

CONNECTICUT SITING COUNCIL

PETITION OF NORTH ATLANTIC TOWERS,)
LLC AND NEW CINGULAR WIRELESS PCS LLC) PETITION NO. 973
TO THE CONNECTICUT SITING COUNCIL)
FOR A DECLARATORY RULING THAT NO)
CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AND PUBLIC NEED) APRIL 6, 2011
IS REQUIRED TO REPLACE AND EXPAND)
AN EXISTING LATTICE TOWER LOCATED)
AT 880 ANDREW MOUNTAIN ROAD IN)
NAUGATUCK, CONNECTICUT)

POST HEARING SUBMISSION

North Atlantic Towers, LLC and New Cingular Wireless, PCS (“AT&T”) respectfully submit the following information requested at the March 10, 2011 hearing for Petition No. 973:

1. Migratory Bird Impact Analysis: Included as Attachment 1 please find the Migratory Bird Impact Evaluation prepared by VHB and dated March 10, 2011. As noted therein and at the March 10th hearing, the proposed replacement facility complies with the United States Fish and Wildlife Service guidelines for minimizing potential impacts to birds and further, that no migratory bird species would be impacted by the proposed Facility.
2. Diameter of the Proposed Replacement Monopole: The diameter at the base of the proposed 120’ replacement monopole will be approximately 3.5-4 feet, and the diameter at the top (120’ elevation) of the proposed replacement monopole will be approximately 2-3 feet.
3. Relocation of the Proposed Replacement Monopole: At the March 10th hearing, the Siting Council requested a conceptual drawing that depicted the access drive where it was originally proposed (along the northern property boundary, approximately 50 feet from the northern lot line) and the replacement monopole within a smaller compound located south of the existing tower outside of the existing tree line.

Initially, after several discussions with representatives of North Atlantic Towers, the property owner was amenable to the request to relocate the replacement tower south of the existing tower. However, after careful consideration and consultation with his family, he decided that the requested relocation was not acceptable given the current use of his property and his desires related to estate planning purposes.

The property owner did agree to move the proposed access drive to its original location, approximately 50 feet from the northern property boundary, such that no scrub brush would be removed. In addition, North Atlantic Towers agreed to reduce the size of the

proposed equipment compound from 75' x 75' to 50' x 50' to minimize clearing within the area of the existing tower.

Included in Attachment 2 are drawings depicting the location of the access drive and reduced compound area for the replacement tower project.

It is respectfully submitted that the record in this petition demonstrates that the proposed replacement facility, with modifications as requested by the Council, will not have a substantial adverse environmental impact which would otherwise require review by the Siting Council in a full docket proceeding. Indeed, when compared against the existing 100' facility, which could be replaced at the same height as an exempt modification (See R.C.S.A. §16-50j-72(b)(3)), the proposed replacement facility is not materially different from an environmental perspective. In addition, since the Siting Council will now have jurisdiction over the proposed replacement facility, approval presents an opportunity for positive changes including removal of an unused, abandoned tower facility and maintenance of a new replacement facility by a professional telecommunications tower company with the resources and skills to maintain the replacement facility.

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and twenty-five copies of North Atlantic Towers and AT&T's Post Hearing Submission were served on the Connecticut Siting Council electronically via email and by overnight mail.

Dated: April 6, 2011



Lucia Chiocchio
Lucia Chiocchio

cc: Mayor Robert A. Mezzo, Borough of Naugatuck
Michele Briggs, AT&T
John Stevens, North Atlantic Towers
Roger Laperna, North Atlantic Towers
Randy Howse, North Atlantic Towers
Anthony Wells, C Squared Systems
Scott Pollister, C Squared Systems
Michael Libertine, VHB
Christopher Fisher, Esq.

ATTACHMENT 1



Vanasse Hangen Brustlin, Inc.

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860 632-1500
FAX 860 632-7879

Memorandum

To: John L. Favreau, CHMM
Director of Environmental Services
Infinigy Engineering & Surveying, PLLC
11 Herbert Drive
Latham, NY 12110

Date: March 10, 2011

Project No.: 40938.06

From: Dean Gustafson
Senior Environmental Scientist

Re: Connecticut Siting Council Petition No. 973
Migratory Bird Impact Evaluation
Proposed North Atlantic Towers, LLC and
New Cingular Wireless PCS LLC Facility
880 Andrew Mountain Road, Naugatuck, CT

Vanasse Hangen Brustlin, Inc. (VHB) provides the following information with respect to potential impacts on migratory birds from a proposed wireless telecommunications facility proposed by North Atlantic Towers, LLC and New Cingular Wireless PCS LLC (AT&T) at 880 Andrew Mountain Road in Naugatuck, Connecticut.

VHB understands that North Atlantic Towers and AT&T are proposing to replace and expand an existing unused lattice-type tower. The existing unused 100 foot lattice tower and shelter will be replaced with a 120 foot monopole and ground equipment within a 75-foot by 75-foot fenced equipment compound (the "Facility") for use by AT&T.

VHB's research of publically available resources revealed the proposed Facility complies with the U.S. Fish and Wildlife Service (USFWS) guidelines for minimizing potential impacts to birds and no migratory bird species would be adversely impacted by development of the proposed Facility. As a result, no seasonal restrictions would be recommended in association with construction or operation of the proposed Facility with respect to potential avian species concerns.

Provided below is a detailed analysis of potential impacts to migratory birds from the proposed North Atlantic Towers and AT&T Facility and the Facility's compliance with the USFWS guidelines.

Flyways

The proposed Facility is located near the edge of a field in a forested portion of a predominantly forested property. Land use in proximity to the proposed Facility includes residential properties and large expanses of undeveloped forested areas. The Connecticut coast lies within the Atlantic Flyway, one of the four generalized regional migratory bird flyways (Mississippi, Central, and Pacific being the others). This regional flyway is used by migratory birds traveling to and from summering and wintering grounds. The Atlantic Flyway is particularly important for many species of migratory waterfowl and shorebirds, and Connecticut's coast serves as vital stopover habitat. Migratory land birds also stop along coastal habitats before making their way inland. The

Connecticut shore and associated Atlantic Flyway are located approximately 18 miles south of the proposed Facility. Smaller inland more diffuse migratory flyways are often concentrated along major riparian areas as birds make their way further inland to their preferred breeding habitats. The major riparian feature in proximity to the proposed Facility is the Naugatuck River, located approximately 1.8 miles to the east. Therefore, since the proposed North Atlantic Towers/AT&T Facility is not located in the Atlantic Flyway and is at a significant distance to the Naugatuck River, no adverse impact to migratory flyways would result from the proposed tower facility and therefore no seasonal restriction is recommended for the project.

