## STATE OF CONNECTICUT CONNECTICUT SITING COUNCIL

RE: APPLICATION OF SBA TOWERS II, LLC
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT ONE OF TWO ALTERNATE SITES AT
RABBIT HILL ROAD, WARREN, CONNECTICUT

DOCKET NO. 378

Date: April 23, 2009

## APPLICANT'S RESPONSES TO SITING COUNCIL PRE-HEARING INTERROGATORIES SET ONE

Applicant SBA Towers II, LLC ("SBA") hereby submits the following responses to the Siting Council's first set of pre-hearing interrogatories.

- Q1. Did SBA receive return receipts for all abutting landowners of record? If not, list the landowners who have not received notice and describe any additional effort to serve notice.
- A1. SBA has received return receipts from all abutting landowners of record.
- Q2. Who was contacted in regards to potential use of the properties at 29 Rabbit Hill Road and 47 Rabbit Hill Road?
- A2. Mr. Joseph Abdella of 29 Rabbit Hill Road and Mr. Stuart Tracy of 47 Rabbit Hill Road.
- Q3. Were the new owners of parcels 4-12-01 and 4-12-02 contacted regarding potential use of their property?
- A3. SBA has attempted to contact the current owner of these parcels as well as the two previous owners of these parcels. These parcels were originally one parcel and were then subdivided. First, SBA (then Optasite) attempted to contact Ms. Edeltraud Vivian, who had previously had a lease with AT&T lease 2002. The parcel was then sold to Mr. Wayne Waldron. SBA contacted Mr. Waldron regarding a proposed tower on that property and he rejected SBA's proposal. The parcel was then subdivided (4-12-01 & 4-12-02) and both parcels were sold to Mr. William Joyce. SBA has attempted to contact Mr. Joyce but has been unable to reach him.

- Q4. Please elaborate on the amount of wetland disturbance required for the possible development of a tower at parcel 4-03 and at 158 Rabbit Hill Road.
- A4. In order to develop a facility on the parcel at 158 Rabbit Hill Road, a stream crossing would be required. In addition, the owner of the 158 Rabbit Hill Road property was not interested in developing the property with a facility.
- Q5. What entity performed the site search, SBA or AT&T? When was the search conducted? If SBA conducted the site search, was it at the direction of AT&T?
- A5. SBA (formerly Optasite) performed the site search. It was known at the time there was a need for a tower site in this area and that AT&T had a lease previously in the area.
- Q6. Please provide an 11"x17" copy of both Viewshed Analysis maps.
- A6. See viewshed maps attached hereto as Exhibit 1.
- Q7. What is the address of the closest off-parcel residence to each tower?
- A7. Site A: 158 Rabbit Hill Road, Site B: 141 Rabbit Hill Road
- Q8. What is the average and maximum slope of the Site A access road?
- A8. The access road is at a 5% grade from the road start point to the approximate edge of woods. The road transitions from a 5% grade to a 15% grade at the approximate edge of woods to the compound location. Therefore, the maximum slope is 15% and the average slope is 10%.
- Q9. What are the drainage features that would control runoff from the Site A access road?
- A9. A combination of water diversion swales, culverts, and water detention ditches will be utilized to redirect water runoff from the proposed access road away from adjacent properties and the town right-of-way. A final water diversion and retention design will be prepared at the D&M stage if Site A is approved for construction.
- Q10. Why is Site B proposed at 150 feet if T-Mobile expressed a need of 167 feet?
- A10. T-Mobile has expressed an interest in this application and co-locating on either site. However, SBA does not have a lease with T-Mobile and T-Mobile has indicated that it was not within their budget to intervene in this proceeding and participate. Therefore, SBA has proposed Site B at 150 feet based on the needs to AT&T, an intervenor in this proceeding. If Site B is approved and if T-Mobile seeks to co-locate on this site at a later date, then T-Mobile would be required to file a petition and seek Siting Council approval for any additional height needed.

- Q11. Attachment M states development of Site A would not affect any prime agricultural land. Why is SBA creating 3,430 square feet of pasture if no prime agricultural land is being developed?
- All. As shown in Exhibit M of the Application, the development of Site A would include potential impact of 1,003 square feet of prime farmland, which is the corner of the property that will be "cut off" by the access road. However, SBA does propose gates so that portion of the Property can continue to be used for the farming purpose it is currently used for; cattle grazing. As a result of this, SBA believes that, as proposed, Site A will not result in a material decrease in the acreage and productivity of arable land. However, because of this potential, minor impact in connection with the development of the access road, SBA has proposed creating additional arable, to ensure that the project does not result in a material decrease in the acreage or productivity of arable on the Property. Therefore, the 3,430 square feet is proposed and will be used for cow grazing and the construction of the Site A facility would actually result in an increase to the acreage of arable land at the Property.

