

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF NORTH ATLANTIC TOWERS, LLC
and NEW CINGULAR WIRELESS PCS, LLC (AT&T)
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE AND OPERATION
OF A TELECOMMUNICATIONS TOWER FACILITY
AT ONE OF TWO SITES: 171 SHORT BEACH ROAD,
BRANFORD, OR 82 SHORT BEACH ROAD,
EAST HAVEN, CONNECTICUT

DOCKET NO. 427

August 7, 2012

RESPONSES TO INTERVENOR NIKI WHITEHEAD'S
INTERROGATORIES

- Q1. What input on site selection, if any, was provided by the Town of East Haven?
- A1. *As set forth in Section VIII of the Application, in compliance with Section 16-501(e) of the Connecticut General Statutes, the Applicants consulted with both the Town of East Haven and the Town of Branford regarding the proposed alternative sites. Consultation with the Town of East Haven included a meeting with municipal officials and a community informational meeting that was coordinated with the Town. The Applicants did not receive any comments regarding site selection from the Town of East Haven during the consultation.*
- Q2. Did the Applicant conduct a site search in East Haven that was independent of the suggestions of the Town of Branford? If so, when was the independent site search initiated, and what were the parameters, criteria and results of the search?
- A2. *The details of the Applicants site search are included in the Application and the Applicants Responses to Siting Council Interrogatories dated June 7, 2012. As noted therein and at the July 10, 2012 hearing, sites in East Haven are outside of the original search ring area and the sites in East Haven investigated by the Applicants were sites suggested by the Town of Branford during the municipal consultation.*
- Q3. What are the limitations imposed by FAA regulations on the location and design of cell towers in proximity to Tweed New Haven Airport?
- A3. *The FAA reviews proposed tower facilities to ensure that proposed structures are not an obstruction to flight paths and may require height limitations, lighting or marking.*
- Q4. What are the concerns of the Applicant with respect to lighting or marking a cell tower if required to do so by FAA regulations? Were any alternative sites or options ruled out based on the desire to avoid lighting or marking a cell tower, including (but not limited to) sites or options in the vicinity of the East Haven Industrial Park?
- A4. *The Applicants have no specific concerns with lighting or marking of cell towers and routinely comply with such requirements throughout the United States. In some areas, government siting agencies and/or local residents consider the lighting or marking of*

tower facilities a localized visual impact to be avoided. Generally, in Connecticut, the Applicants try to avoid FAA lighting and marking of towers to minimize any potential visual impacts associated with towers. As set forth in the Applicants Response to Siting Council Interrogatories dated June 7, 2012, Response No. 2d, the property located at 175 Clark Avenue was reviewed at 75' AGL, the maximum height available that would not pose an obstruction to flight paths (i.e. be approved by the FAA irrespective of marking and lighting). At this height, this location would not provide adequate service to the area where service is needed.

Q5. Why was the existing telecommunications facility at 60 Commerce Street in East Haven not mentioned in the Application?

A5. *The existing telecommunications facility at 60 Commerce Street in East Haven is shown in the map and table of surrounding existing towers included in Attachment 2 of the Application. As demonstrated therein, this existing facility is located too far from the area where service is needed and as such, it is not a viable alternative in this Docket.*

Q6. Could one or both of the two existing telecommunications facilities on Commerce Street in East Haven be modified to improve coverage in the gap that is the subject of this Application?

A6. *No. AT&T currently operates a facility at 259 Commerce Street and the existing facility at 60 Commerce Street is too far from the area where service is needed.*

Q7. What percentage of the coverage expected from the proposed tower at the East Haven Site is redundant (i.e. already provided by existing facilities)? What is the location of any redundant coverage? Not that the word "redundant" is not intended to include any necessary overlap for hand-off between towers.

A7. *For the East Haven Site, the approximate percentage of overlap is 75.3%. The approximate percentage of overlap for the Branford Site is similar at 73/1%. It is important to note that the alternate facilities proposed in this proceeding are designed to provide reliable service to an existing gap in service in this area of East Haven and Branford. Therefore, the height of the proposed facility at both sites is driven by covering the gap, which increases the area of overlap. In addition, in this case, neither of the proposed sites is located in the middle of the existing service gap, thereby increasing the area of overlap. For example, the Orchard House site in Branford is located in proximity to the middle of the coverage gap and as such, a facility at this location would not overlap with existing coverage to the same degree as the sites proposed in this Application.*

Q8. What are the current and projected requirements for operating fire department equipment and conducting fire department activities on the East Haven Site (e.g. turning radius for various fire trucks, parking requirements for fire trucks and volunteers' vehicles, emergency access, routine on-site maintenance of fire equipment, etc.)? How will these requirements be affected by the loss of square footage to the proposed telecommunications facility? What impact could these requirements have on the construction and maintenance of the proposed telecommunications facility?