Focus Areas

The Atlantic Joint Coast Venture (AJCV) is an affiliation of federal, state, regional, and local partners working together to address bird conservation planning along the Atlantic Flyway. The AJCV has identified focus areas identifying the most important habitats for waterfowl along the Atlantic Flyway. Connecticut contains several of these focus areas, but the vicinity of the proposed project has not been identified as one of them (refer to attached map of CT Waterfowl Focus Areas). The nearest focus area is the Lower Housatonic River – Great Meadows, located approximately 11 miles south of the proposed Facility. Due to the significant distance separating the proposed Facility from this focus area, no adverse impact would result to this bird conservation planning area.

CTDEP Migratory Waterfowl Data

The Connecticut Department of Environmental Protection (CTDEP) created a Geographic Information System (GIS) data layer in 1999 identifying concentration areas of migratory waterfowl at specific locations in Connecticut. The intent of this data layer is to assist in the identification of migratory waterfowl resource areas in the event of an oil spill or other condition that might be a threat to waterfowl species. This data layer identifies conditions at a particular point in time and has not been updated since 1999.

The closest migratory waterfowl area is located at Bantam Lake in Bantam, Connecticut approximately 16 miles north of the proposed Facility; located beyond the limits of the enclosed Avian Resources Map. Species utilizing this area include Bufflehead, American Black Duck, Mallard, Green-wing Teal, and Wood Duck. Due to the significant distance between the proposed Facility and this migratory waterfowl area, no adverse impact to this area will result from the proposed development and therefore no seasonal restrictions are recommended for the project.

Important Bird Areas and Sites

Audubon Connecticut has identified 27 Important Bird Areas and Sites (IBAs) in the state. The closest IBA to the proposed Facility is the Naugatuck State Forest located approximately 0.5 miles to the south. Refer to the enclosed Avian Resources Map. Naugatuck State Forest is a wild and undeveloped area that provides a diversity of habitats supporting many species of birds. During spring migration, roughly 25 species of Warblers can be spotted, including those of high conservation priority: Blue-winged, Worm-eating and Canada; as well as Olive-sided Flycatchers. Hemlock Ravine and its cooler climate serve as a nesting habitat for Louisiana Waterthrush, another species of high conservation priority. From late April to August, Whip-poor-wills are rather common. Blue-winged Warblers are fairly common nesters and the early successional habitats support significant populations of other species dependent on this habitat type, including American Woodcock. The site is possibly used as a migratory corridor for Common Nighthawks, which can be plentiful on overcast evenings from mid-August to mid-September. Certain areas of the forest serve as critical stopover habitat during the fall migration. Since the proposed project consists of replacing a 100 foot lattice tower with a relatively short 120 foot monopole, will not result in forest fragmentation, no adverse impact to the nearby IBA will result from the proposed development and therefore no seasonal restrictions are recommended for the project.

Critical Habitat

Connecticut Critical Habitats depicts the classification and distribution of twenty-five rare and specialized wildlife habitats in the state resulting in the creation of habitat maps to be used in land

use planning and natural resource protection. It represents a compilation of ecological information collected over many years by state agencies, conservation organizations and many individuals. The Connecticut Critical Habitats information can serve to highlight ecologically significant areas and to target areas of species diversity for land conservation and protection. Although these habitats do not exclusively represent habitat for migratory birds, they often provide habitat to various types of migratory birds. The nearest Critical Habitat is located 1.4± miles to the south/southwest associated with Towantic Pond Bog, which supports a black spruce bog and poor fen habitat. Refer to the enclosed Avian Resources Map. Due to the distance between the proposed Facility and this nearest Critical Habitat, no impact to this Critical Habitat will result from the proposed development and therefore no seasonal restrictions are recommended for the project.

Breeding Bird Survey Route

The North American Breeding Bird Survey is a cooperative effort between various agencies and volunteer groups to monitor the status and trends of North American bird populations. Routes are randomly located to sample habitats that are representative of an entire region. Each year during the height of the avian breeding season (June for most of the United States) participants skilled in avian identification collect bird population data along roadside survey routes. Each survey route is approximately 24.5 miles long and contains 50 stops located at 0.5-mile intervals. At each stop, a 3-minute count is conducted. During the count, every bird seen within a 0.25-mile radius or heard is recorded. The resulting data are used by conservation managers, scientists, and the general public to estimate population trends and relative abundances and to assess bird conservation priorities. No breeding bird survey routes are located within 5 miles of the proposed Facility. Refer to the enclosed Avian Resources Map.

Hawk Watch Site

The Hawk Migration Association of North America (HMANA) is a membership-based organization committed to the conservation of raptors through the scientific study, enjoyment, and appreciation of raptor migration. HMANA collects hawk count data from almost two hundred affiliated raptor monitoring sites throughout the United States, Canada, and Mexico, identified as "Hawk Watch Sites". No Hawk Watch Sites are located within 5 miles of the proposed Facility. Refer to the enclosed Avian Resources Map.

Bald Eagle Site

Bald Eagle Sites consist of locations of midwinter Bald Eagle counts from 1986-2005 with an update provided in 2008. This survey was initiated in 1979 by the National Wildlife Federation. This database includes data from 1986-2005 midwinter counts and includes some statewide, regional and national trends. Survey routes are included in the database only if they were surveyed consistently in at least 4 years and where at least 4 eagles were counted in a single year. No Bald Eagle Sites are located within 5 miles of the proposed Facility. Refer to the enclosed Avian Resources Map.

