

12/28/2011

From: Robert and Cathleen Alex
435 Bassett Road
Watertown CT 06795

To: Cuddy & Feder
445 Hamilton Avenue 14th Floor
White Plains NY 10601

Re:Docket 422
AT&T New Cingular Wireless/North Atlantic Tower Application @ 655 Bassett Road, Watertown CT

RECEIVED
DEC 29 2011

**CONNECTICUT
SITING COUNCIL**

Pre-Hearing Interrogatories

Intervenors Robert and Cathleen Alex respectfully request responses from the applicants AT&T New Cingular Wireless and North Atlantic Towers to the following questions:

(For convenience, specific statements in the application made by AT&T New Cingular Wireless/North Atlantic Tower are referenced preceding the applicable questions. Also, specific Watertown Planning and Zoning Regulations are cited previous to applicable questions for reference and convenience purposes only.)

Q1: A balloon has been flown four times, from three different locations on the ridge (original stake, approximately 42' from original stake, and approximately 200' from original stake) at heights of both 180' and 150'. Please state the coordinates of all three balloon flight locations for the record.

Q2: The application was originally sited for Latitude N41.392763 by Longitude W73.081074 and 839' ground elevation. Considering the multiple locations on the ridge assessed to date, what coordinates are actually being applied for?

Q3: Are the applicants now considering only the December 23rd Supplemental Information Site location?

Q4: The FAA determination of No Hazard to Air Navigation is approved for up to 199' at this site. Does the applicant have any future intention of increasing the height of the tower to a maximum height of 199'?

Q5: Have the applicants extended or revised the FAA determination of No Hazard to Air Navigation that expired 8/10/2011?

Q6: What assurances do we have that the tower will remain no higher than 150' as applied for?

Q7: Does the FAA determination of No Hazard to Air Navigation include impact on Hot Air Balloon Pilots as we have several pilots who frequent this area?

Applicant Section 1 Introduction Part B Executive Summary page 2 applicant states there is a "lack of suitable structures"

Section IV Site Selection/Tower Sharing Part A Site Selection page 8 states "there are no known suitable existing structures for providing reliable service to the public"

Tab 2 Site Search Summary the applicant states "in areas with known structures of acceptable height and location that might host a transmitting facility,there are no such known existing towers or structures suitable for providing reliable service to the public... in a four mile search area"

Q8: Why is only one tower sharing potential in the CL&P Right of Way (ROW) noted in the applicants December 23rd supplemental information?

Q9: Has the CL&P ROW been explored in its entirety for tower sharing as it runs both north/south as well as east/west in the coverage gap area?

Q10: Did the applicants specifically explore the CL&P ROW that runs north south along the easterly side of Crestbrook Park beginning at a point between the intersection of route 6 and High Meadow Road running northerly to route 109?

Q11: Can new freestanding monopoles be erected in the CL&P ROW? If yes, has this been considered in the in the portions of the CL&P ROW that run thru the coverage gap area?

Q12: Please provide a coverage map for CL&P ROW tower at Latitude +41.627292 Longitude -73.104044.

Q13: Has AT&T co-located on CL&P or United Illuminating ROW's in CT? If yes,where?

Q14: Please provide a composite coverage map with coordinates for Alternate Site 3 with monopole height of 160' located at Crestbrook Park that includes applicants' existing tower coverage but without proposed S1835/CT1140 coverage.

Q15: Is the applicants' Alternate Site 3 at Crestbrook Park the same location as proposed by Sprint on Infinigy Solutions Lease Exhibit Plan Site ID CT33XC272 dated 01/09/06 on file at Watertown Town Manager's office?

Q16: Will the Crestbrook Park alternate site 3 provide similar gap coverage to the proposed 655 Bassett Road site?

Q17: Would the Crestbrook Park alternate site 3 provide more coverage than the proposed S1835/CT1140 Bassett Road site to a significant gap area south east of the proposed site that includes Black Rock Road, Northfield Road, Bryant Road, Honey Hill, Smith Pond, Fern Hill, High Meadow, Old Farms Road, Butternut Lane and Joshua Hill Road?

Q18: Would Crestbrook Park alternate Site 3 eliminate the need for another tower site southeast of S1835/CT1140 Bassett Road site?

