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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

January 14, 2009


**CITY OF DANBURY'S SUBMISSION  
OF SUPPLEMENTAL INFORMATION**

The City of Danbury respectfully submits this information to supplement the Pre-filed testimony of Daniel Baroody RS, MPH, Sr. Inspector. Attached hereto is the supplemental pre-filed testimony of Daniel Baroody.

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 14<sup>th</sup> day of January 2009.

City of Danbury

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

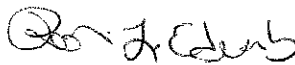
CERTIFICATE OF SERVICE

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

Dated: January 14, 2009

City of Danbury



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



## CITY OF DANBURY

HEALTH, HOUSING, & WELFARE DEPARTMENT  
155 DEER HILL AVENUE, DANBURY, CONNECTICUT 06810

Central Health & Housing Office  
203 - 797-4625  
Fax 796-1596

Central Welfare Office  
203 - 797-4569  
Fax 797-4566

To: Les Pinter, Deputy Corporation Counsel

From: Daniel Barody, Danbury HH&W, Environmental Health Division

Date: January 14, 2009

Re: Concerns regarding subsurface Sewage Disposal System at 52 Stadley Rough Road  
Optasite Towers LLC

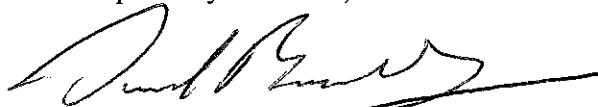
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I have reviewed the City of Danbury Health Department subsurface sewage disposal system files for both 52 Stadley Rough Road and 14 Indian Spring Road. Listed below are issues of concern I have identified concerning compliance with the Connecticut Public Health Code regarding the subsurface sewage disposal system at 52 Stadley Rough Road:

- a) According to information found in the files, the owners of property located at 14 Indian Spring Road received approval for a subsurface sewage disposal system, containing a curtain drain which is an integral part of the system on April 7, 2006. This curtain drain is located at 52 Stadley Rough Road on the northwestern boundary of the Christ the Sheppard Church site, as shown on the record drawing for 14 Indian Spring Road attached hereto. The existing curtain drain as shown appears to render the current reserve "code complying area" for the subsurface sewage disposal system at 52 Stadley Rough Road non-compliant with the Technical Standards for Subsurface Sewage Disposal Systems prepared pursuant to Section 19-13-B103d(b) of the Public Health Code, Section II.A., Table No. 1, Item H.
- b) The current reserve "code complying area" for 52 Stadley Rough Road is located within 50 feet upgradient of the curtain drain placed in the easement area serving the subsurface sewage disposal system for 14 Indian Spring Road. Pursuant to Section 19-13-B100a.(4) of the Public Health Code, a reserve " 'Code complying area' means an area on a property where a subsurface sewage disposal system can be installed which meets all requirement of Section 19-13-B103 of the Regulations of Connecticut State Agencies and the Technical Standards, except for the one hundred percent reserve leaching area referred to in Section VIII A of the Technical Standards".
- c) If the property owner, Christ the Sheppard Church, utilizes a portion of its land area for the siting of the proposed cell tower and its accompanying equipment, the property owner limits potential options for future repair or expansion of the existing subsurface sewage disposal system serving 52 Stadley Rough Road. This is because the property owner will then be unable to utilize the area leased to Optasite for the location of a reserve "code complying area".

- d) According to Sections 19-13-B100a(d) and (e) of the Public Health Code, Christ the Sheppard Church is required to establish a reserve “code complying area” prior to construction of the proposed cell tower and its accompanying equipment.
- e) Due to the fact that the property owner of 52 Stadley Rough Road does not now have a conforming reserve “code complying area” for its subsurface sewage disposal system, the property owner must submit all the documentation necessary to the City of Danbury Health Department for “B100a Review”. Such documentation includes a site plan showing all proposed construction activities, existing above and below ground structures and a reserve “code complying area” along with the results of the required soil testing.
- f) The property owner must identify and receive approval from the Health Department for an alternate location for the reserve “code complying area” prior to any siting of the proposed cell tower, as in the absence of such approval the Siting Council cannot be assured that any alternate reserve “code complying area” does not fall within the same area in which the cell tower is proposed to be located. The leased area for the proposed cell tower will not be considered in the approval of the alternate reserve “code complying area”. Therefore, the property owner must establish that there exists a suitable location on its property for location of the reserve “code complying area”. If it is determined through the B100a review process that a suitable location for the reserve “code complying area” does not exist in any other location on the site, then the proposed cell tower should not be considered to be located at 52 Stadley Rough Road until the situation is resolved.
- g) It’s respectfully requested that the property owner address this issue immediately by submitting the proper documentation so it can be determined if there is a suitable location for the reserve “code complying area” at 52 Stadley Rough Road.