Compliance with USFWS's Interim Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers

The United States Fish and Wildlife Service's *Interim Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers* (September 14, 2000), recommends 12 voluntary actions be implemented in order to mitigate tower strikes caused by the construction of telecommunications towers:

1. *Any company/applicant/licensee proposing to construct a new communications tower should be strongly encouraged to collocate the communications equipment on an existing communication tower or other structure (e.g., billboard, water tower, or building mount). Depending on tower load factors, from 6 to 10 providers may collocate on an existing tower.*

Response: Collocation on the existing 100 foot lattice tower is not structurally feasible due to the construction and current condition of the lattice tower.

2. If collocation is not feasible and a new tower or towers are to be constructed, communications service providers should be strongly encouraged to construct towers no more than 199 feet above ground level (AGL), using construction techniques which do not require guy wires (e.g., use a lattice structure, monopole, etc.). Such towers should be unlighted if Federal Aviation Administration regulations permit.

Response: The proposed North Atlantic Towers/ AT&T Facility consists of a 120 foot tall monopole tower structure which requires neither guy wires nor lighting.

3. If constructing multiple towers, providers should consider the cumulative impacts of all of those towers to migratory birds and threatened and endangered species as well as the impacts of each individual tower.

Response: Multiple towers are not proposed at the subject property. The existing 100 foot lattice tower will be removed.

4. If at all possible, new towers should be sited within existing "antenna farms" (clusters of towers). Towers should not be sited in or near wetlands, other known bird concentration areas (e.g., state or Federal refuges, staging areas, rookeries), in known migratory or daily movement flyways, or in habitat of threatened or endangered species. Towers should not be sited in areas with a high incidence of fog, mist, and low ceilings.

Response: There are no existing antenna farms in the area that would satisfy the RF coverage objectives for this portion of Naugatuck. The proposed tower is not located in an area with a high incidence of fog, mist, and low ceilings, however, occasional incidences of fog, mist, and low ceilings are anticipated throughout the year. The proposed Facility is not located in any known bird concentration areas (e.g., state or Federal refuges, staging areas, rookeries) or known migratory or daily movement flyways. Migratory bird nesting habitats, including rare species, are supported by the Naugatuck State Forest, located 0.5± mile south of the proposed Facility. The CTDEP Natural Diversity Data Base does not depict rare species buffered areas encompassing the proposed Facility. Since the proposed project consists of replacing a 100 foot lattice tower with a relatively short 120 foot monopole, will not result in forest fragmentation, no adverse impact to possible bird concentration areas supported by the Naugatuck State Forest will result from the proposed development.

5. If taller (>199 feet AGL) towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used.

Response: The proposed tower is less than 199 feet AGL and does not require lighting as determined by a FAA review.

6. Tower designs using guy wires for support which are proposed to be located in known raptor or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have daytime visual markers on the wires to prevent collisions by these diurnally moving species.

Response: The proposed tower will be unguyed and therefore will not adversely impact known raptor or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites. Since the tower will be unguyed, visual markers are not required.

7. Towers and appendant facilities should be sited, designed and constructed so as to avoid or minimize habitat loss within and adjacent to the tower "footprint". However, a larger tower footprint is preferable to the use of guy wires in construction. Road access and fencing should be minimized to reduce or prevent habitat fragmentation and disturbance, and to reduce above ground obstacles to birds in flight.

Response: The proposed tower and appendant Facility is sited, designed and constructed to accommodate proposed equipment and to allow for future collocations within the smallest footprint

possible. The proposed access road will be predominately within an open field, minimizing the need for tree removal. In addition, along with the proposed Facility's relatively small size (5,625 square feet), unmanned nature, and low traffic it generates, the proposed development will not result in fragmentation of the forested habitat that surrounds the proposed Facility.

8. *If significant numbers of breeding, feeding, or roosting birds are known to habitually use the proposed tower construction area, relocation to an alternate site should be recommended. If this is not an option, seasonal restrictions on construction may be advisable in order to avoid disturbance during periods of high bird activity.*

Response: Significant numbers of breeding, feeding, or roosting birds are not known to habitually use the proposed tower construction area or surrounding subject property.

9. *In order to reduce the number of towers needed in the future, providers should be encouraged to design new towers structurally and electrically to accommodate the applicant/licensee's antennas and comparable antennas for at least two additional users (minimum of three users for each tower structure), unless this design would require the addition of lights or guy wires to an otherwise unlighted and/or unguyed tower.*

Response: The proposed unguyed and unlit tower has been designed to accommodate three additional user's antennas for a total of four users on this tower.

10. *Security lighting for on-ground facilities and equipment should be down-shielded to keep light within the boundaries of the site.*

Response: Security lighting for on-ground facilities will be down-shielded using Dark Sky compliant fixtures set on motion sensor with timer.

11. *If a tower is constructed or proposed for construction, Service personnel or researchers from the Communication Tower Working Group should be allowed access to the site to evaluate bird use, conduct dead-bird searches, to place net catchments below the towers but above the ground, and to place radar, Global Positioning System, infrared, thermal imagery, and acoustical monitoring equipment as necessary to assess and verify bird movements and to gain information on the impacts of various tower sizes, configurations, and lighting systems.*

Response: With prior notification to North Atlantic Towers and AT&T, USFWS personnel would be allowed access to the proposed Facility for evaluation.

12. *Towers no longer in use or determined to be obsolete should be removed within 12 months of cessation of use.*

Response: If the proposed tower was no longer in use or determined to be obsolete, it would be removed within 12 months of cessation of use.

