

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 52 STADLEY ROUGH ROAD,  
DANBURY, CONNECTICUT

DOCKET NO. 366

November 20, 2008

**FOURTH SUPPLEMENTAL WITNESS LIST**

Party City of Danbury will also present the following additional witness at the hearing to be held on December 8, 2008:

1. Richard A. Comi  
The Center for Municipal Solutions
2. Steven Danzer,  
Steven Danzer PhD and Associates, LLC

The City of Danbury reserves the right to offer additional exhibits, testimony, witnesses and administratively noticed materials as may be necessary during the hearing process.

Dated at Danbury, Connecticut, this 20<sup>th</sup> day of November 2008.

City of Danbury



Robin L. Edwards  
Assistant Corporation Counsel  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810  
(203) 797-4518

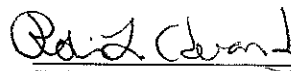
CERTIFICATE OF SERVICE

I hereby certify that the original copy of the foregoing was delivered to the Connecticut Siting Council via overnight mail, with an electronic copy sent via email, and one (1) copy of the above was mailed to the Applicant's legal counsel via overnight mail, with a copy also electronically delivered, as follows:

Christopher Fisher, Esq.  
Lucia Chiochio, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601  
[lchiochio@cuddyfeder.com](mailto:lchiochio@cuddyfeder.com)  
[cfisher@cuddyfeder.com](mailto:cfisher@cuddyfeder.com)

Dated: November 20, 2008

City of Danbury



Robin L. Edwards  
Assistant Corporation Counsel  
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November 20, 2008

**PRE-FILED TESTIMONY OF RICHARD A. COMI  
THE CENTER FOR MUNICIPAL SOLUTIONS**

Pre-filed testimony of Richard A. Comi, The Center for Municipal Solutions

**Q. What is The Center for Municipal Solutions?**

A. The Center for Municipal Solutions ("CMS") is an organization that, since 1987, has been exclusively dedicated to serving local governments (municipalities and counties) and represents in excess of more than 600 communities in 26 states.

The two founders have a combined total of more than a half century of experience (on the executive level) in the telecommunications industry. The members of the team of experts include Professional Engineers, including RF, Structural and Environmental specialists.

**Q. Please state the name and position of The Center for Municipal Solutions professional filing this testimony.**

A. Richard A. Comi. Founder (CV attached)

**Q. On whose behalf is CMS testifying for in this Docket?**

A. The Center for Municipal Solutions is testifying on behalf of the City of Danbury.

**Q. Please summarize your educational background and areas of expertise.**

A. **Richard A. Comi** I received a Bachelor of Science in engineering from the United States Military Academy at West Point in 1967; and a Masters of Business Administration from Syracuse University in 1978. I have over thirty-seven years of experience in the telecommunications industry. I am the owner of Comi Telecommunication Services and co-founder of the Center for Municipal Solutions ("CMS"), which provides services to local government, relative to regulation of the siting, placement, construction, and modification of wireless telecommunications facilities.

During my career in the telecommunications industry I have attended hundreds of hours of training on network design and operation of telecommunication systems. Moreover, as a Chief Operating Officer, I had complete responsibility for the design, construction, marketing, and operation of one of the largest Cellular RSA's in the country.

I have been asked, as an industry expert, to conduct seminars at numerous conferences for municipal organizations on the regulation of the siting, placement, construction, and modification of wireless telecommunications facilities. Some of these organizations include the National Association of Small Towns; the New York State Association of Towns; The Florida Municipal League; The Pennsylvania State Association of Township Supervisors; The New Mexico League of Cities; The New Mexico Association of Counties; and numerous other municipal counties and groups. I am a regular lecturer to various state and national municipal organizations and, by request I have also conducted seminars on these subjects for scores of individual local governments.

**Q. Please summarize related work experience.**

A. \* I have drafted and designed wireless siting ordinances that are now in effect in hundreds of communities, and have further reviewed hundreds of other wireless ordinances.

\* I have reviewed a few thousand wireless siting applications, including inspecting the construction of the site when appropriate.

