street PO Box 37 Guilford, CT 06437

#### NOTICE

Notice is hereby given, pursuant to Section 16-50l(b) of the Connecticut General Statutes and Section 16-501-1(e) of the Regulations of Connecticut State Agencies of an Application to be filed with the Connecticut Siting Council ("Siting Council") on or after May 30, 2008 by Crown Communication Inc. (the "Applicant") for a certificate of environmental compatibility and public need for the construction and maintenance of a telecommunications facility in Madison, connecticut. The property being considered for the proposed telecommunications facility (the "Facility") is located at 258 Ridge Road owned by the Town of Madison and is currently used by the Town for the collection of recycling materials, composting and other debris. The proposed Facility will be located along the western side of the parcel at the end of Ridge Road and will consist of a 150-foot self-supporting monopole tower and a 90'x 90' fenced equipment compound designed to accommodate unmanned equipment either in single-story equipment buildings or on concrete pads.

The location, height and other features of the proposed Facility are subject to review and potential change under provisions of the Connecticut General Statutes Sections 16-50g et. seq.

The Facility is being proposed to allow T-Mobile, AT&T and other federally licensed wireless carriers to provide service in this area of the Town. The Application explains the need, purpose and benefits of the Facility and also describes the environmental impacts of the proposed

A balloon, representative of the proposed height of the monopole, will be flown at the proposed site on the first day of the Siting Council public hearing on the Application, which will take place in Town, or such other date specified by the Siting Council and a time to be deter-mined by the Siting Council, but anticipated to be between the hours of 1pm and 7pm.

Interested parties and residents of the Town of Madison, Connecticut are invited to review the Application during normal business hours after May 30, 2008 at any of the following offices:

Connecticut Siting Council 10 Franklin Square New Britain, CT 06051

Town of Madison Dolly Bean, Town Clerk 8 Campus Drive Madison, CT 06443

or the offices of the undersigned. All inquiries should be addressed to the Connecticut Siting Council or to the undersigned.

Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Ave, 14th Floor White Plains, New York 10601 (914) 761-1300 Attorneys for the Applicant

#### **Legal Notice Madison Inland Wetlands**

The Madison Inland Wetlands Officer approved the following on May 16, 2008:

08-11: 119 WILLIAMSBURG CIRCLE. Map 118, Lot 8. Owner: Janet Trainer; Applicant: Michael Salafia. Request for Regulated Activity Permit to allow construction of screened porch within 100 ft. of wet-

By: Janet Trainer

#### NOTICE MADISON PLANNING & ZONING COMMISSION **PUBLIC INFORMATION MEETING**

Notice is hereby given that the Commission will hold a public information meeting on Thursday, June 5, 2008 at 7:30 p.m. on the Top Floor, Memorial Town Hall, 8 Meeting House Lane, Madison, CT, to present and take public comment on possible changes in the zoning regula-tions for the R-2 District residential areas south of Interstate 95. Preliminary information is available on the Madison website at www.madisonct.org.

Dated at Madison, Connecticut, this 20th day of May, 2008. Samile Keeler, Clerk

#### LEGAL NOTICE MADISON INLAND WETLANDS AGENCY Madison, CT 06443

Notice is hereby given that the Agency will hold a Public Hearing on Monday, June 2, 2008, 8:00 P.M., Meeting Room A, Town Campus, Madison, Connecticut, to consider the following:

08-07: 297 BOSTON POST ROAD. Map 36, Lot 15. Owner/Applicant: Shoreline Unitarian Universalist Society. Regulated Activity Permit for expanded parking and stormwater management within 100 ft. of a wetland

C. Thomas Paul, Chairman

#### MADISON ZONING BOARD OF APPEALS Madison, CT

Notice is hereby given that the Board will hold a Public Hearing on Tuesday, June 3, 2008, 7:00 P.M.

Meeting Room A, Town Campus, 8 Campus Drive, Madison, CT, to consider the following:
7958+CSP: 160 & 162 MIDDLE BEACH ROAD. Map 17, Lots 76 & 77. R-2 Zone. Owners: Bruce &

Dawn H. Beach; Applicant: William F. Plunkett. Request to vary Secs. 2.17, 3.6(d&e), 2.9/3.6(f) and 12.6 of the Madison Zoning Regulations to allow 19% coverage; height variances of 2 ft. for proposed main roof and 6 ft. for proposed west and east dormers; large building rear yard variances of 7 ft. to proposed addition and 5 ft. to proposed stairs; large building west side yard variance of 6 ft. to existing building and air conditioning units; west side yard variance of 20 ft. to proposed 5 ft. fence on existing wall – total now to exceed 6 ft. in height; and large building east side yard variances of 8 ft. to proposed addition, 12 ft. to proposed air conditioning units, and 27.5 ft. to proposed raised terrace area and wall/fence exceeding 6 ft. in height; all to permit house at 162 Middle Beach Road to be demolished, lots to be merged, and nonconforming house at 160

Middle Beach Road to be enlarged. Coastal Site Plan Review required.