Summary

Potentially impacted avian species: none

Closest Important Bird Area: Naugatuck State Forest (0.5± miles south)

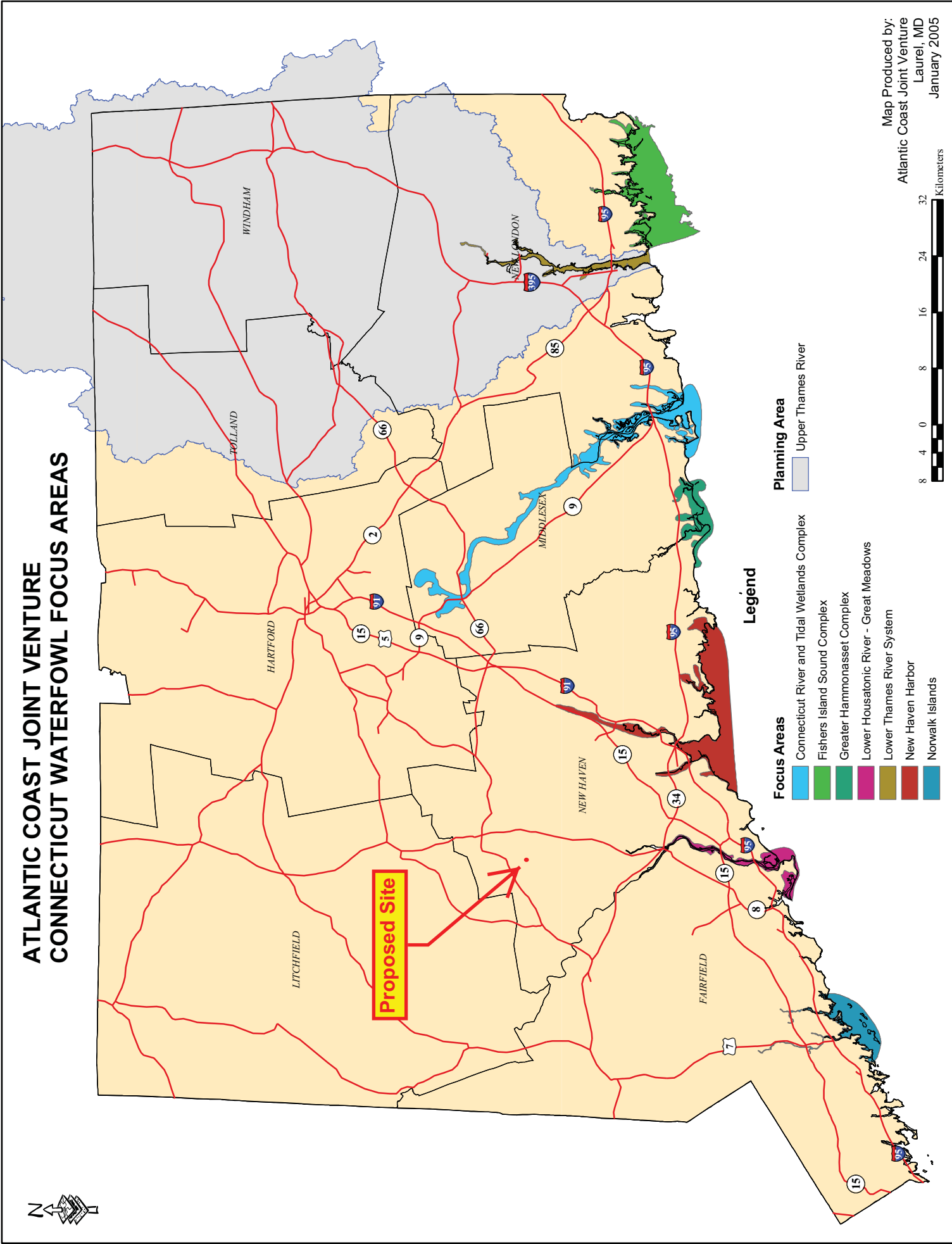
Closest CTDEP Critical Habitat: Towantic Pond Bog (1.4± miles south/southwest)

Recommended Seasonal Restriction: None

cc: Lucia Chiochio, Esq., Cuddy & Feder LLP

Enclosures

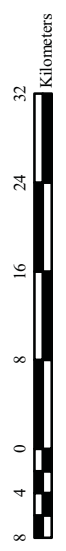
ATLANTIC COAST JOINT VENTURE CONNECTICUT WATERFOWL FOCUS AREAS



Legend

| | |
|--|--|
| Focus Areas | Planning Area |
| Connecticut River and Tidal Wetlands Complex | Upper Thames River |
| Fishers Island Sound Complex | |
| Greater Hammonasset Complex | |
| Lower Housatonic River - Great Meadows | |
| Lower Thames River System | |
| New Haven Harbor | |
| Norwalk Islands | |


Map Produced by:
Atlantic Coast Joint Venture
Laurel, MD
January 2005



Avian Resources Map

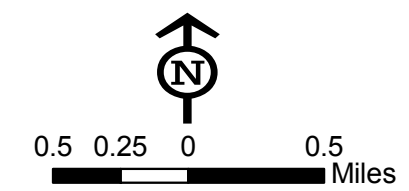
Proposed North Atlantic Towers LLC
Telecommunications Facility
Naugatuck - CT1126
880 Andrew Mountain Road
Naugatuck, Connecticut