\* The "siting process" used by CMS, including preparation of an ordinance and review of applications and site construction, when permitted, are endorsed "services" of the West Virginia Municipal League.

\* I have provided expert witness testimony in the form of both in-court testimony and affidavits on the siting of wireless facilities.

\* I have been accepted as an industry expert to provide wireless siting testimony before hundreds of municipal Boards and in front of this Council.

\* I have been asked, as an industry expert, to conduct seminars at numerous conferences for municipal organizations on the regulation of the siting, placement, construction, and modification of wireless telecommunications facilities.

**Q. What is the purpose of your testimony?**

A. The Center for Municipal Solutions was retained by the City of Danbury to evaluate and provide consulting services concerning the proposed placement of a Wireless Telecommunications Facility in Danbury Connecticut on property located at 52 Stadley Rough Road.

**Q. What are the parameters of your evaluation?**

A. Our evaluation is based on: 1) a site visit, 2) a visit to the closest residence, 3) a visit to nearby potential alternate sites, 4) review of all material provided on the application, 5) a review of all material concerning Docket 366 posted on the CSC web site as of November 15, 2008, and 6) our knowledge of the telecommunications industry, and emerging technologies.

**Q. Please explain how you conducted your evaluation?**

A. We visited the site and surrounding area on November 13, 2008, reviewed all material on the CSC web site concerning Docket 366, met with a member of City Planning staff and Corporation Counsel on November 13, 2008 and had numerous other discussions with the City of Danbury.

**Q. Did you review Applicants' materials?**

A. Yes.

**Q. In your opinion, was the Application complete?**

A. No. The Application materials did not provide a basis to conclude that a facility consisting of a one hundred and forty (140) foot monopole was needed at the site. Therefore, it was necessary to pose a number of questions to the Applicants to address the shortfalls in the Application materials, and to determine whether the Applicants could substantiate the need for a new tower and the height requested. The lack of specific information in the Application triggered the need for additional City interrogatories, and we provided our expertise in formulating additional questions directed to the Applicants. The responses to those questions are critical to a thorough evaluation of the proposed facility.

**Q. What information was lacking on the part of Omnipoint and Sprint/Nextel in the Application?**

A. Numerous items were missing to prove the need for the facility at the proposed location, at the proposed height, including but not limited to the following;

- 1) The power levels (ERP) that were used in developing in all propagation maps in the application were not provided.
- 2) No drive test data was provided by Sprint/Nextel.
- 3) Sprint/ Nextel did not provide propagation maps at less than one hundred and thirty (130) feet at the proposed site.
- 4) Applicant has stated that the propagation maps are in tune with real world drive data, yet there exists significant differences between the drive test maps and the propagation maps.
- 5) On the propagation maps, existing coverage is not shown from all existing nearby sites, including the Carmen Hill site.
- 6) There were insufficient details of how the drive test by Omnipoint was conducted to ensure that the results are accurate.

**Q. In your opinion does Omnipoint need a site for capacity or coverage relief?**

A. Essentially capacity.

**Q. Why do you believe that Omnipoint needs the site for capacity relief?**

A. There was a call test done that demonstrated that that calls could be completed in the area. Also, capacity was inferred as an issue in the application as existing on Interstate 84; this capacity issue as well as the lack of details on the drive test and propagation modeling leads one to believe that if there is a gap that it is indeed a small one.

**Q. Are there other alternatives that should be considered instead of a new tower?**

A. Yes. The DOT site, the water tank approximately .7 miles east of the proposed site, two site solutions and a combination of existing structures (for example, the Kaufman water tank) along with new technology such as DAS.

**Q: How would you summarize the information that the Applicants have provided to justify what they have proposed?**

A: The information provided by the Applicants to support and justify the need for a new tower at the location and of the size proposed:

- (1) Fails to justify that a new tower is required at this specific residential location;
- (2) Fails to justify that a tower is needed at a height of 140 feet;
- (3) Fails to provide a detailed evaluation of alternative site(s), or technologies to warrant a new tower; and
- (4) Fails to justify that use of existing structures is not capable of achieving desired service coverage.

