

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF NEW CINGULAR
WIRELESS PCS, LLC FOR A CERTIFICATE
OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED FOR THE
CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 95 BALANCE ROCK ROAD,
HARTLAND, CONNECTICUT

DOCKET NO. 408

February 22, 2011

HEIKE KRAULAND'S INTERROGATORIES TO THE APPLICANT

Q1. In light of the fact that coverage for the entire eastern portion of Harland along Route 20 will not be obtained by this cell tower and a portion of Hartland along Route 20 will not be obtained by this cell tower and a portion of the area will still be left without coverage as well as the fact that the area that AT&T is proposing to cover is a desolate stretch of road with no residential or commercial properties and only small area that are actually open for public use, how is safety and public need met when weighed against the impact on the residential neighborhood, degradation the pristine ridgeline on a potentially scenic Connecticut highway and disturbance to a DEP listed natural biodiversity area?

A1. Please see AT&T's Application (AT&T's Exhibit 1), Section III, Statements of Need and Benefit, and Attachments 1 & 2; AT&T's Responses to Siting Council Interrogatories, Set I, (AT&T's Exhibit 3) Response No.s 2 and 4; and Anthony Well's Pre-Filed Testimony for demonstration of public need.

Please note that Route 20 is not an officially designated scenic road.

Please see AT&T's Responses to Intervenor Sirman's Interrogatories (AT&T's Exhibit 4), Response No. 7 regarding AT&T's evaluation and consultation with the Connecticut Department of Protection.

Q2. Please clarify the visibility that will occur from the homes at 88, 72, 64 and 48 Balance Rock Road?

A2. Please see AT&T's Exhibit 7, Comparative Visual Resource Evaluation. The table on pages 4 and 5 of the Comparative Visual Evaluation, which includes a description of the photo locations and visibility from each location, includes locations for 88, 72 and 64 Balance Rock Road. Areas of visibility predicted by the viewshed model do not appear to extend to the residence at 48 Balance Rock Road. However, it is possible that some visibility could occur on portions of this property.

Q3. How does AT&T plan to address the fact that significantly more than a quarter of the monopole and all the antennas will be 100% visible year round from two abutting neighbors and also from many vista points overlooking the nine mile Barkhamsted Reservoir?

A3. Numerous residences throughout the state have year-round or seasonal views of wireless telecommunications facilities and other utility infrastructure. If a facility is developed at the originally proposed location, two neighbors (72 and 88 Balance Rock Road) would have year-round views of portions of the monopole from select areas of their properties, as documented in AT&T's Exhibit 7, Comparative Visual Resource Evaluation. However, the alternate location would be seasonally visible from these locations. Referring to the viewshed map in Exhibit 7, please note that visibility is predicted from portions of the Route 20 transportation corridor west of the Barkhamsted Reservoir (for a total of approximately 700 to 800 linear feet) at distances of nearly 1.5 miles. In addition, visibility appears along a portion of the northwest shoreline of the Barkhamsted Reservoir, which is a limited access public water supply.

Any alternative tower designs for screening, such as a monopine, are at the discretion of the Siting Council.

Q4. How does AT&T plan to address the fact that three of the neighbors will have visibility, screened only seasonally if none of the birch trees with a life expectancy of about 25 years and other select trees doesn't perish?

A4. As noted above, seasonal views of telecommunications facilities and other utility infrastructure are not unique to residential locations in Connecticut. While we agree that birch trees are early successional species with a limited life expectancy (although birches growing in natural settings often live up to 50- 60 years), other species would typically grow and overtake these specimens. We recognize that in a yard setting an owner's landscape preferences would preside and additional trees may not be allowed to grow. Nonetheless AT&T has no control over vegetation located beyond its lease area or future events (such as tree mortality or removal), and the visibility evaluation can only account for current conditions.

Q5. Why were 48, 40 and 38 Balance Rock Road not included in AT&T's visual impact study?

A5. All properties within 2 miles of 95 Balance Rock Road are included in the analysis. However, it is not common practice to obtain photographic documentation from private properties. Since these properties are privately owned, VHB staff was unable to physically access these locations to document conditions during the balloon float. Please note that some neighbors along Balance Rock Road did invite VHB personnel to access their properties to photo-document the balloon float from those locations.

Q6. Will visibility occur from the yards of 40 and 38 Balance Rock Road?

A6. Based on the results of the viewshed modeling, a review of current aerial photographs, and field reconnaissance (conducted from publicly accessible areas adjacent to these driveways)

during the balloon float, areas of visibility from either of the proposed sites do not appear to extend to the addresses listed above.

Q7. How does AT&T plan to address the impact to residential properties during the construction phase of the monopole and compound as well as during any servicing and maintenance of the compound, given that Balance Rock Road is a small rural road with no outlets?

A7. The existing road will accommodate construction vehicles. Maintenance of the facility will occur approximately once per month and the vehicle used by maintenance technicians is an averaged size sport utility vehicle.

Q8. How does AT&T plan maneuver the tractor trailers and other equipment required to bring in the material both at the entrance of Balance Rock Road as well as accessing the property of 95 Balance Rock Road?

A8. The existing road and access to the property at 95 Balance Rock Road are adequate to accommodate construction vehicles.