Q19: Would the Crestbrook Park Site 3 along with a tower share on the CL&P ROW on the west side of route 63 provide sufficient coverage to the north end of Watertown without the need of a third tower at S1835/CT1140 Bassett Road?

Section III Statement of Needs and Benefits, Part C Technological Alternatives, page 7 applicants state "no other types of transmitting technology are a practical or feasible means of providing service for this site"

Q20: Aside from the Watertown coverage gap cluster of roads the applicant has listed, only Route 109 in the watershed is listed very north and outside the populated portion of the coverage gap. Could repeaters or other transmitting technology bouncing from existing towers cover Route 109?

Q21: Could antennas and/or repeaters be used in multiple locations along the CL&P ROW to meet the applicants' entire coverage gap area avoiding the proposed Bassett Road tower and any additional tower(s) eliminating added blight to the town?

Q22: How is the public need for universal and seamless coverage determined by the applicants if satellite communication technology already exists as a viable alternative?

Section IV Site Selection Part A Site Selection page 9 applicants reference alternate sites "Crestbrook Park, a town owned site, is unavailable due to a deed restriction".

The administrative notice letter dated October 14th 2011 from Cuddy & Feder to David Stygar, DEEP, Division for Land Acquisition and Management states that the Crestbrook Park site option is not possible because the Bassett Road proposal is a "viable alternative that cannot be rejected". (A prerequisite for addressing changes to the deed restrictions at Crestbrook Park is that all viable alternatives are rejected.)

Q23: How can the applicant report that the Crestbrook Park site is "unavailable due to a deed restriction" when it is not yet known if the Bassett Road proposal is viable?

Q24: How can the applicants state that the Bassett Road proposal "cannot be rejected" by the CT Siting Council?

Section IV Site Selection Part B Tower Sharing page 9 applicants state proposed 150' monopole "that can accommodate AT&T and at least five other carriers' platforms"

Applicant Supplemental Information provided 10/20/2011 indicates that AT&T requires a minimum height requirement of 147' to meet acceptable signal strength and that 137' would not meet acceptable levels of reliable service.

Watertown Planning and Zoning Section 60.10 requires Co-utilization of facility by providers of telecommunication services to minimize the number of towers.

Q25: At the public hearing October 27th the Siting Council asked if the tower could be lower and still meet AT&T coverage objectives. The applicant responded "no". If that is the case, then how can five other carriers meet their coverage objectives below AT&T's height on the monopole?

Q26: Applicants Tab 3 Map Z6 shows the bottom carrier well below 137' where acceptable levels of reliable service would not be achieved. Why would any other carriers be interested in this tower if coverage objectives can't be met at heights below AT&T? Wouldn't this potentially lead to future applications for additional towers from other carriers to meet their coverage objectives?

Q27: Please provide coverage map for the lowest platform location proposed at this site for additional carriers.

Section V Facility Design Page 11 applicant states "some clearing and grading of the compound and site for access drive will be required"

Tab 3 Site Evaluation applicants report the number of trees to be removed to be 38 @ 4 inches diameter or greater, however the applicant has proposed changes the tower coordinates.

Q28: How many additional trees will be removed as a result of the applicants' tower coordinate changes?

Q29: How close to the Gustafson open field fence line at the tower site will the trees be cut?

Q30: What impact will the additional tree loss have on the overall visibility of the tower?

Section V Facility Design Page 11 applicant states "proposed facility will have no impact on water flow or water quality".

Section VII Watertown Land Use Part D WTN Inland Wetland/Watercourse Regs page 16 applicant states "wetlands delineation report included in Attachment 4 the nearest delineated wetlands course to the proposed facility is a pond located 800' directly south of the proposed site" and concludes "the proposed facility will have no impact on wetlands or watercourses"

(see also Mark Kiburz Wetlands biologist report for AT&T/North Atlantic Towers)

Q31: Were wetlands and watercourses in closer proximity on adjoining properties to the proposed facility and access drive included in the report as the wetlands biologist Mark Kiburz states that sheet water drainage will flow both to the west and east of the site?

Q32: How can the applicant draw "no impact on wetland and watercourses" conclusions when no storm water drainage volume statistics were provided?

Q33: What is the acreage of land to be cleared?