Legend

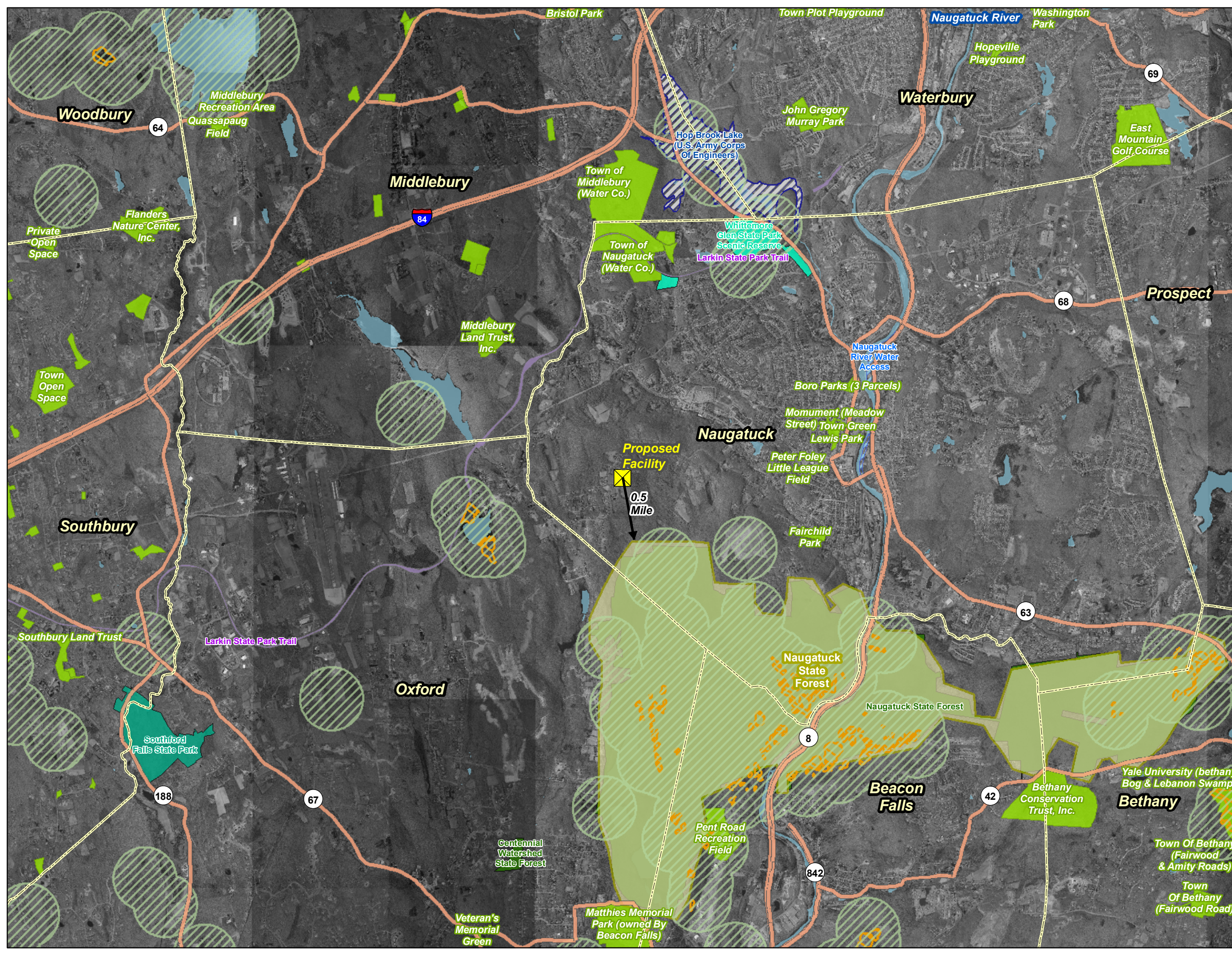
-  Proposed Facility
-  Bald Eagle Site
-  Hawk Watch Site
-  Important Bird Site
-  Bat Site
-  Breeding Bird Survey Route
-  Natural Diversity Database (CTDEP, 12/2010)
-  Critical Habitat (CTDEP, 07/2009)*
-  Migratory Waterfowl (CTDEP, 1999)
-  Important Bird Area
-  Preserved Open Space (CTDEP, 1997)
-  Federal Open Space (CTDEP, 2004)
- CT DEP Property (CT DEP, 12/2010)**
-  State Forest
-  State Park
-  DEP Owned Waterbody
-  State Park Scenic Reserve
-  Historic Preserve
-  Natural Area Preserve
-  Fish Hatchery
-  Flood Control
-  Other
-  State Park Trail
-  Water Access
-  Wildlife Area
-  Wildlife Sanctuary
-  Open Water
-  Town Boundary

Bird Data Sources:
 Bald Eagle Sites: U.S. Geological Survey, National Biological Information Infrastructure, 2008, Midwinter Bald Eagle Counts, 1988-2005 (update 2008).
 Hawk Watch Sites: Hawk Migration Association of North America (HMANA), Hawk Count website: <http://hawkcount.org/sitesel.php?country=USA&stateprov=Connecticut>
 Migratory Waterfowl: CTDEP GIS, 1999
 Important Bird Sites/Areas: National Audubon Society, Audubon Connecticut
http://ct.audubon.org/BirdSci_IBAs.html
 Breeding Bird Survey Routes: Patuxent Wildlife Research Center of the U.S. Geological Survey and the Canadian Wildlife Service's National Wildlife Research Centre
<http://www.nationalatlas.gov/mid/bbsrsl.html>

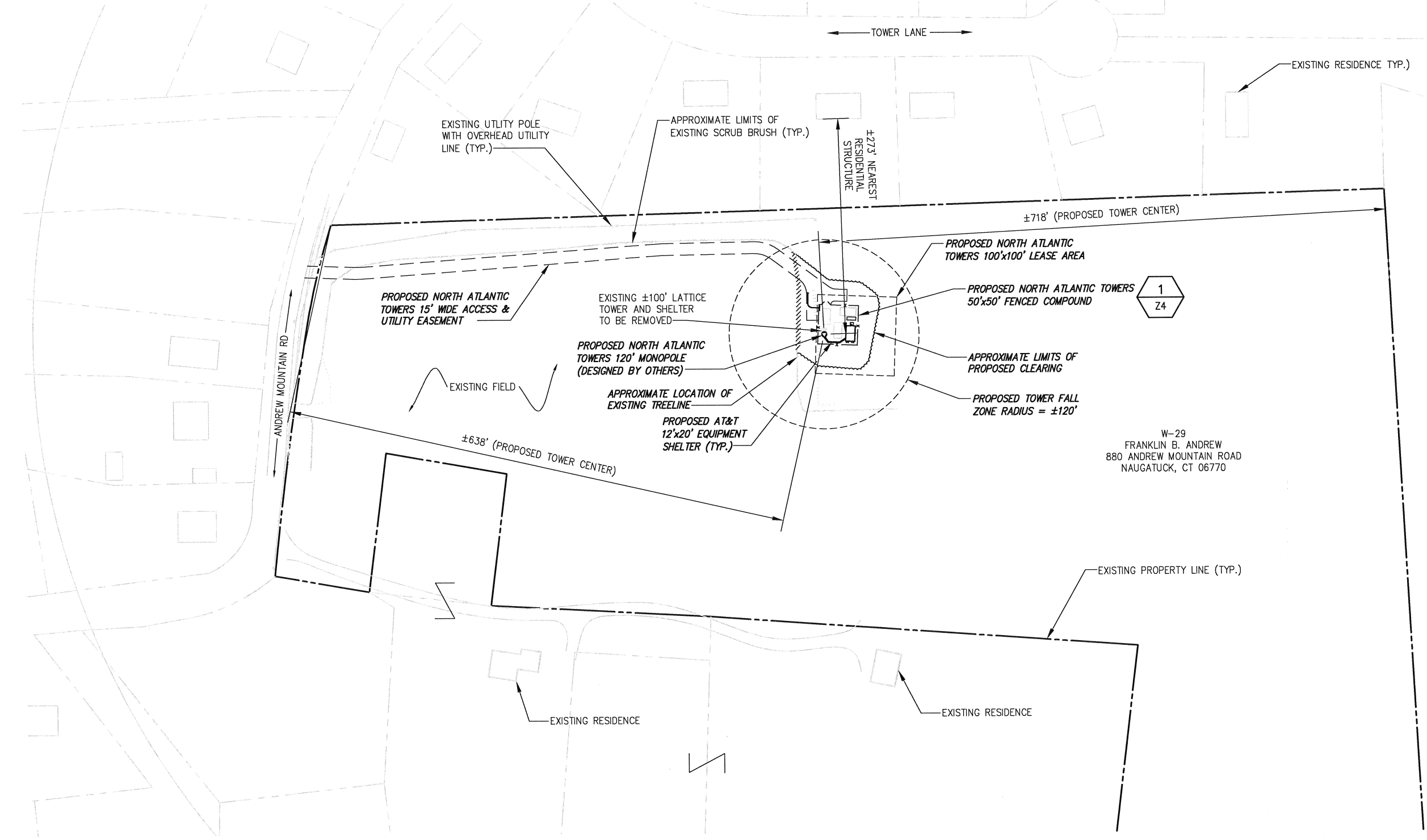
Base Map Source: 2004 aerial photograph with 0.5-foot resolution.