The statements above are true and complete to the best of my knowledge.

November 19, 2008

Richard A. Comi  
Richard A. Comi

Subscribed and sworn to before me this 19 day of November 2008.

Nancy Karins Mendick

Notary Public/Commission expires:

Nancy Karins Mendick  
Notary Public, State of New York  
Registration #01ME5062382  
Qualified In Albany County  
My Commission Expires July 1, 2010



**RICHARD ANGELO COMI**

70 Cambridge Road  
Glenmont, New York 12077  
(518)439-3079

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**SUMMARY OF RELATED SKILLS AND QUALIFICATIONS**

Systems

Excellent understanding, from a practical use and technical perspective, of telecommunications systems including hardware, line systems and data/voice system enhancements.  
Recognized for ability to analyze system needs, determine appropriate technical and organizational enhancements and implement to achieve results.  
Practical, hands-on experience in on-line management of systems including switches, interfaces and other equipment requiring attention to detail, responsiveness and accountability for in-filed operations.  
Experienced in troubleshooting; strong skills in managing networks and complex system/line configurations.

Management/Administration

Significant senior level management experience with bottom-line accountability for sales, marketing, finance, profitability, operations and distribution.  
Skilled in business development; initiated new business reaching sales level of \$3 million in 18 months and profitability in nine months.  
Excellent record of accomplishment in managing cost reduction programs while concurrently improving service to the users.  
Able to manage multiple organizational units and priorities with efficiency and results.  
Experienced in supervising craft, management and support personnel.  
Fiscally accountable... managed with accountability operating budgets in excess of \$17 million.  
Skilled in budget preparation, analysis and subsequent management to profit and cost standards.  
Skilled in personnel/human resource development including training, career planning and organizational development.  
Specific focus on determining training and development needs and implementing targeted programs to meet needs.

**EXPERIENCE REVIEW**  
**COMI TELECOMMUNICATION SERVICES/  
THE CENTER FOR MUNICIPAL SOLUTIONS**

Glenmont, New York 1995-Present

Owner/Founder

Utilizing his extensive industry background, he established a municipal consulting and master agent organization.

With his in depth knowledge of cellular, PCS and other wireless industries, he provides leadership and organizational skills to a nationwide group on independent municipal consultants. As a zealous advocate of local government, he is virtually unique in the wireless consulting arena, as he exclusively serves local governments. He has worked with over a hundred communities on Wireless Ordinances, Siting issues, and municipal leases. He has prevented numerous communities from making drastic mistakes, some of which would have been virtually irreversible. In addition, his ability to deal with operators as a true equal has resulted in gains for municipalities that they never expected. His knowledge goes well beyond the mere technology and operations of a company, and includes the legal and procedural requirements associated with telephony, cellular and PCS applications and permitting.

**GFCC (GLENS FALLS COMMUNICATION CORP.)**

Glens Falls, New York 1993-1995

President, Owner

Responsible for all aspects of established business including financial, management, sales and operations. Purchased business as 100% owner; developed staff of 16 including management, technical and clerical support; negotiated large customer contracts, purchase equipment to include new DSC600 and new PC LAN billing system.

**CELLULAR ONE OF UPSTATE NEW YORK**

Delmar, New York 1990-1993

Vice President-Chief Operating Officer

Retained to organize, launch and manage this start-up cellular phone service organization. Established cellular system in five months. Brought to level of profitability in first nine months... exceeded sales objective by 42% in year one... negotiated major contracts with vendors, suppliers and joint venture partners resulting in rapid growth, profitability and overall market share. Developed distribution base (dealer) and directed sales force management. Recruited and directed executive management staff with accountability for finance, sales, marketing, dealer services, customer service and technical operations.

Directed business operations employing 20 and generating \$3 million in annual revenues. Organized administrative, finance, customer service and operational units with bottom-line responsibility for budgeting and control.

