

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

RECEIVED  
JAN 21 2009  
CONNECTICUT  
SITING COUNCIL

APPLICATION OF OPTASITE TOWERS LLC  
AND OMNIPOINT COMMUNICATIONS, INC.  
FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR  
THE CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A TELECOMMUNICATIONS  
FACILITY AT 52 STADLEY ROUGH ROAD,  
DANBURY, CONNECTICUT

DOCKET NO. 366

JANUARY 20, 2009

APPLICANTS' SUPPLEMENTAL INFORMATION REGARDING  
14 INDIAN SPRINGS ROAD

The City of Danbury has recently presented various information regarding septic improvements on and potential views from the property located at 14 Indian Springs Road including an opposition letter from the owners', the Carvalarheiros. See City's Second Addendum to Fourth Supplemental Exhibit List, Fifth Set of Interrogatories to the Applicants, and Baroody Pre-Filed Testimony. Of note, the Carvalarheiros are not parties to this Docket despite having received actual notice of the application. See Applicants Responses to CSC Interrogatories, Attachment A. The Applicants provide the following supplemental information related to 14 Indian Springs Drive and Optasite's proposed tower facility:

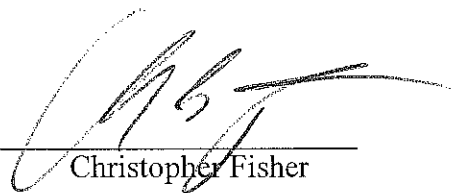
1. Optasite executed a lease for the property at 52 Stadley Rough Road in 2005 and a Notice of Lease was recorded in City land records on September 15, 2005 including a map of the area in question as set forth in Exhibit 1.
2. At the time of Optasite's execution of the lease, the property at 14 Indian Springs Road was an undeveloped wooded parcel as shown in the attached aerial photograph in Exhibit 2 and was owned by John DeGross who with prior owners obtained wetlands, subdivision and other approvals from the City of Danbury to develop the lot.
3. The Carvalarheiros bought the property at 14 Indian Springs Road in December of 2005 as noted in City land records available online.
4. The Carvalarheiros subsequently cleared much of their property at 14 Indian Springs Road, constructed their residence and negotiated and obtained a drainage easement dated April 7, 2008 from the Christ the Shepherd Church as owners of 52 Stadley Rough Road, a copy of which is annexed in Exhibit 3.
5. It is not clear who took the photographs or prepared the photo renderings supplied by the City of Danbury as its Fourth Supplemental Exhibit, but clearly they misrepresent the project as proposed by Optasite and any potential views from the property at 14 Indian Springs Road.

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and twenty copies of the Applicants' Supplemental Submission - 14 Indian Springs Road were served on the Connecticut Siting Council by overnight mail with an electronic copy sent via email and copy served via overnight mail and email to:

City of Danbury  
Laslo L. Pinter, Esq.  
Robin L. Edwards, Esq.  
City of Danbury  
Office of the Corporation Counsel  
155 Deer Hill Avenue  
Danbury, Connecticut 06810  
(203) 797-4518  
R.Edwards@ci.danbury.ct.us  
L.Pinter@ci.danbury.ct.us

Dated: January 20, 2009



Christopher Fisher

cc: Charles Regulbuto  
Hans Fiedler  
Hollis Redding  
Michael Libertine



Doc ID: 001262130008 Type: LAW  
BK 1792 PG 1172-1177

NOTICE OF LEASE

Notice is hereby given of a Land Lease Agreement executed on the 2 day of September 2005, by and between Candlewood Baptist Church, a non-profit religious organization, with a principal address of 52 Stadley Rough Road, Danbury, CT 06811-3237, as Landlord, and Optasite Inc. with a principal address of 446 Main Street Second Floor Worcester, MA 01608 as Tenant, under the terms of which the Landlord leased to the Tenant and known as 52 Stadley Rough Road, City of Danbury, County of Fairfield, State of Connecticut, which Property is described on Exhibit A and B attached hereto.

Said lease provides for the initial term to commence on first (1st) day of the month in which Tenant is granted a building permit for the construction of its Communications Facility by the governmental agency charged with issuing such permits and expire on the last day of the first five (5) year term, all dates inclusive.