7960: 11 LAWSON DRIVE. Map 28, Lot 2. R-2 Zone. Owners: Peter & Lisa Fay; Applicant: Crystal Clear Pools. Request to vary Sec. 3.6(f) of the Madison Zoning Regulations to allow rear yard variance of 25

ft. and side yard variance of 5 ft. to permit installation of in-ground pool.

7961: 1488 DURHAM ROAD. Map 146, Lot 105. RU-1 Zone. Owner/Applicant: Brian Hubbell.

Request to vary Secs. 19.4.1 and 11.1 of the Madison Zoning Regulations to permit a 3,527 sq. ft. detached

accessory building with two garage components and in-law apartment in the front yard.

7962: 395 BOSTON POST ROAD. Map 87, Lot 2. R-1 Zone. Owners: John & Nancy Marano;
Applicant: Anthony Sasso. Request to vary Secs. 3.5(f) and 12.6 of the Madison Zoning Regulations to allow

2 ft. front yard variance to permit reconfiguration of roof on rear of nonconforming dwelling.

7963: 67 HARBOR AVENUE. Map 24, Lot 197. R-2 Zone. Owner: Terry Morgan; Applicant: Anthony Thompson. Request to vary Secs. 3.6(d&f) and 12.6 of the Madison Zoning Regulations to allow 12.7% area coverage and 19 ft. 4 in. front yard variance to entry porch to permit two-story addition with attached per-

coverage and 19 ft. 4 in. front yard variance to entry porch to permit two-story addition with attached pergola and new front entry porch on nonconforming dwelling.

7964: 515 OLD TOLL ROAD. Map 143, Lot 20-1. RU-1 Zone. Owner/Applicant: Douglas Callis. Request to vary Sec. 5.5(f) of the Madison Zoning Regulations to allow 5 ft. front yard variance to permit constructed handicapped ramp to remain.

7965+CSP: 125 GARNET PARK ROAD. Map 23, Lot 33. R-2 Zone. Owner: Carmen English; Applicant: Timothy English. Request to vary Secs. 2.17, 3.6(f) and 12.6 of the Madison Zoning Regulations to allow 5 ft. variance of critical coastal resources setback and 24 ft. Meadow Lane front yard variance to permit second floor dormer and conversion of rear pergola to sunroom on nonconforming dwelling. Coastal Site Plan

7966: 36 CHERRY LANE. Map 26, Lot 54. R-2 Zone. Owner/Applicant: Paul E. Sanders. Request to vary Secs. 3.6(d) and 12.6 of the Madison Zoning Regulations to allow 13.3% area coverage to permit one-

story rear addition on nonconforming dwelling.

7967: 133 TWIN COVES. Map 13, Lot 15. R-2 Zone. Owners/Applicants: Patrick & Therese Duffy. Request to vary Secs. 3.6(f) and 12.6 of the Madison Zoning Regulations to allow west side front yard variances of 15.6 ft. to new steps and landing and 12.2 ft. to raised house; south side front yard variances of 28 ft. to raised house and 32 ft. to second floor balcony; all to permit nonconforming dwelling to be raised 6 ft.

At this hearing written communications will be received and interested parties will be heard. Information on the above applications is available in the Land Use Office, Madison Town Campus.

Joel Marcus, Chairman



### Affidavit of Publication

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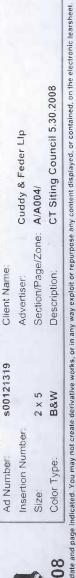
Publisher's Assistant

Date: June 10,2008

Subscribed and sworn to before me on June 10, 2008.

My Commission Expires:

, Notary Public









### Meyers, Suerth Nominated in 12th District

**Ry Marianne Sullivar** Source Senior Staff Writer

emocrats and Republicans have nominated their candidates in the 12th District State Senate race. As expected, it will be a contest between Democratic incumbent Ed Meyer and Republican challenger Ryan

Mever unanimously endorsed at a Democratic caucus Monday night at the Guilford Firehouse. He will be seeking his third two-year term.

It is a privilege to serve this State Senate district, and I look forward to the possibility of two more years of advocacy to meet the needs of my constituents," he said.