**NEW YORK TELEPHONE COMPANY**

Syracuse and Albany, New York 1971-1989

During tenure, served as

Director, Network Operations, Maintenance-Northeast

Director of Operations, Network Services Administration-Northeast and Central

Operations Supervisor-Upstate New York

Traffic Superintendent- Syracuse

Dial Service Supervisor-Syracuse

In most recent management capacity, assumed responsibility for operations, maintenance and general management of system involving 95 switches, 100K special services (private line, data, voice, 1.5 service and DDS) and various switching technologies. Administratively responsible for staff of 365 and budget resource allocation of over \$17 million. In previous capacity as Director of Operations, Network Services Administration, managed a 2 million subscriber network, 225 employees and budget over \$8 million.

Recognized for accomplishments in planning and implementing central office consolidations, reducing labor and operations costs and concurrently improving service levels. Contributed to technical enhancement of systems, networks and service levels.

**EDUCATIONAL/SPECIALIZED TRAINING**

**Masters in Business Administration**

**SYRACUSE UNIVERSITY, 1977**

**Bachelor of Science**

**UNITED STATES MILITARY ACADEMY, WEST POINT, 1967**

## MILITARY

### UNITED STATES ARMY, 1967-1971

Captain; Honorable Discharge; Vietnam Era Veteran

\*Received Bronze Medal for Meritorious Service and Army Commendation for Achievement

### RICHARD A. COMI

My name is Richard A. Comi. I am owner of Comi Telecommunication Services and co-founder of the Center for Municipal Solutions ("CMS"), which provides services exclusively to local government, relative to regulation of the siting, placement, construction, and modification of wireless telecommunications facilities.

I hold a Bachelor of Science in engineering from the United States Military Academy at West Point; and a Masters of Business Administration from Syracuse University. I have over thirty-two years of experience in the telecommunications industry.

During my career in the telecommunications industry, I have attended hundreds of hours of training on network design and operation of telecommunication systems. Moreover, as a Chief Operating Officer, I had complete responsibility for the design, construction, marketing, and operation of one of the largest Cellular RSA's in the country.

I have been asked, as an industry expert, to conduct seminars at numerous conferences for municipal organizations on the regulation of the siting, placement, construction, and modification of wireless telecommunications facilities. Some of these organizations include the National Association of Small Towns; the New York State Association of Towns; The Florida Municipal League; The New Mexico League of Cities; the New Mexico Association of Counties; and numerous other municipal counties and groups. By request I have also conducted seminars on these subjects for scores of individual local governments.

I have drafted and designed wireless siting ordinances that are now in effect in hundreds of communities, and have further reviewed hundreds of other wireless ordinances. I have reviewed thousands of wireless siting applications, including inspecting the construction of the site when appropriate. The "siting process" used by CMS, including preparation of ordinance and review of applications and site construction, when permitted, are endorsed "services" of the West Virginia Municipal League.

#### Expert Witness Experience:

Court Testimony: Nextel v City of New Rochelle, NY, Federal District Court Manhattan New York; November 2001

Court Testimony: American Tower v. City of Huntsville, Alabama, United States District Court for the Northern District of Alabama Northeastern Division, June 2005

Affidavit Testimony: Nextel v City of Mount Vernon, NY, U.S. District Court of Southern New York; November 2003

Affidavit Testimony: American Tower v. City of Huntsville, Alabama, United States District Court for the Northern District of Alabama Northeastern Division, March 2004

Affidavit Testimony: New Cingular Wireless v City of Rye, NY, United States District Court Southern District of New York, January 2006.