### Q12. Would blasting be required to develop either site?

A12. For Site A, ledge is highly visible in the vicinity of the facility. The extent of ledge within the area of excavation will be verified upon completion of a geotechnical report. For Site B, ledge was not visible in the vicinity of the facility. The presence of ledge would be determined upon completion of a geotechnical report. If ledge is encountered at either location, chipping is preferred to blasting to remove the ledge.

Respectfully Submitted,

By: Control of SBA Towers II, LLC

Carrie L. Larson, Esq. clarson@pullcom.com
Pullman & Comley, LLC

90 State House Square Hartford, CT 06103-3702

Ph. (860) 424-4312 Fax (860) 424-4370

### Certification

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

Christopher B. Fisher
Cuddy & Feder LLP
445 Hamilton Avenue
14th Floor
White Plains, New York 10601

Kenneth Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103

The Honorable Mark E. Lyon First Selectman, Town of Washington Bryan Memorial Town Hall P. O. Box 383 Washington Depot, CT 06794

The Honorable Jack Travers
First Selectman, Town of Warren
Warren Town Hall
7 Sackett Hill Road
Warren, CT 06754

Ray and Maryellen Furse 26 Jack Corner Road Warren, CT 06777

Bruce Coleman President, CROWW P. O. Box 2426 New Preston, CT 06777 F. Philip Prelli Commissioner Department of Agriculture 165 Capitol Avenue Hartford, CT 06106

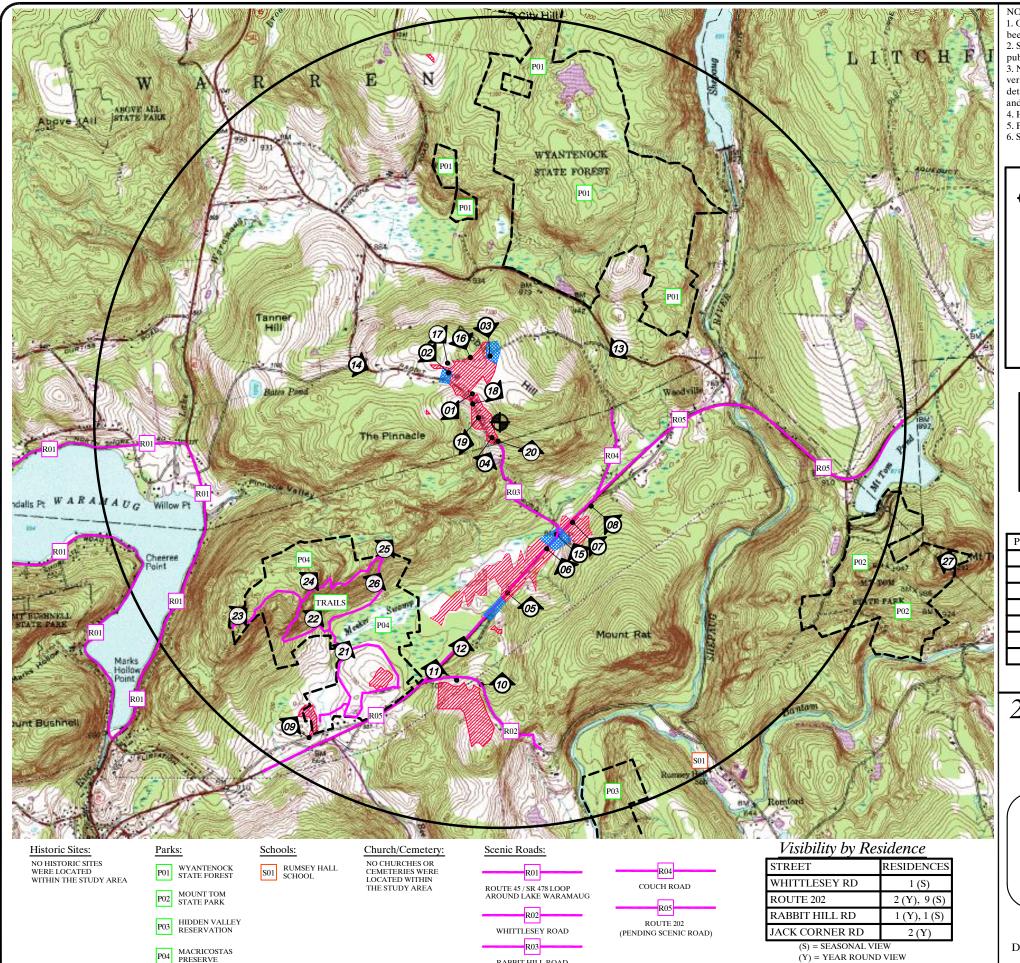
Washington Conservation Commission c/o Susan Payne, Chairperson Town of Washington Bryan Memorial Town Hall P. O. Box 383 Washington Depot, CT 06794