A8. *The East Haven Site facility was designed in coordination with the Fire Department to ensure that the facility will not impact any of the Fire Department operations and provide adequate on site maneuvering for vehicles.*

- Q9. What are the sources for the boundary information for the East Haven Site, particularly the boundaries with residential properties on Hilton Avenue?
- A9. *The information for the East Haven Site drawings was obtained from a complete boundary survey that was completed on May 31, 2011.*
- Q10. Have the soils/substrate at the East Haven Site been investigated for suitability with respect to their capacity to support the proposed cell tower? If yes, please provide details and results of the investigation. If not, please explain why at least a preliminary geotechnical analysis has not been conducted given that a history of filling was reported at the Public Hearing?
- A10. *If the East Haven Site facility is approved, the foundation for the proposed tower will be designed during the Development & Management (D&M) process when a geotechnical analysis and subsurface investigation will be conducted. The results of these analyses will be used for the foundation design. Based on a preliminary review and information provided, it is anticipated that a foundation can be adequately designed to support the proposed facility.*
- Q11. How does the Applicant propose to compensate for the deficiencies in the visual evaluations of the East Haven Site caused by logistical and weather-related problems as reported at the Public Hearing?
- A11. *The visual materials provided in the application are considered the appropriate evidence to rely on for visual analysis. The balloon float the day of the Council's public hearing is for orientation and a second opportunity for Council members to assess visibility. As such there is no deficiency in the process or additional visual work required to assess the proposed facilities and related visibility.*
- Q12. Given that the Connecticut Department of Energy and Environmental Protection cautions that Natural Diversity Data Base information is not comprehensive and should not be substituted for on-site surveys (Application Attachment 5D), what additional investigations of Federal or State Endangered, Threatened or Special Concern Species have, or will be, undertaken in the vicinity of the East Haven Site by the Applicant?
- A12. *No additional investigations are planned at this time. Results of the Applicants' consultations with the Connecticut Department of Energy & Environmental Protection (DEEP) Natural Diversity Database Map (NDDDB) resulted in a finding of no conflict with any such species. The proposed East Haven Site facility footprint occurs within previously developed areas of the site such that no significant habitat encroachment or modifications are anticipated.*
- Q13. For the East Haven Site, what is the basis for the Applicant's conclusion that there are no potential adverse impacts to essential wildlife habitat, including migration patterns (Application Attachment 5B, Coastal Consistency Analysis)? If the reconnaissance of the existing parking lot is the only basis for the conclusion, what additional investigations does the Applicant propose to conduct?
- A13. *In addition to the site reconnaissance, publicly-available data was reviewed to determine what, if any, species may be documented at and in the site vicinity. With respect to reducing the potential for disrupting bird migration patterns, the Application demonstrates that the proposed facility would comply with the United States Fish and Wildlife Service's (USFWS) Interim Guidance on the Siting, Construction, Operation and*

Decommissioning of Communications Towers (September 14, 2000). The USFWS recommends the use of relatively lower towers (less than 200 feet in height) that are un-guyed and unlit to minimize the threat of tower strikes by migratory bird species. Both of the alternative facilities proposed meet this recommendation.

The East Haven Site does not possess significant or essential wildlife habitat, as the majority of the property is developed with the fire station and parking lot. As stated above, no additional investigations are planned at this time, nor are they warranted; the facility footprint is contained within previously developed areas on the site.

- Q14. The Wetland Evaluation for the East Haven Site (Application Attachment 5B) did not include an investigation of the property to the South and immediately below the proposed cell tower location. Can the Applicant provide information on the wetlands and/or watercourse that is believed to exist in this location?
- A14. *The East Haven Site facility design does not include any disturbance at the toe of the slope or in the southern portion of the property. As such, there was no need to investigate any wetlands in that area.*

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing was sent electronically and by overnight mail to the Connecticut Siting Council and:

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
(860) 275 8345
KBALDWIN@RC.com


Sarah Pierson
63 Hilton Avenue
East Haven, CT 06512
(203) 215 6635
Sarahpierson@att.net

Keith Ainsworth, Esq.
Evans, Feldman & Ainsworth, LLC
261 Bradley Street, P.O. Box 1694
New Haven, Connecticut 06507-1694
(203) 772-4900
krainsworth@snet.net

Niki Whitehead
9 Hilton Avenue
East Haven, CT 06512
(203) 467-9705

Richard Moreland
8 Hilton Avenue
East Haven, CT 06512
(203) 467 1779
Richard.Moreland@live.com

Dated: August 7, 2012



Christopher B. Fisher

cc: Bret Buggeln, NAT, LLC; Michele Briggs, AT&T;
John Stevens, Infinigy Engineering PLLC; Tony Wells, C-Squared Systems, Inc.
Martin Lavin, C-Squared Systems, Inc.; David Vivian, New Cingular Wireless PCS, LLC
Michael Libertine, All-Points Technology Corporation, P.C. ; Randy Howse;
Lucia Chiochio, Esq.