Respectfully submitted,



Daniel Baroody RS, MPH

Sr. Inspector,

Environmental Health Division

# City of Danbury

Doc ID: 001569030001 Type: LAN  
 BK 1893 PG 582

Application Number . . . . . 06-00041059      Date 11/01/06  
 Property Address . . . . . 14 INDIAN SPRING RD  
 Tax Assessor's Lot Number . . . . . K07020-  
 Tenant nbr, name . . . . . CARVALHEIRO  
 Application type description . . . . . SEPTIC SYSTEM NEW  
 Property Use . . . . . RESIDENTIAL  
 Property Zoning . . . . . RES, SF 40000  
 Application valuation . . . . . 0

Owner: CARVALHEIRO JOSE & CHRISTINA  
 90 HIGHLAND AVE  
 DANBURY CT 068105344

Contractor: ALBERTO, ALVARO  
 74 PROSPECT HILL ROAD  
 NEW MILFORD, CT  
 NEW MILFORD CT 06776  
 (203) 482-2010

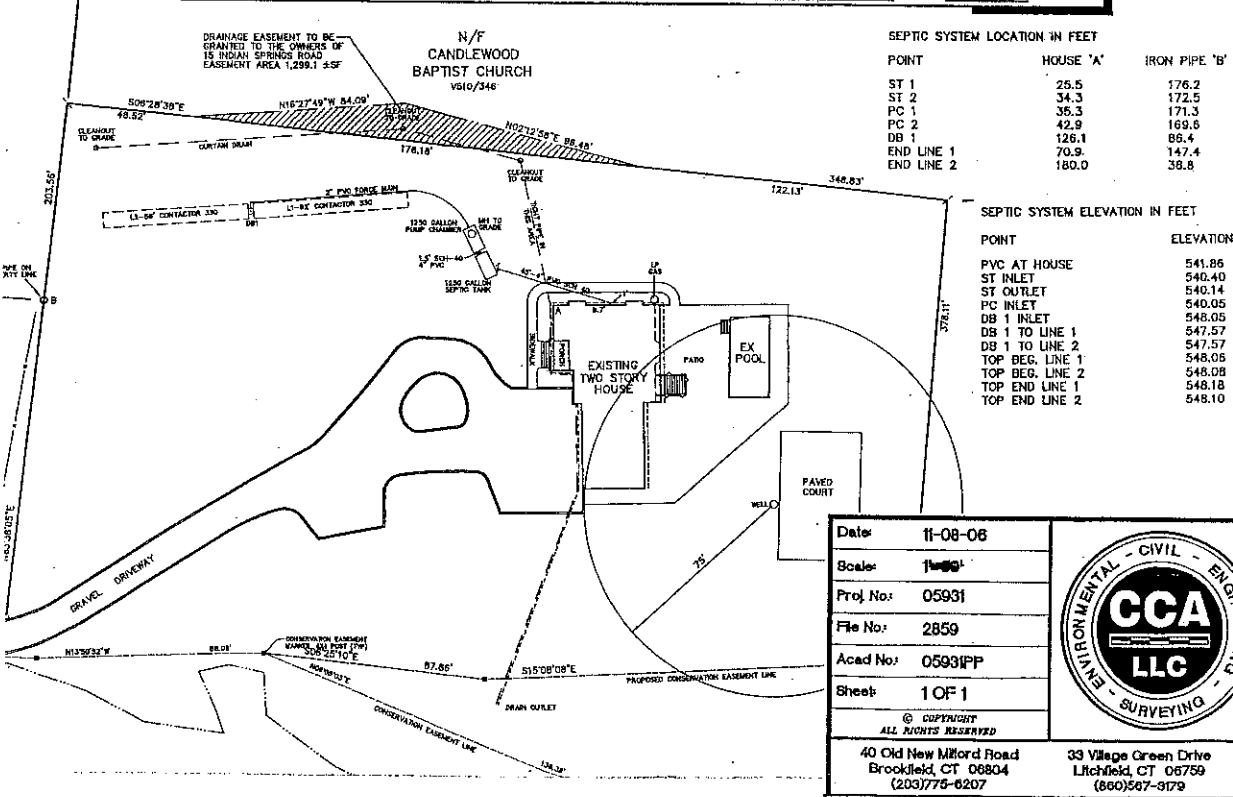
--- Structure Information 000 000 REVIEW FOR NEW SEPTIC INSTALLATION ---

Permit . . . . . SEPTIC PERMIT  
 Additional desc . . . . .  
 Permit Fee . . . . . .00      Plan Check Fee . . . . . .00  
 Issue Date . . . . . 11/01/06      Valuation . . . . . 0  
 Expiration Date . . . . . 11/01/07

Special Notes and Comments  
 #41962, 41269, 40270  
 New installation. 1250 gallon septic tank. 1250 gallon pump chamber. Gallery 119', 4'x30", precast, plastic contractor 330. Curtain drain/swale 182', 7', 7', system front/left. well right rear. P.E. plan submitted by R. Howard P.E. P.E. as built required for release.

## FINAL INSPECTION OF SEWAGE DISPOSAL SYSTEM

Inspector: *[Signature]* Approval: *[Signature]* Date: 11/7/06



Date:	11-08-06
Scale:	1"=30'
Proj. No.:	05931
File No.:	2859
Acad No.:	05931PP
Sheet:	1 OF 1
© COPYRIGHT ALL RIGHTS RESERVED	
40 Old New Milford Road Brookfield, CT 06804 (203)775-6207	33 Village Green Drive Litchfield, CT 06759 (860)267-3179



JAN 8 2007

Received for Record at Danbury, CT  
 On 11/14/2006 At 4:19:46 pm

*Seri A. Boback*

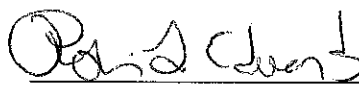


The statements above are true and complete to the best of my knowledge.

January 14, 2009

  
Daniel Baroody RS, MPH, Sr. Inspector

Subscribed and sworn to before me this 14<sup>th</sup> day of January 2009.

  
Robin L. Edwards  
Commissioner of the Superior Court