VHB Vanasse Hangen Brustlin, Inc.



ATTACHMENT 2



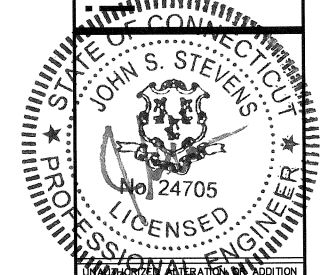
BASEMAPPING PREPARED FROM A SITE WALK PERFORMED BY INFINIGY ENGINEERING ON 9/28/08, AND A SURVEY PERFORMED BY INFINIGY ENGINEERING ON 8/24/09.

TRUE NORTH

1 OVERALL SITE PLAN
SCALE:

GRAPHIC SCALE
120' 60' 0 60' 120'
SCALE (11x17): 1" = 120'-0"
SCALE (22x34): 1" = 60'-0"

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engineering & surveying
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Latham, NY 12110
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| 4 | REVISED PER LAND LORD | WER | 01/31/11 |
| 3 | REVISED PER COMMENTS | BPM | 10/13/10 |
| 2 | REVISED PER COMMENTS | BPM | 9/21/10 |
| 1 | REVISED PER COMMENTS | BPM | 7/27/10 |
| 0 | ISSUED FOR ZONING | D/W | 6/9/10 |
| No. | Submittal / Revision | App'd | Date |