CROWW Gabriel North Seymour 200 Route 126 Falls Village, CT 06031

Carrie L. Larson

Hartford/72517.5/CLARSON/365032v1

# EXHIBIT 1



RABBIT HILL ROAD

- 1. Only visible areas are shown on the map utilizing the process described in note 2. The remainder of the map has been estimated to be nonvisible utilizing the process described in note 3.
- 2. Seasonal and year round areas of visibility were estimated from a field visual analysis within public R.O.W. and public properties. Areas shown on private property were interpolated from the field visual analysis.
- 3. Nonvisible areas were estimated from a computer generated topography & vegetation analysis and field verification of vegetation & building screening within public R.O.W and public properties. Vegetation limits were determined from 2004 aerial photos and is assumed to be 65' high. Verification of vegetation height, coverage, and type within private areas not visible from public R.O.W or public properties was not field verified.
- 4. Historical areas were determined from national and state historical registers.
- 5. Parks, schools, cemeteries, and churches were determined from street maps and field observations.
  6. Scenic roads, if any, were determined from the CTDOT list of designated scenic roads and field observations.

#### Legend





COMPUTER SIMULATION PHOTOGRAPH LOCATION





APPROXIMATE LIMIT OF SEASONAL TOWER VISIBILITY

\*COMPLETED DURING LEAF OFF CONDITIONS

c# CHURCH/CEMETERY

P# PARK

H# HISTORICAL SITE

s# SCHOOL

TRAIL OR SCENIC ROAD

#### Visibility by Acreage

ITEM	APPROXIMATE ACRES	% OF TOTAL AREA
2 MILE RADIUS AREA	8,053	100%
NOT VISIBLE DUE TO TOPOGRAPHY	4,435	55.1%
NOT VISIBLE DUE TO VEGETATION	3,482	43.2%
VISIBLE YEAR ROUND	121	1.5%
POTENTIAL SEASONAL VISIBILITY	15	0.2%

#### Distances from Photo Locations to Tower

РНОТО	DIST. (FT)						
01	1,050	08	3,200	15	3,280	22	7,060
02	1,900	09	9,700	16	1,860	23	8,480
03	1,800	10	6,900	17	2,060	24	6,480
04	450	11	6,800	18	860	25	4,460
05	4,500	12	6,000	19	580	26	5,330
06	3,600	13	3,600	20	500	27	12,230
07	3,250	14	4,000	21	7,230		