Suerth was unanimously endorsed by the Republicans at a caucus held at the Adams Middle School in Guilford May 13. A mem-ber of the Madison Republican Town Committee, Suerth announced his intention to seek the nomination back in March.

'I was the unanimous selection of the caucus. I think we are off to

excited. I am looking forward to a campaign that promises to bring more back from Hartford," he said The 12th State Senate Distric

includes the towns of Branford Durham, Guilford, Killingworth Madison, and North Branford. Al state senators serve two-year terms

Suerth, 33, is a former staffe with former 2nd District Congress man Rob Simmons. He served fou years in the U.S. Army, including one-year deployment to Iraq with the Army's Judge Advocate Gen eral's (JAG) Corps assigned to th 1st Cavalry Division. He is a attorney, married with a youn child, and a Madison resident.

Meyer will seek his third terr in the state senate. He is also a attorney, now retired. For four vears he has served as chair of th legislature's Children's Commit tee. In addition to several othe committee assignments, this ses sion he was named co-chair of th General Assembly's Environmen

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# **Connecticut Natural Diversity Data Base Endangered and Threatened Species**

#### Background

Section 26-310 (a) of the Connecticut General Statutes states that each state agency, in consultation with the Department of Environmental Protection (DEP) commissioner, shall conserve endangered and threatened species and their essential habitats, and shall ensure that any activity authorized, funded or performed by such agency does not threaten the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat designated as essential to such species.

DEP has developed a set of maps that depict approximate locations of state and federally listed species and significant natural communities (Natural Diversity Data Base or NDDB maps). These maps can be viewed in the DEP File Room at 79 Elm Street in Hartford and on-line at

www.ct.gov/dep/endangeredspecies. These maps can be used to determine if your proposed activity may impact endangered or threatened species. Shaded areas on the maps, commonly referred to as "blobs," depict locations of endangered or threatened species or significant natural communities. The maps are updated every six months and it is important that the applicant review the most current version.

#### **Determination of Potential Impact**

When consulting the maps, consider the entire area impacted by a project, including any off-site impacts (e.g., water discharges) or other associated disturbances, not just the project's immediate footprint.

#### If the project:

- is outside of any shaded areas; or
- does not overlap a water body that has any shading; or
- is more than ½ mile upstream or downstream from a shaded area,

Then an impact on endangered or threatened species or significant natural communities is not likely.

Indicate in the "site information section" of the permit application, that the maps were reviewed and no impact was identified and list the date of the map (located in the map legend). You do **NOT** need to submit the *CT NDDB Review Request Form* (DEP-APP-007).

#### If any part of the project:

- is within a shaded area; or
- overlaps a water body that has any shading;
- is less than ½ mile upstream or downstream from a shaded area,

Then there is a potential impact on endangered or threatened species or significant natural communities.

In this case a <u>CT NDDB Review Request Form</u> (DEP-APP-007) must be completed. The form and a copy of a 1:24,000 USGS quadrangle map clearly showing the project boundaries must be submitted to the NDDB Program at the address specified on the form. A detailed project description must also be provided on the form. If a field survey of the project area has been conducted to identify the presence of endangered, threatened or special concern

species, indicate on the CT NDDB Request From, the biologist(s) who conducted the survey, their address, and submit a copy of the field survey, with the completed CT NDDB Request Form.

A more detailed review of projects that are likely to have an impact will be undertaken by the DEP. These reviews typically take four to six weeks. Depending on the nature and scope of the proposed project, you may be required to conduct additional on-site surveys.

Applicants are strongly encouraged to contact DEP for recommendation on survey protocols. Site surveys should be conducted as soon as possible and before finalizing site development plans. Addressing listed species issues early in the project can significantly expedite the review process.

If listed species or significant natural communities will not be impacted based on the scope of the project activities and location, you will be notified in writing that there is "no

impact." This "no impact" letter should be submitted with the permit application form or forwarded to the DEP Permit Analyst working on your project. If the proposed project is likely to impact listed species or significant natural communities, DEP staff will provide recommendations to you and the Permit Analyst reviewing your project to avoid or minimize impacts to these species and habitats. DEP Permit Analysts reviewing these applications will consider these recommendations during their review and may incorporate appropriate conditions as part of the permit.

Please note that NDDB information is updated periodically (usually every 6 months). If the proposed project has not started within 6 months of an NDDB review, you should contact the NDDB for an update. New data, not available at the time of the initial request, could have a significant impact on the proposed project.

If you have questions on this process, please call the NDDB at 860-424-3011.

