

Interrogatories for Siting Council -Cellco

1) As part of the conditions of a settlement with AT&T it was agreed to put the existing tower at 36 Ritch Ave. W. with no additional carriers permitted on the Site. The neighbors were told they were protected by law from any further increase in wireless companies and therefore accepted this as the last negative impact on their property. Why does Cellco feel they are above this legal agreement which neighbors depended on and if approved will lead to costly legal action and which was recognized by Cellco in early 2010. (See attached letter from Kenneth Baldwin dated November 30, 2009)

Ref. cover sheet to litigation between AT&T Wireless Services and the town of Greenwich dated September 6, 2001- attached to letter of Diane Fox to the Siting Council dated January 12, 2011

Ref. Planning and Zoning Commission Dec 11, 2001 - Action agenda with decisions - Item 2 Settlement of pending litigation - Motion to approve settlement of pending litigation - attached to letter of Diane Fox to the Siting Council dated January 12, 2011

Ref. letter from Diane Fox, Town of Greenwich Planner dated January 11, 2002 - item 6 "This monopole is for AT&T use only and is limited to this one user" - attached to letter of Diane Fox to the Siting Council dated January 12, 2011

Ref. letter from Diane Fox, Town of Greenwich Planner dated August 20, 2002 - item 3 "This monopole is for AT&T use only and is limited to this one user"
item 4 - "No other structures are permitted on site except for those shown on the approved plans" - attached to letter of Diane Fox to the Siting Council dated January 12, 2011

Ref. letter from Diane Fox, Director of Planning and Zoning, dated September 18, 2008 to the Siting Council - Item 5 - " It should be noted that the court settlement for the tower restricted the tower to one carrier only"

Ref: attached letter from Kenneth Baldwin to Diane Fox and Katie Blankley dated November 30, 2009 recognizing the issue. -Page 2, second paragraph "I know that the town has expressed some concerns in the past about the use of this tower by more than one carrier

Ref: Greenwich Planning and Zoning Commission Hearing dated October 26, 2010 - page 61-62 - "So it's a legal issue, there's no question about that"

Ref. Greenwich Planning and Zoning Commission proceedings regarding Cellco on Nov 9th, 2010 - page 12 - references a settlement of a federal appeal that there could only be one carrier.

Ref. letter of Diane Fox dated November 22, 2010 - to the Siting Council and Mr. Kenneth Baldwin - page 4 second paragraph - existing AT&T tower was to settle an appeal brought by AT&T. Part of the commission's approval of this site plan was that the tower was limited to one carrier, namely AT&T.

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Ref. letter from Diane Fox, Director Planning and Zoning, to the Siting Council dated January 12th, 2011. Second paragraph states the AT&T tower was to settle an appeal and the tower was limited to one carrier only.

2. Responses of Cellco partnership dated Feb 25, 2011 - Page 2, Question #2 - "Cellco does not anticipate the need for blasting to complete the proposed improvements at 36 Ritch Avenue." The owners of the property, the Kellys, bought the piece of property for the purpose of building a house. However, they had to give this up when they realized they would have to blast which made it financially prohibitive to build. This is in accordance with town regulations on the degree of the incline of the driveway. Why isn't this also an issue for Cellco?
3. Ref: Application of Cellco dated Dec 15, 2010 - page 4 - Once the site is operational, maintenance personnel will visit the site on a monthly basis. Ref: October 26, 2011 Planning and Zoning Meeting - Page 41-42 - "generally speaking carriers require access to the site for maintenance" " That's once a month per carrier" What is the source of this information? In reality AT&T visits the site multiple times during the month. An example is Feb 21st after a snow storm where a truck had great difficulty coming down the driveway and slid out of control onto my driveway. Another incident this winter occurred when AT&T tried to plow the driveway and because of the grade had a very difficult time raising concerns about the safety of plowing a driveway this steep. Today it is proposed to have four carriers visiting a house which will result in multiple visits per month per carrier versus one carrier visiting a 10 foot by 30 foot section today. Why is Cellco not following town regulations regarding the grade of the driveway?
4. Alternative Sites - Bowman property at 56 Ritch Ave. Ref. Responses of Cellco dated Feb 15, 2011. " I think it is important for the council to know that Mr. Bowman was a vocal opponent of Cellco's tower proposal" I agree this is important as it shows how negative the impact of this proposed tree tower with multiple antennas is to the neighbors. By offering his property Mr. Bowman is willing to accept an alternative to the worst case scenario of the proposed tower. Mr. Bowman as well as all the neighbors would prefer the second tower as it will be far less unsightly and the number of neighbors able to view it versus the proposed tree tower will be reduced. Neighbors across the highway may not even see it and what they will see will not be visably obtrusive. The three neighbors below the site may not see the second tower at all. Neighbors to the east will see an additional flagpole which will be far less obtrusive than the proposed tree.

Ref. Responses of Cellco dated Feb 15, 2011 - "use of a flagpole tower would result in the need for carriers to take multiple antennae locations thereby increasing the height of the tower to perhaps as tall as 120 feet. In a previous meeting with Verizon's Tom Logan I was told two carriers could be serviced by a 70 foot tower. What has changed that two carriers can't be serviced by a 70 foot tower plus the 15-20 feet lower ground elevation mentioned on page 5?