Publications:

Towers and Wireless Facilities . . . 1 Million More - Are You Prepared to Deal with the Situation? Co-authored for PSATS (The Pennsylvania State Association of Township Supervisors); 2002

TOWERS AND WIRELESS FACILITIES . . . THEIR IMPACT AND HOW TO DEAL WITH IT (Co-authored originally for the CMS web site, but subsequently picked up and widely distributed in the Internet); 2003

TOWER AND WIRELESS ORDINANCES – Co-authored for The Missouri Municipal Review; 2008

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FACILITY AT 52 STADLEY ROUGH ROAD,  
DANBURY, CONNECTICUT

DOCKET NO. 366

November 20, 2008

**PRE-FILED TESTIMONY OF STEVEN DANZER, PhD  
STEVEN DANZER PhD & ASSOCIATES, LLC**



STEVEN DANZER, PHD & ASSOCIATES LLC

*Wetlands & Environmental Consulting*

WWW.CTWETLANDSCONSULTING.COM

203 451-8319

WETLAND BOUNDARIES • POND & LAKE MANAGEMENT • CONSTRUCTION FEASIBILITY CONSULTATIONS • ENVIRONMENTAL STUDIES

Date: November 19, 2008

By: Steven Danzer PhD

Soil Scientist (listed SSSSNE)

Professional Wetland Scientist (PWS #1321)

Certified Professional in Erosion and Sediment Control (CPESC)

PhD Natural Resources

## ENVIRONMENTAL ASSESSMENT

Application of Optasite Towers LLC and Omnipoint Communications, Inc. to the Connecticut Siting Council, for proposed activities located at 52 Stadley Rough Road, Danbury, CT. Docket # 366.

### Introduction:

On behalf of the City of Danbury, an environmental evaluation of the above-referenced project was performed. Materials reviewed included all application materials submitted to the Connecticut Siting Council to date of this report, including the supplemental materials dated 9/5/08, and the hearing testimony of 10/28/08. Further data was reviewed during a field visit conducted on 11/18/08 when the site was observed from the adjacent residential parcel to the west.

The purpose of the evaluation was to assess the wetland resources, and then identify any impacts to the wetlands resources that may occur as a result of the proposed activity.

### Comments:

## 1. Location and Origins of the Wetland Resources:

Two wetland systems exist in close proximity to the proposed activity. The first system is an intermittent vernal watercourse which flows southwesterly near the southeast corner of the proposed pad. The second system is a wetland depression pocket which is located along the eastern edge of the proposed pad.

Both wetlands systems are remnants of a larger wetland which existed prior to the construction of the church. The size of the wetland corridor within the site was larger and more extensive in past years than what exists today. A large remaining portion of the wetland system still exists off site, southwest and west of the property. The proposed site for the pad is located on piles of fill that were probably associated with the excavation for the construction of the church.

The underlying wetland soils were identified by the project's soil scientist as the "Ridgebury" soil type. This is a natural wetland soil, and further indicates that the wetland area was formed naturally before the filling. The geographical extent of the wetlands was reduced due to the filling. Consequently, the remaining wetlands can be characterized as "altered", though it should be noted that similar alterations in extent are quite common within the Danbury region. Since the soils are natural in origin, it is not accurate to characterize the wetland as "man-made".

The application materials provide conflicting accounts regarding the geographical extent and shape of the wetland pocket. The site plan map in the NEPA Screening Report, labeled L-1 dated 11/28/05 by URS Corporation, depicts a triangular wetland, while the site plan submitted in the Responses to City of Danbury Pre-Hearing Interrogatories dated September 5, 2008, Exhibit C, titled "Site Access Map Sheet A02" revised through 4/7/08 stamped by Rodney Bascom PE, indicates a smaller, more rectangular wetland, a few feet farther away from the pad.

Both maps indicate abrupt wetland boundaries with numbered vertices (with different numbering systems), so it is assumed that the wetland was in fact professionally delineated at least twice. It is not clear why this first wetland delineation by URS in 2005 with the greater wetland extent was later rejected by the applicant in their 2008 application materials.

There are also differences in the boundaries and extent of the watercourse between the 2005 NEPA Report site plan by URS and the later 2008 site plan stamped by Bascom.

Since the boundaries of the wetlands and watercourses can not be verified due to the discrepancies in the maps, it is recommended that this wetland area be re-examined and re-delineated by an independent and objectively reliable professional agreeable to all parties.