Drawn: SKB Date: 6/9/10
Designed: AGF Date: 6/9/10
Checked: SSB Date: 6/9/10

Project Number 226-008

Project Title
NAUGATUCK
CT1126
880 ANDREW MOUNTAIN RD.
NAUGATUCK, CT

Prepared For

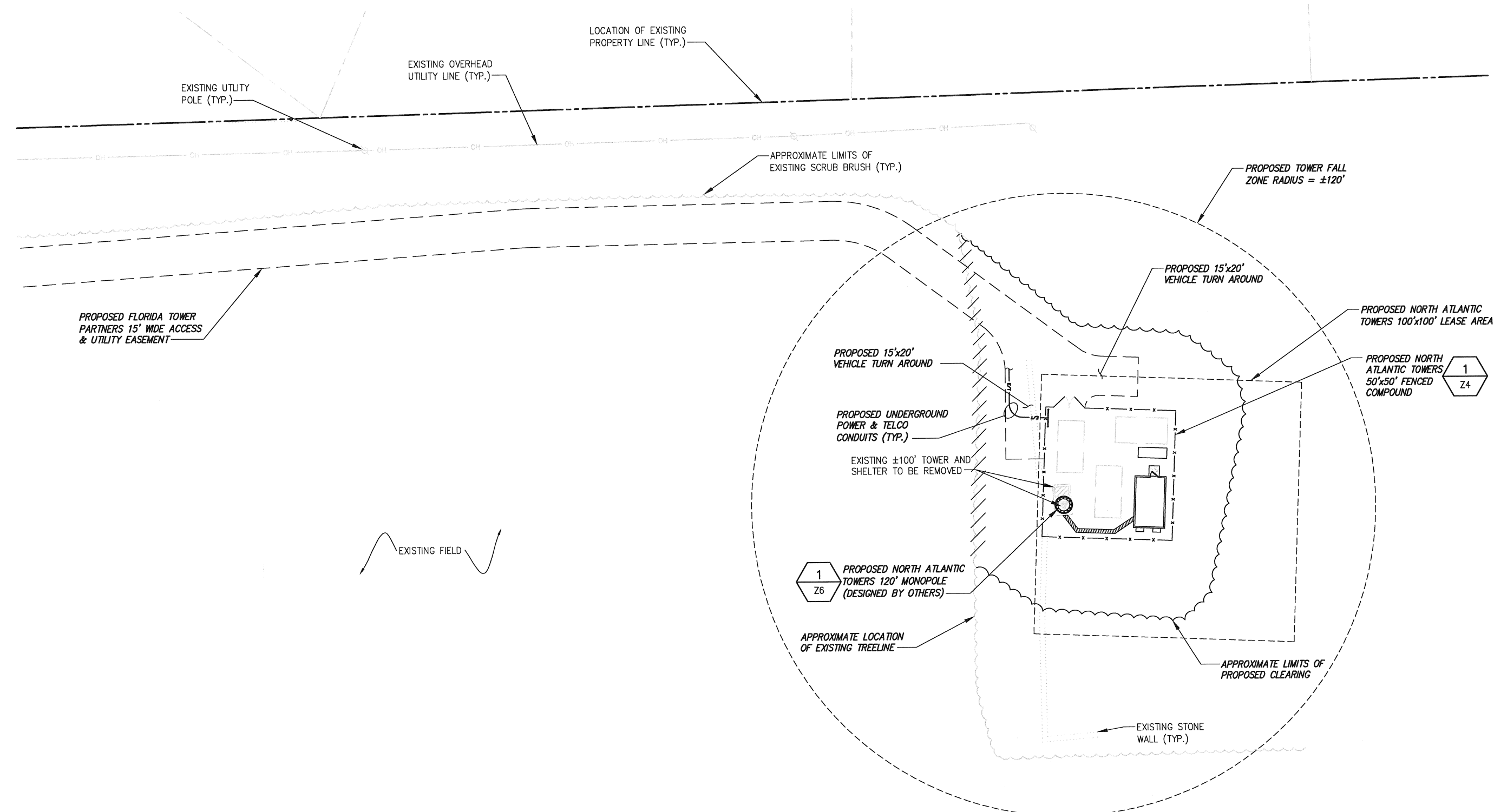
NORTH ATLANTIC TOWERS

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OVERALL SITE PLANS

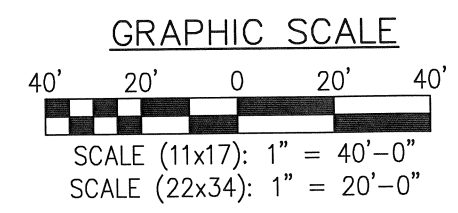
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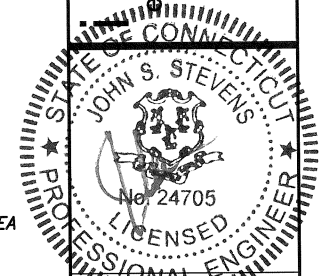
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TRUE NORTH

1 OVERALL SITE LAYOUT
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| 2 | REVISED PER COMMENTS | BPM | 9/21/10 |
| 1 | REVISED PER COMMENTS | BPM | 7/27/10 |
| 0 | ISSUED FOR ZONING | DJW | 6/9/10 |

Drawn: SKB Date: 6/9/10
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Project Title
NAUGATUCK CT1126
880 ANDREW MOUNTAIN RD.
NAUGATUCK, CT

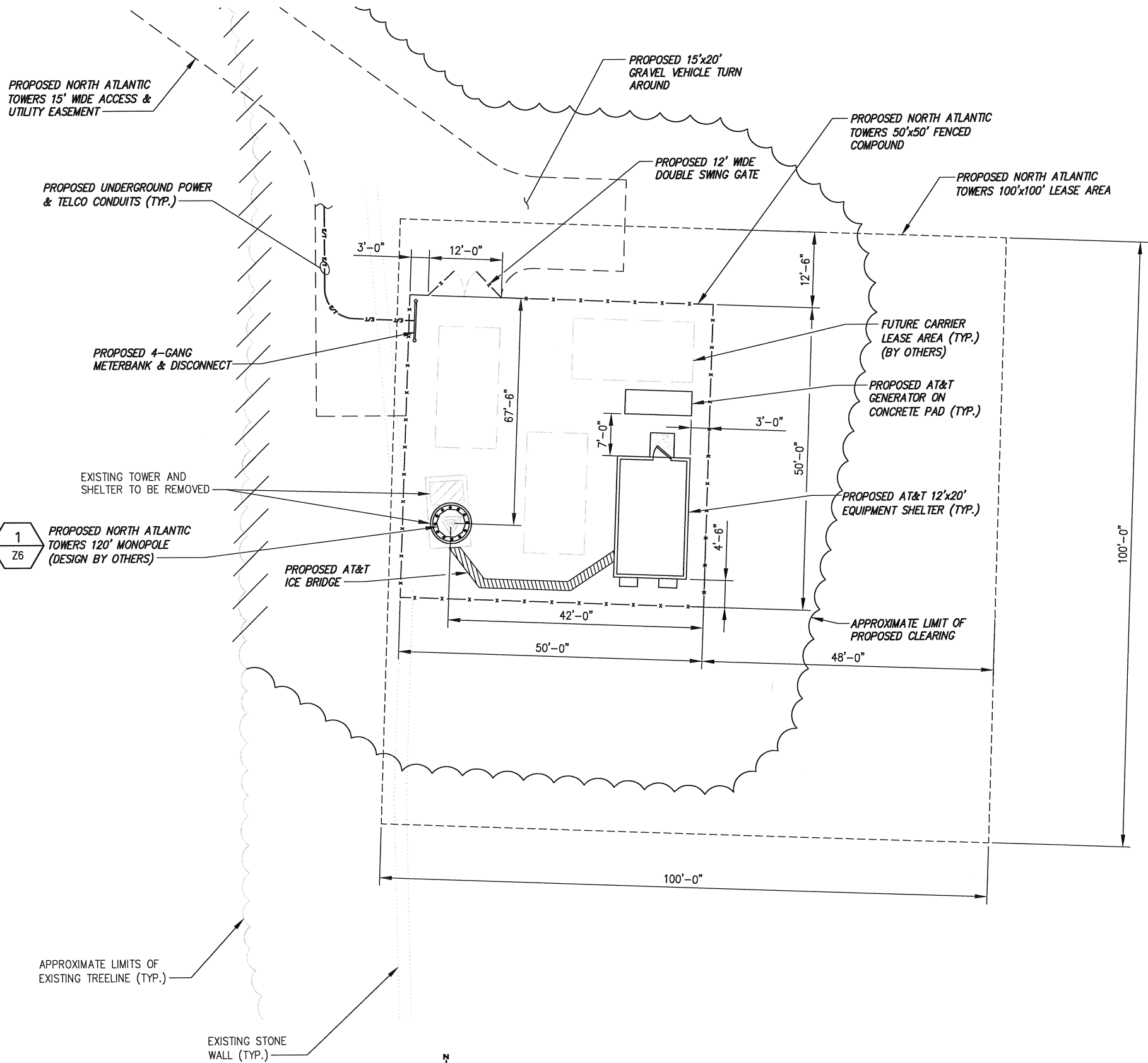
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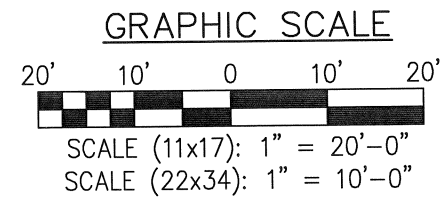
Drawing Title
OVERALL SITE LAYOUT

Drawing Number
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TRUE NORTH

1 ENLARGED SITE LAYOUT
SCALE: ---



BASEMAPPING PREPARED FROM A SITE WALK PERFORMED BY INFINIGY ENGINEERING ON 9/28/08, AND A SURVEY PERFORMED BY INFINIGY ENGINEERING ON 8/24/09.