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5. Alternative sites - Weigh Station on I 95 between exits 2 & 3 - ref. Application of Cellco dated December 15th. Page 3 describes area to be covered. Isn't I 95 the most important piece? Why haven't you contacted DOT? ref: Responses of Cellco dated Feb 25, 2011. "Cellco is not aware of any DOT parcels in or near the search area" The state of Connecticut has large budget issues and I would assume would be very interested in any income that can be provided by state property. A tower in this location would certainly serve your concern regarding that area of I 95.
6. Reference Planning and Zoning meeting - October 26th - page 46 - referring to Bimbo Bakeries " We spent several months, if not a year, trying to work something out with them but were unable to come to an agreement" Who did you speak to at Bimbo Bakeries?
7. Cell Tower Alternatives - What have you done to pursue Cell Tower alternatives such as DAS. Two consultants have informed me that it will work in the area you are concerned about. When questioned regarding DAS, you mentioned it would not work because of topography. How did you reach this conclusion? It should be noted that T-Mobile gave this same answer for another area in town at the October Greenwich Board of Selectmen meeting. A wireless company, Isotrop Wireless, performed a study on assessments of options for wireless communications in the North Mianus area of Greenwich. It showed that Distributed Antennae Systems will work and a series of DAS nodes would cover the area. I have contacted another independent consultant to perform an official study to determine if DAS will work at your proposed site as we have been told it would. As the cost of the study is prohibitive for me I am asking the Town of Greenwich to pursue this study.

Ref: Application of Siting Council - December 15, 2010 - Executive Summary page 10, item 3 - "Celco is aware of no viable and currently available alternatives to its system design for carriers licensed by the FCC - Did you look at DAS and if so why is it not viable?"

8. Historical Buildings - Are you aware the houses on two of the adjoining properties are designated as historical buildings? Ref: Connecticut Statutes, Title 16. Public Service Companies, chap 277A. Public Utility Environmental Standards Act (attached) - Item (3)(B) states the council shall not grant a certificate if in conflict with the policies of the state concerning historic values. Ref: Connecticut Siting Council web site About Us. (attached) Responsibilities item 1 - " balancing the need for adequate and reliable public utility services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values"

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9. Reference Planning and Zoning meeting - October 26th - page 15 - "Verizon Wireless does plan on bringing water up to the site" How?
10. Ref Planning and Zoning recommendations to the Siting Council - page 6, item 6 refers to a 4-6 feet microwave dish for the Greenwich Police Department - what will this look like and at what height is it on the tower?
11. Ref Planning and Zoning recommendations to the Siting Council - page 7, item 17 refers to significant disturbance during excavation and construction. Please confirm there will no trespassing on adjoining properties.
12. Ref: Application of Siting Council dated December 15, 2010 - exec summary - page 21 and 22 - If approved when would work promised at the bottom of the driveway be completed? see page 35 & 36 of Greenwich Planning and Zoning commission meeting Oct 26, 2010.
13. Ref: Greenwich Planning and Zoning Commission meeting October 26, 2010 - page 65. Mr. Centore said " we were actually able to move the tower to the northwest of the previously proposed location approximately 20 feet" The Site Compound Plan, C2, in the application does not seem to support this. Is this still the design?
14. Ref: Section 8 of the Cellco application - page 2, Identification of the Ritch Avenue Search area. "This approach was deemed more favorable than building a second telecommunications facility in southwest Greenwich" Who deemed this more favorable? The residents in Southwest Greenwich have already spoken that they prefer a second tower to the one proposed by Cellco. Why is their opinion ignored?
15. Ref: section 9 of the Cellco application - Option and Land Lease agreement - first page, second paragraph - "lessee desires to obtain an option to lease a portion of said property being described as a 35' by 50' parcel containing approximately 1,750 square feet" Where is this portion of said property?
16. Ref: Greenwich Planning and Zoning Commission meeting October 26, 2010 - page 14 - Mr. Centore says "Drainage design is in process" As this site has a history of drainage problems, what is the design going to be to prevent drainage issues especially with the expected increase in runoff mentioned on page 13.
17. In a meeting with Cellco at the Site it was mentioned that branches from a dogwood tree on the Hartwell property would be cut off. Please confirm that this is the intent as this would damage a beautiful tree with full blossoms in the spring. Also, confirm how close will the proposed retaining wall come to the Hartwell property. Ref: Application of Cellco, section 1 Site plan C-1A.
18. Ref: letter of Linda Roberts dated February 8, 2011 requesting responses from Cellco - question # 8 - "Cellco investigated another parcel that would require a 120

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foot tower. Please identify the property investigated and indicate why it was rejected” What was Cellco’s answer to this question.

19. When the photographs were first taken and submitted why were there none taken from the Milengard and Bowman properties? This did not happen until addressed by Mr. Bowman. Are you aware these will be the closest residences to any cell tower in the state of Connecticut if approved?
20. Ref: Greenwich Planning and Zoning Commission dated October 26, 2010 - page 39 - Mrs. Fox asked “would there also be a condition of removing whatever antennas and carriers once they are no longer needed? With new technology that may be a question” - There are today less obtrusive alternatives to cell towers. As technology improves there will be more and more of these options preferable to communities. What is Cellco’s position on replacing cell towers with newer technology for the better of the community?