Additionally, it is strongly recommended that since the actual extent of the wetland is still really unknown, that any statements upon the public record by the applicant's consultants regarding any impact to this wetland be disregarded, until the exact location and extent of the wetlands relative to the proposed activity is verified.

## 2. Quality and Value of Wetland Resources:

### Landscape Position:

As mentioned above, the wetland areas within the site are surviving remnants of a larger wetland system that still exists off site southwest and west of the property. Both the wetland area and the upland portions of the site are also part of a larger wooded corridor that exists between several residential and two church properties. This corridor provides habitat for local wildlife such as deer and turkey.

### Habitat:

The intermittent vernal watercourse very likely provides at least a limited degree of habitat for local amphibians. The applicant's consultants seem to contend that the value for amphibians is minimal; however they then provide conflicting evidence for this assertion. On one hand, the applicant's project manager (Mr. Reiger of Kleinfelder, Inc.) remarked (without providing documented data) at the 10/28/08 hearing (transcript page 119) that he believed that standing water is not present for any significant duration in the spring. On the other hand, the applicant's own soil scientist and wetlands expert (Jeffrey Shamas also of Kleinfelder, Inc.) indicated in his report of 5/9/08 (page 2) that the hydrologic regime of the wetland system is "saturated / semipermanent". In this region it has been my experience that this type of hydrology is often correlated with seasonally inundated (i.e. water at the surface) swampy soils that amphibians prefer. I myself observed pooling within the watercourse on 11/18/08, leading me to believe that the area likely provides some limited amphibian habitat, and that the area probably deserves further study.

The presence of the stone walls nearby also provides cover habitat to reptiles and small mammals that may use the watercourse as well.

### Major Functions and Values:

The two major wetland functions for the system include groundwater recharge and wildlife habitat. Additionally, the fact that the wetland system is a remnant system adds a level of conservation value to the system since there is not much wetland left within the site.

Regarding the altered nature of the wetlands, it should be noted that the CT State Wetland Statute does not differentiate between "man-made" and "natural" in defining what a wetland is, and recognizes wetlands for what they are now, rather than how they were created. Furthermore, the Statute provides the same mechanism for protection to all



wetlands regardless of origin. The fact that this wetland system may be “altered” by man may limit the number of possible environmental functions of the wetland to those two functions labeled above, but from an ecological perspective a small number of wetland functions does not mean the wetland system is not worthy of protection.

### **3. Regulated Activities under Jurisdiction of City of Danbury Environmental Impact Commission:**

The construction of the pad and towers will occur within 100 feet of the wetland and watercourse. According to Section 2 (p 4) of the Inland Wetlands and Watercourses Regulations of the City of Danbury, this clearly constitutes a “Regulated Activity” within the meaning of the Regulations. It is recommended that the applicant submit an application to the Environmental Impact Commission (“EIC”) in order for the EIC to make appropriate recommendations and findings.

It is also further recommended that if this application is granted, the applicant be required to prepare and submit a full development and management plan (“d&m plan”), and also that the Council permit the City to make recommendations and have input and comment on the d&m plan prior to it being approved by the Council so as to ensure the environment and ecology of the state is protected.

### **4. Impacts to the Wetland Resources:**

Ecological impacts: Natural wetland buffer will be removed for the pad and tower. This area currently consists of shrubby and herbaceous re-growth over the fill piles, with a few scattered trees. The area currently provides cover and limited food to the smaller wildlife that use the wetland corridor. Removal of this habitat will eliminate these ecological functions from the buffer landscape.

Erosion and Sedimentation impacts: The applicant states that “moderate clearing and minimal grading will be required” (Environmental Assessment Statement, application materials Tab 4). However, the applicant also maintains that detailed plans have not been provided (Site Evaluation Statement, application materials Tab 4). Lacking in the plans were proposed stormwater management details and proposed erosion prevention details. Also lacking were proper wetland boundaries, and any areas of high erosion potential (which is especially significant as the pad will be constructed on erodible fill soils). These details are typically provided in a site development plan, and are inherent to any environmental review process. Without this level of detail it is not possible to credibly assert that the proposed activities will not impact the wetland resources.