Q34: Where is Fenn Brook noted in the application?

Q35: How will storm water drainage impact Fenn Brook? What studies were done to protect Fenn brook?

Section VI Environmental Compatibility Part A Visual Assessment page 11-12 applicant states "Year round visibility is limited to approximately 2.2% of the 8042 acre study area"

Q36: What were the parameters used to determine that only 2.2% of the study area would have year round views? Is the 8042 acre study area the same as the visual field area?

Applicant also states on page 12 in their original Visual Resource Report Attachment 5 that "fewer than one dozen residential structures will have partial seasonal views of the proposed facility and that fewer than three residential structures will have year round views" of the tower. In the December 23rd Supplemental report the applicant states "year-round visibility.....is expected from a total of ten residences"

Q37: How many residences did the applicant actually visit to verify accuracy of their computer simulation of visibility?

Q38: Infinigy original Visual Resource Analysis Attachment Tab 5 concludes *"The proposed facility does not interfere with or reduce the public's enjoyment and/or appreciation of the appearance of any areas considered to be aesthetic resources. Therefore the proposed 150' monopole will not have a significant adverse impact on the surrounding area."* How was this conclusion made?

Q39: The council has on file our visitor petition and many individual letters in opposition to the tower as it relates to the degradation of their enjoyment/appreciation of the area surrounding the tower site. Where is the applicant's documentation from the public that the tower is acceptable in appearance and location and does not reduce their enjoyment/appreciation of the aesthetic resources of the area?

Tab 5 Appendix C View Shed Maps/ Field Verification Viewshed Map in original application

Q40: How was the Acreage Determination Map made? How were the six areas identified as visible? How were they chosen?

Q41: Was the Army Corps of Engineers Federal Recreational Area visited to determine visibility?

Q42: Was the Thomaston Elementary School playground located at the Route 109 and Route 6 intersection visited to determine visibility?

Q43: Please provide copies of missing photos for locations 2,5,6,9,11,14,17 and 20 sited on Photographic Location Map located in Appendix D Photographs and Simulations in original application

Q44: Simulation Photos are un-numbered in original application, Please provide key to correspond to locations: 1,4,13,15(duplicated),16, and 18

Section V Facility Design page 11 applicant states "SHPO issued a 'no adverse effect' determination for the proposed facility" (1966 Section 106 State Historic Preservation Act must consider homes that are included or eligible to be on national register of historic places)

Q45: Why were the following 5 historic homes noted on the 1853 Richard Clark map of Watertown located at Watertown Town Hall (3 on Linkfield and 2 on Bassett) not noted?

Eligible homes:

Hiram French House @ now Barbara Scott at 405 Bassett Road

Daniel Upson House @ now Frank Gustafson at 655 Bassett Road

S Bryan(t) House @ now Steve and Katherine Barnosky at 936 Linkfield Road

E Bryan(t) House @ now Sue and Ed Budris at 858 Linkfield Road

Federally Listed home on National Register of Historic Places:

R Bryan(t) House @ now Mrs. Ruth Getsinger at 867 Linkfield Road

Section VI Environmental Compatibility Part C Power Density page 13 applicant states "maximum power density report 'attachment 4' concludes that the calculated worst case emissions from the proposed facility are 7.3% of the MPE standard"

With reference to Attachment Tab 3 Facilities and Equipment Specifications:

Q46: What power wave model antenna will be used?

Q47: What is the planned azimuth (angle from 0 degrees north) of the alpha (north facing) antenna?

Q48: What is the planned angle of tilt for the alpha antenna?

Pertaining to Lightning:

Q49: Do the applicants obtain lightning strike data for areas surrounding potential tower sites? If yes, what is the frequency of lightning strikes at the proposed tower site relative to the rest of Litchfield County?

Q50: Do the applicants keep lightning strike data on their facilities and towers? If yes, is it known if lightning strikes increase in the vicinity of a tower compared to pre tower data?

Q51: What are the current building codes for grounding communication towers in CT?

Q52: Has a geological survey been performed on the site by the applicant to identify if lightning strikes would be made more serious than they already are?

Q53: How does the applicant plan to mitigate lightning strikes on a site with shallow, restrictive, non-conductive soil conditions (ledge, dry soils) where proper grounding is difficult?