Tenant has a right to extend the term of said Lease for a period of twenty five (25) years, commencing on the first day of the first five (5) year renewal term and ending on the last day of the fifth renewal term.

In the event of any conflict between the provisions of the Lease and this Notice of Lease, the Lease shall be determinative and controlling.

A copy of said Lease shall be on file at the executive offices of Landlord at 52 Stadley Rough Road, Danbury, CT 06811-3237, and of Tenant at 446 Main Street Second Floor Worcester, MA 01608, Attention: Manager Real Estate.

IN WITNESS WHEREOF, on this \_\_\_\_\_ day of \_\_\_\_\_, 2005 the below named persons representing the Landlord and Tenant, respectively, have caused this Notice of Lease to be executed and delivered.

Signed, Sealed and Delivered  
in the Presence of:

Charles S. Reynolds  
Jeffrey Ross  
WITNESS

Lynn Morse  
WITNESS

Charles S. Reynolds  
WITNESS  
Jeffrey Ross  
WITNESS

LANDLORD:  
Candlewood Baptist Church

BY: Jeffrey Ross  
Pastor Jeffrey Ross  
duly authorized

BY: Lynn Morse  
Lynn Morse  
Church Elder, duly authorized

TENANT:  
Optasite, Inc.

James H. Ross III  
WITNESS  
Charles S. Reynolds  
WITNESS

By: James H. Ross III  
James H. Ross III  
President and Chief Operating Officer

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**EXHIBIT A**

**LEGAL DESCRIPTION OF LEASED PARCEL**

The Land is described and/or depicted as follows in which that leased portion of the Land is approximately ten thousand square (10,000) feet excluding access and utility easements:

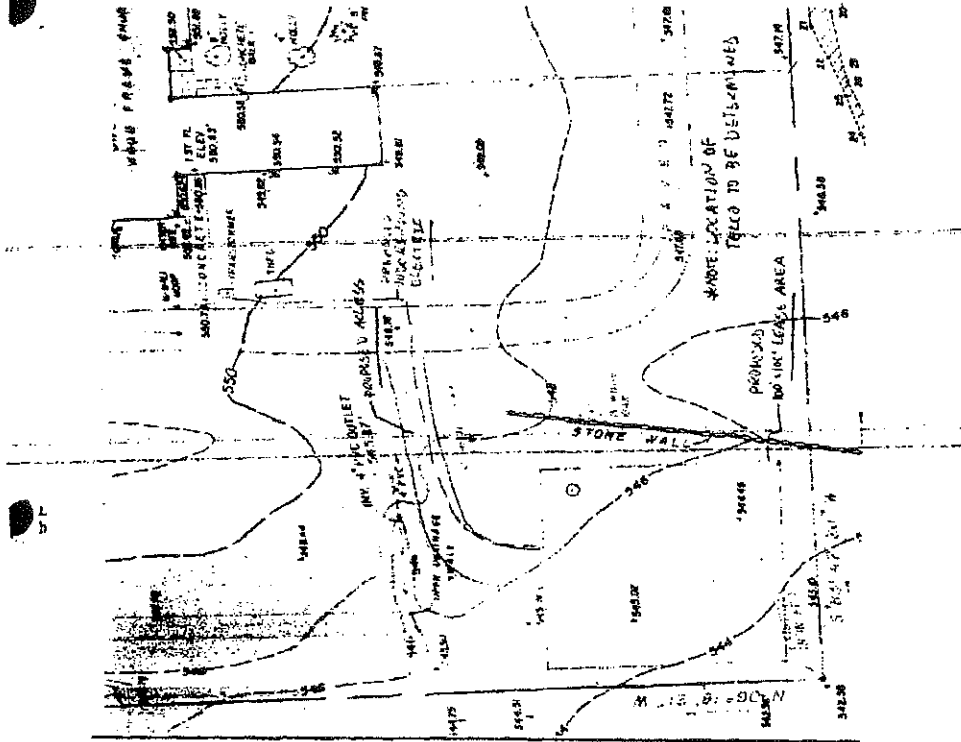
State of, Connecticut  
County of, Fairfield  
City of, Danbury  
Also known as; 52 Stadley Rough Road