Hydrologic - Wildlife impacts: The wetland resources currently receive both surface and subsurface flow, as indicated in the applicant's wetlands report of 4/9/08 by Kleinfelder. The proposed activities will convert the land cover to a less pervious cover type. The Kleinfelder report asserts that all activities are down-gradient from the wetlands and therefore any hydrologic impact will be minimal. However, it is not logically possible to make this assertion without reviewing the complete development plan (as discussed above). Any alteration of terrain can potentially increase the surface flow to the system (which would especially impact the pocket wetland) at the expense of the wetlands' subsurface recharge. This change in hydrology to the system may affect the frequency and duration of the surface pooling, and impact any amphibians or other wildlife to the extent that they currently depend on the existing surface water patterns.

**5. Moving the site 45 feet to the north and east:**


The City of Danbury asked me to evaluate potential impacts to the wetlands if the pad and tower was moved approximately 40-45 feet to the north and east, as was suggested by one of the Siting Council Commissioners.

Moving the site to the northeast would involve the permanent elimination of a large portion of the wetland resources. Under the City of Danbury Inland Wetlands and Watercourses Regulations, this would not only constitute a "regulated activity" but by definition also constitute a "significant activity". Under the Regulations, to obtain a favorable recommendation from the City of Danbury Environmental Impact Commission (the EIC), the applicant would have to demonstrate there are no feasible or prudent alternatives to this impact. Since there are in fact such alternatives available, the ability of the City of Danbury EIC to issue a positive recommendation would be statutorily restricted. Furthermore, the applicant would also have to obtain a jurisdictional determination and/or consent from the US Army Corps of Engineers for filling the wetland.

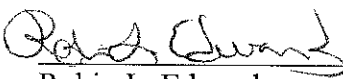
Respectfully submitted,  
Steven Danzer PhD  
Soil Scientist, PWS, CPESC

The statements above are true and complete to the best of my knowledge.

November 20, 2008

  
\_\_\_\_\_  
Steven Danzer, PhD

Subscribed and sworn to before me this 20<sup>th</sup> day of November 2008.

  
\_\_\_\_\_  
Robin L. Edwards  
Commissioner of the Superior Court

# Steven J. Danzer, Ph.D.

## Education:

- Ph.D. Natural Resource Studies, University of Arizona, 1996  
Focus: riparian (streamside) hydrology and ecology
- M.A. Sociology, University of Arizona, 1989
- B.S. Animal Sciences, Cornell University, 1987

## Certifications:

- Professional Wetland Scientist (PWS # 01321)  
by the Society of Wetland Scientists.
- Soil Scientist:  
by the Society of Soil Scientists of Southern New England Registry.
- Certified Professional in Erosion and Sediment Control (CPESC #2397)  
by the Soil and Water Conservation Society.
- Municipal Wetland Agent:  
by the CT Department Environmental Protection.

## Affiliations:

- Board of Directors: CT Association of Conservation  
and Inland Wetland Commissions (CACIWC)
- Board of Directors and Chief Land Steward: Stamford Land Conservation Trust.
- Member: CT Association of Wetland Scientists
- Member: Society of Ecological Restoration
- Member: North American Lake Management Society
- Member: Society of Soil Scientists Southern New England

## Professional experience:

- Steven Danzer PhD & Associates LLC 9/00 – present.
  - Environmental impact analysis, wetland delineation, coastal area management, expert testimony, wetland functions and values assessment, mitigation review, municipal review, peer review, independent site monitoring for erosion control and permit compliance, analysis of land management alternatives.
  - Private clients throughout Connecticut and Westchester County, NY
  - Municipal clients include: Town of Greenwich 9/00-3/05  
Town of Stratford 9/00-12/00  
City of Danbury 12/02- present.

Environmental Planner: Town of Stratford CT, Inland Wetlands and Watercourses Commission 12/00- 3/06.

Environmental Analyst: Town of Greenwich CT, Conservation Commission and the Inland Wetlands and Watercourses Agency 2/98 – 7/00.