Q54: When the tower experiences a direct lightning strike and sends a shock wave thru the bedrock will any of this energy impact the integrity of the City of Waterbury Aqueduct, the main water source for a population of over 110,000 in Waterbury alone?

Pertaining to Bird Abatement Falcons:

Q56: The proposed tower impacts our falcon's airspace and habitat. Will the RF emissions in any way affect our bird abatement falcons either during their daily flight or if they perch on the structure for short or extended periods of time?

Pertaining to Pollinators:

Q57: Will the proposed cell tower present an RF emission safety hazard to honeybee and native pollinators that fly routinely between our farm and Gustafson Apple Orchard?

Q58: What studies have the applicants done to show no adverse effect from RF emissions on native pollinators or honeybees?

Pertaining to local zoning regulations Watertown Article VI Section 60 Telecommunications Facilities:

Section 60.3.4d surrounding topography within 1,000 feet at interval not exceeding five feet based on town datum

Q59: Why are applicant topographic maps (applicant tab 3, 1st topography map) at 20' contour when local zoning Section 60.3.4d requires 5' contour topography maps of the area within 1000' of tower site?

Section 60.3.4e design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness

Q60: What effort has the applicant made to reduce the visual obtrusiveness of the tower?

Q61: Would a mid-slope rather than ridge-top location meet the applicants' coverage objective?

Q62: Please provide a mid-slope coverage map.

Q63: What would be the total visual mass area covered by the planned standard monopole and antenna platforms in the original proposal when all six carriers are on board? How does this compare to a 3' diameter balloon?

Q64: What would be the reduction of the total visual mass area if a low profile monopole as suggested in the December 23rd Supplement was implemented?

Q65: What is the total visual width, including all three sectors, of a standard AT&T antenna array on a monopole?

Section 60.3.5 In all cases in which the Commission feels that a peer review of the applicant's service area, tower sharing, or other technical issues is warranted, the applicant shall be required to reimburse the Town for the cost of the peer review. This payment shall be made to the Town prior to the decision by the commission on the application.

Q66: Has Watertown requested an unbiased peer review of the technical aspects of the proposed tower?

Q67: Have any unbiased studies to confirm coverage need for this area been made?

Section 60.7.1 Towers with equipment buildings/structures shall be permitted by special permit as provided by for in Sections 51 and 52

Q68: Have the applicants, commercial entities with a proposed site in a residential zone, obtained a special permit pursuant to Section 60.7.1?

Section 60.7c. tower shall be located a minimum of five hundred (500) feet from any residential structure located within a residential district. Distance shall be measured from the base of the tower to the foundation.

Q69: Applicants' original Abutters Map, Tab 3, Map Z1 provided by Infinigy and noted as "prepared from a site walk 9/23/09 and a survey 11/16/09" has mislabeled landowners Robert and Cathleen Alex's equipment barn as their residence and Frank Gustafson's barn is also mislabeled as his residence resulting in inaccurate notation of distances from their actual residences. This continues to be noted as such in the December 23rd Supplement Abutter's Map Z1 and the Overall Site plan Z2. The Alex home is very near the minimum 500 feet from the original balloon flight stake. The Alex berry barn is also noted as residence on original Map Z2. If indeed a site walk was performed by the applicant on 9/23/09 how were three barns noted as residences on the applicants abutters map?

Q70: Will the applicants be submitting a corrected map with actual surveyed distances from the proposed tower to the closest homes?

Q71: What class of map will be provided by the applicants?

Watertown Zoning regulations bulk filing to the commission section 60.8.2c states the nature of uses of adjacent property should be considered by the commission.

Q72: Is Evergreen Berry Farm noted in the application as an adjacent property with significant public access?

Section 60.8.3 The commission will require that applicants provide simulations of tower locations and impacts as part of the review of a Special Permit application. Such simulations may entail the erection of balloons or other devices, necessary to visualize the proposed facility.

Q73: Were adjoining landowners notified of original balloon flight on January 19, 2010?

Q74: Were photos taken from Evergreen Berry Farm view shed on January 19, 2010?

Section 60.9 Removal of Abandoned Towers and Antennas

A telecommunications site not in use for six (6) months shall be removed by the facility owner. This removal shall occur within ninety (90) days of the end of such six (6) month period. Upon removal, the site shall be restored to its previous appearance and where appropriate, re-vegetated.