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JOHN S. STEVENS
No. 24705
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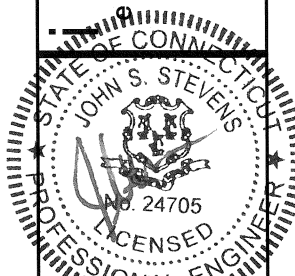
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NAUGATUCK TOWERS

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| 5 | REVISED PER COMMENTS | BPM | 4/4/11 |
| 4 | REVISED PER LAND LORD | MER | 01/31/11 |
| 3 | REVISED PER COMMENTS | BPM | 10/13/10 |
| 2 | REVISED PER COMMENTS | BPM | 9/21/10 |
| 1 | REVISED PER COMMENTS | BPM | 7/27/10 |
| 0 | ISSUED FOR ZONING | DJW | 6/9/10 |

Drawn: SKB Date: 6/9/10
 Designed: AGF Date: 6/9/10
 Checked: SJB Date: 6/9/10

Project Number 226-008

Project Title
NAUGATUCK CT1126
 880 ANDREW MOUNTAIN RD.
 NAUGATUCK, CT

Prepared For

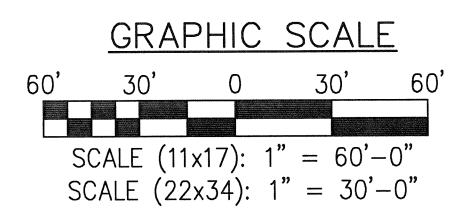
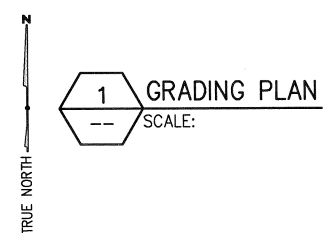
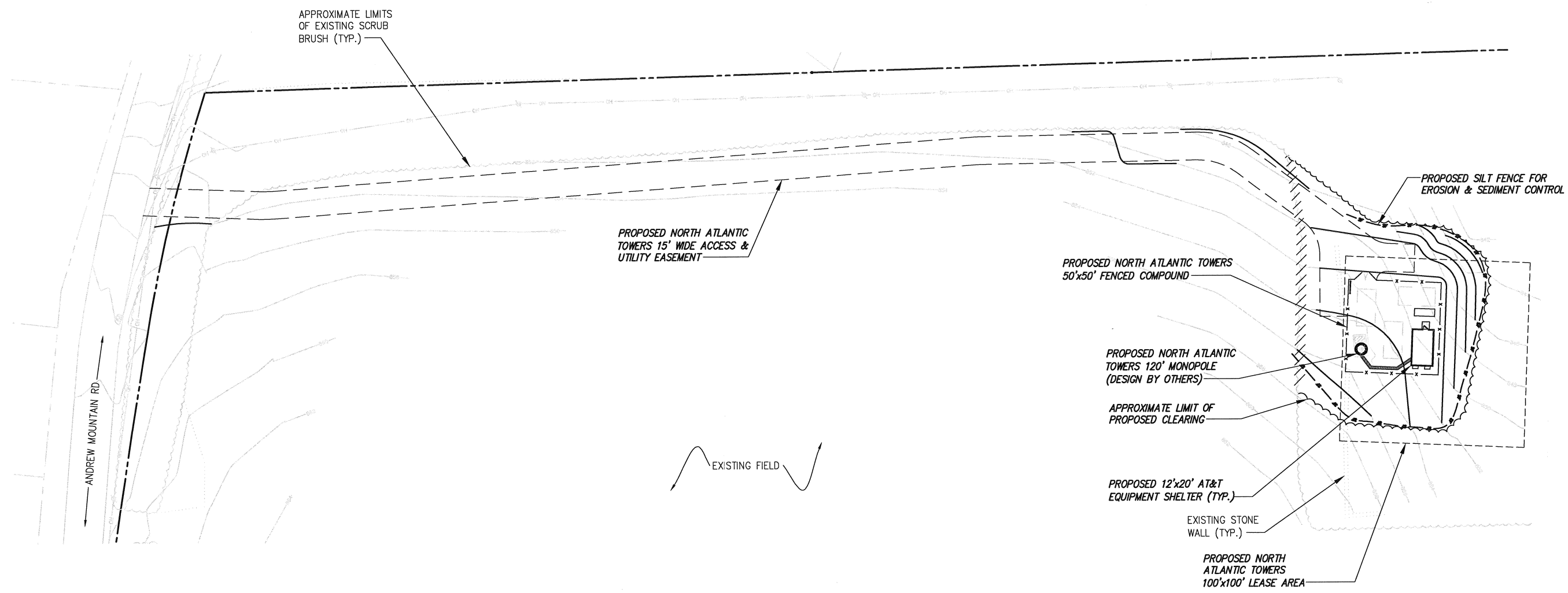
NORTH ATLANTIC TOWERS

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Drawing Scale: AS NOTED
 Date: 01/31/11
ZD

Drawing Title
GRADING PLAN

Drawing Number
Z5



BASEMAPPING PREPARED FROM A SITE WALK PERFORMED BY INFINITY ENGINEERING ON 9/28/08, AND A SURVEY PERFORMED BY INFINITY ENGINEERING ON 8/24/09.