As listed in the Danbury's Assessor's office as; map K07, lot 19

Deed Volume; 510, page; 348

**EXHIBIT B**  
**DESCRIPTION OF TOWER, ANTENNAS,**  
**EQUIPMENT BUILDING AND EQUIPMENT AND RIGHTS OF WAY**

The Premises are described and/or depicted as follows:



**Notes:**

1. Tenant shall replace this Exhibit B with a professionally drafted Architectural and Engineered drawing of the Property once Tenant receives it.
2. This lease is conditional upon the review and approval of aforementioned drawing by Landlord.

Received for Record at Danbury, CT  
On 08/15/2005 At 1:28:22 pm

*Joseph P. [Signature]*

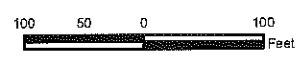
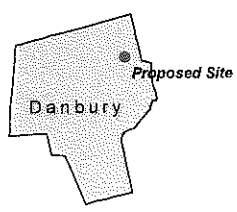






Base Map Source: 2004 High Resolution Aerial Photograph

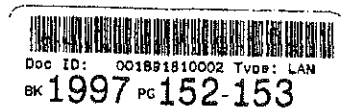
Vanasse Hangen Brustlin, Inc.



Docket No. 366  
2004 Aerial Photograph  
Proposed Site Location  
And Surrounding Area  
52 Stadely Rough Road  
Danbury, Connecticut



QUITCLAIM DEED



CHRIST THE SHEPHERD CHURCH PCA, a Connecticut religious corporation with offices located at 52 Stadley Rough Road, Danbury, Connecticut, for consideration paid, grants to JOSE CARVALHEIRO and CHRISTINA CARVALHEIRO, of 14 Indian Spring Road, Danbury, Connecticut, as joint tenants, with QUITCLAIM COVENANTS

The premises described on Schedule A attached hereto and made a part hereof.

Signed this 7 day of April, 2008.

Witnessed by:

CHRIST THE SHEPHERD CHURCH PCA

*Jennifer N. Molony*  
JENNIFER N. MOLONY  
*Cheryl A. Tibbo*  
CHERYL A. TIBBO

BY *William R. Egbert*, its *Ruling Elder*

No Conveyance Tax Collected

*JoAnn M. Robling*  
Town Clerk of Danbury

STATE OF CONNECTICUT )

COUNTY OF FAIRFIELD )

ss: Danbury  
Bethel

The foregoing instrument was acknowledged before me this 7 day of April, 2008, by \_\_\_\_\_ of CHRIST THE SHEPHERD CHURCH PCA, a Connecticut religious corporation, on behalf of the corporation.

*JoAnn M. Robling*  
Commissioner of Superior Court  
Notary Public

My commission expires:

Latest Address for Grantee:

14 Indian Spring Road  
Danbury, Connecticut 06810

JO-ANN M. ROBLING  
NOTARY PUBLIC

My Commission Expires 3/31/2013

SCHEDULE A

Right of way and drainage easement over, under and across all that certain piece or parcel of land shown and designated as "Proposed Drainage Easement In Favor of Jose & Christina Carvalheiro" on a certain map entitled, "Property Survey Prepared For Jose & Christina Carvalheiro Indian Spring Road Danbury, Connecticut" prepared by Richard A. Bunnell, R.L.S., dated 5-31-06 and revised 11-08-06 to update easement, including the right to enter thereon for purpose of the construction and installation of a curtain drain and for the maintenance, repair and replacement thereof and for grading required in connection therewith. The Grantees agree to restore any disturbed areas.

This easement is in favor of the Grantees, their heirs, successors and assigns.

The foregoing easement area is part of premises conveyed to the Grantor herein by deed from Candlewood Baptist Church to Christ the Shepherd Church PCA, dated July 25, 2007, and recorded in Volume 1948, Page 939 of the Danbury Land Records, and is located on the westerly side thereof adjacent to land of the Grantee herein

Received for Record at Danbury, CT  
On 05/06/2008 At 1:22:08 pm

*Oliver A. Boback*