### 2 MILE VIEWSHED ANALYSIS MAP

### WARREN VISUAL IMPACT ASSESSMENT



(Y) = YEAR ROUND VIEW

OPTASITE TOWERS LLC 1 RESEARCH DRIVE, SUITE 200C WESTBOROUGH, MA 01581

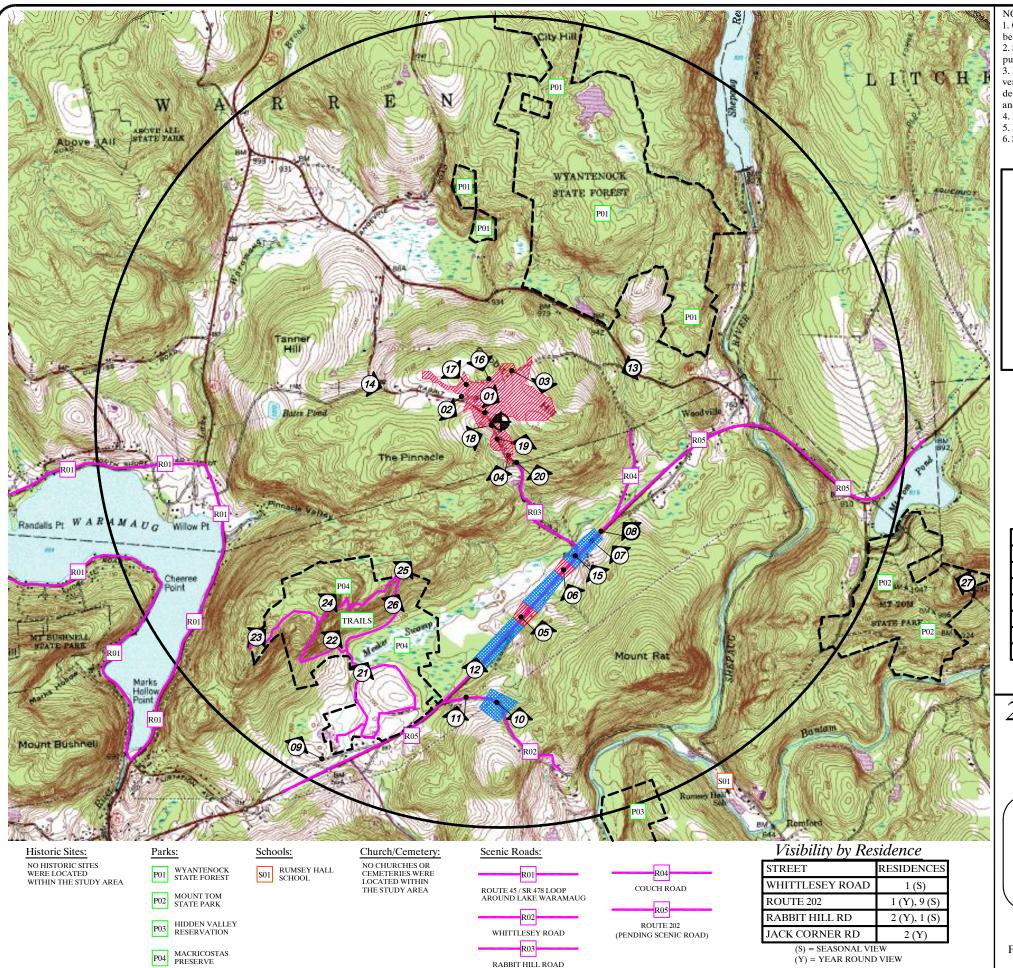
2139 Silas Deane Highway, Suite 212 - Rocky Hill, CT 06067-2336

CHA Project No. 15363-1028-1601

**DECEMBER** 2008 0 625' 1250' 2500' 5000'



**FIGURE** VS-01



- 1. Only visible areas are shown on the map utilizing the process described in note 2. The remainder of the map has been estimated to be nonvisible utilizing the process described in note 3.
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### Legend







COMPUTER SIMULATION PHOTOGRAPH LOCATION



APPROXIMATE LIMIT OF SEASONAL TOWER VISIBILITY \*COMPLETED DURING LEAF OFF CONDITIONS



P# PARK



s# SCHOOL



TRAIL OR SCENIC ROAD

### Visibility by Acreage

ITEM	APPROXIMATE ACRES	% OF TOTAL AREA
2 MILE RADIUS AREA	8,053	100%
NOT VISIBLE DUE TO TOPOGRAPHY	4,692	58.3%
NOT VISIBLE DUE TO VEGETATION	3,236	40.1%
VISIBLE YEAR ROUND	79	1.0%
POTENTIAL SEASONAL VISIBILITY	46	0.6%

#### Distances from Photo Locations to Tower

РНОТО	DIST. (FT)						
01	490	08	3,860	15	4,000	22	7,190
02	1,230	09	9,940	16	1,170	23	8,490
03	1,370	10	7,310	17	1,340	24	6,530
04	900	11	7,230	18	270	25	4,630
05	5,110	12	6,490	19	460	26	5,540
06	4,190	13	3,730	20	1,140	27	12,840
07	3,890	14	3,550	21	7,470		

### 2 MILE VIEWSHED ANALYSIS MAP

### WARREN 2 VISUAL IMPACT ASSESSMENT



**FIGURE** 

VS-01

**FEBRUARY** 2009 0 625' 1250' 2500' 5000'