Q75: Have the applicants made provisions for the Removal of Abandoned Towers and Antennas as per Section 60.9?

Q76: Will the applicant meet the bonding requirement for Watertown Planning and Zoning Section 60.11 regarding tower removal and restoration of site with sufficient cash bond to cover inflation?

Reference Town of Watertown ARTICLE V - SITE PLANS AND SPECIAL PERMITS

SECTION 51- Site PLANS

Section 51.5.1 Site plan shall include an accurate up to date class A-2 survey of the property

Q77: Has the applicant submitted a class A-2 survey of the proposed site pursuant to Town of Watertown Site Plans Section 51.5.1?

Section 51.6.21 Design of any proposed development shall include a storm water management plan

Q78: Has the applicant submitted a storm water management plan pursuant to Section 51.6.21?

Q79: How will the storm water management plan minimize runoff from either the access road or the tower lease area from flowing onto a street or adjacent property?

Q80: How will the access road and adjoining City of Waterbury watershed including Fenn Brook be protected from storm water runoff and erosion?

Watertown zoning regulations Section 63.83 limit road grades to 7% with up to 10% with special permit

Q81: What are the steepest slopes proposed for the access road?

Q82: How will the particularly steep areas of the access road be maintained?

Q83: How will the road be maintained during winter conditions?

Q84: How will diesel be delivered in winter on a >20% grade?

Section 51.10.6 The adequacy of the storm drainage system to minimize soil erosion and sedimentation and to accommodate a designed 25-year stormwater run-off as of (1) existing prior to the Site Plan application, and (2) resulting from the Site Plan application completed work

Q85: Has the applicant provided a 25-year stormwater run-off plan pursuant to Watertown Siting Plan Section 51.10.6?

51.12 Environmental and Historic Features

The development of the site shall conserve as much of the natural terrain and existing vegetation as possible, shall preserve sensitive environmental land features such as steep slopes, wetlands and large rock outcroppings, and shall preserve public scenic views and historically significant buildings and site features.

Q86: Why is the access road crossing steep slopes in excess of 20% and associated fragile and highly erodible soils?

Q87: Northerly travel on Linkfield Road towards the tower site includes a view of three historic homes and a significant 4 ½ mile view of undeveloped forest and farmland stretching to Route 254 in Litchfield. Where in the application is this public scenic and historic view heading in a northerly direction on Linkfield Road being considered by the applicants?

SECTION 52 - SPECIAL PERMITS

Section 52.5 Environmental Impact Statement All applications for Special Permits shall include environmental information for the purpose of compiling a complete environmental impact analysis. The statement shall address at least the following; however, upon written request from the applicant, the Commission may waive or modify any of the required information.

Section 52.5.3 The extent to which any sensitive environmental features on the site may be disturbed and what measures shall be taken to mitigate these impacts.

On the applicants' Section VI Environmental Compatibility Part D Other Environmental Factors page 14 the applicant states "according to ...the site survey and field investigations, no federally regulated wetlands or watercourses or threatened or endangered species will be impacted by the proposed facility."

Q88: Can the applicant confirm that an on-site field investigation was carried out for threatened or endangered species?

Q89: On what day and by whom was the on-site field investigation performed?

Q90: If no, why was there no on-site visit to confirm evidence of listed species?

Q91: Did the applicants use only the US Fish and Wildlife Service Data for Federal Listed Species Map and the CT DEEP Natural Diversity Data Base Area Map for Watertown to determine sensitive environmental impact?

Q92: Without an onsite field review, how can it be determined from an office desk if other endangered species of plants and animals exist around the proposed site and are potentially at risk?

Q93: What impact will the tower have on kestrel habitat, a threatened species, as well as the Bobolink and Meadowlark, both species of special concern, identified by the CT DEEP as present on the lease property now that the new co-ordinates proposed are closer to the woodland edges?

Q94: Where are the nearest Bald Eagle and Common Nighthawk nesting areas to the proposed site?

Cc: Paul Jessell, Town Attorney, Slavin Stauffacher & Scott LLC, 27 Siemon Company Drive, Watertown CT 06795