Q9. In the above reference question, will additional trees be removed at the driveway entrance to accommodate the large tractor trailers? Were these included in the tree count?

A9. No additional trees will be removed to accommodate construction vehicles.

Q10. How is AT&T's proposal to erect the monopole and compound at 95 Balance Rock Road consistent with Hartland's 2007 Plan of Conservation, in light of the responses received to the related survey, where 444 of the 894 households surveyed returned the survey and of the 444 responses, 82% indicated that Hartland should pursue a policy of slow or no growth?

A10. Compliance with the Town of Hartland's Plan of Conservation and Development is not a legal criteria for purposes of the Siting Council's jurisdiction and review of AT&T's Application in accordance with Section 16-50p of the Connecticut General Statutes. Rather, a plan of conservation and development is simply a reference document that the State Siting Council's application guidelines require to be bulk filed and a narrative summary of consistency included within the text of the application. As noted in Section VII.A of AT&T's Application (AT&T's Exhibit 1), the Town's 2007 Plan of Conservation and Development (POCD) does not specifically identify wireless communications as a land use. AT&T noted in the Application that the proposed unmanned wireless telecommunications facility would generally enhance a general goal included in the Town's POCD of ensuring the Town's public safety needs are satisfied and the Town's facilities are adequate by providing infrastructure for communications.

Q11. How is AT&T's proposal to erect the monopole and compound at 95 Balance Rock Road consistent with Harland's 2007 Plan of Conservation, particularly the first two of the four main objectives and strategies (1. preserve and protect Hartland's rural character and 2). guide and mange conservation and development) given that the proposed tower location will be invasive in

a residential area, visible from vista points on a scenic road, implanted in DEP natural biodiversity site and abutting the Tunxis State Forest on three sides?

A11. See Response No. 10 above.

Q12. Will AT&T's proposed location of the monopole and compound comply with the requirement of recently revised regulations, protecting land up to 100 feet from regulated wetlands or watercourses?

A12. Pursuant to Section 16-50x of the Connecticut General Statutes (C.G.S.), the Siting Council has exclusive jurisdiction over the siting or wireless facilities such as the one proposed by AT&T in this proceeding and as such, no local land use, zoning, wetlands or other permits are required for a cellular tower facility. Rather, the State Siting Council exclusively regulates such facilities through a Certificate application process.

Q13. Why is the drainage conduit located between the existing building and the proposed wireless communication structure on the VBH Wetland Delineation Map not considered to be an intermittent stream, thereby falling within the 100 foot regulated requirement?

A13. The "drainage conduit" located along the south side of the existing hunt club building was not determined to satisfy the regulatory definition of a wetland or watercourse. This determination was supported by an independent review at the request of the Hartland Inland Wetlands Commission from Sean Hayden, Certified Soil Scientist of the Northwest Conservation District. Refer to November 8, 2010 letter from Mr. Hayden contained in pre-filed testimony of William H. Emerick, Chairman of Inland Wetlands Commission of Town of Hartland.

Moreover, pursuant to C.G.S. Section 16-50x, the Siting Council has exclusive jurisdiction over the siting or wireless facilities such as the one proposed by AT&T in this proceeding and as such, no local land use, zoning, wetlands or other permits are required for a cellular tower facility. Rather, the State Siting Council exclusively regulates such facilities through a Certificate application process.

Q14. Why were the studies of the area referenced in the preceding question conducted in October and August, during a drought, rather than during a time of active wetland activity?

A14. The wetlands delineation field evaluation was properly performed and not unduly influenced by the time of year it was performed. Please see Dean Gustafson's Pre-Filed Testimony dated January 27, 2011.

Q15. Will the above referenced studies be conducted again during a time of active wetland activity? If not, please explain.

A15. Please see Response No. 14 above.

Q16. Was the above referenced conduit considered as a possible breeding site for amphibians and reptiles, many of which could potentially be listed as Connecticut species of concern or endangered species? If not, please explain.

A16. The “drainage conduit”, which contains an underdrain pipe, does not contain the proper physical characteristics to support amphibian and reptile breeding habitat due to its shallow excavation and function to convey shallow surface water. As a result, the drainage conduit by its own design does not provide for the inundation of surface water of sufficient depth and hydroperiod to support amphibian or reptile breeding.

Q17. In light of the fact that much of the abutting “non wetland” area is a disturbed wetland that was filled in years earlier, should this area continue to be degraded?

A17. We do not agree with the characterization that much of the abutting “non wetland” area is a disturbed wetland that was filled in years earlier. It is respectfully submitted that a response is not warranted as this question is in the form of opinion or comment.

Q18. Was soil sampling conducted at the current proposed location and/or at the shooting range itself where concentrations of lead would be highest?

A18. Please see Michael Libertine’s Pre-Filed Testimony dated January 27, 2011, question and answer number 8.

Q19. Since the proposed location is in a wetlands area with the potential for vernal pools and also abuts Tunxis State Forest thus, providing a potential habitat for many amphibians and fauna listed on the Connecticut Endangered Species List, should not other endangered species in addition to the saw-whet owl be considered as well? If not, please explain.

A19. No vernal pool habitat exists on the subject property or off site in close proximity to the proposed development areas. In addition, consultation with the Connecticut Department of Environmental Protection Natural Diversity Data Base did not reveal the occurrence of additional rare species in proximity to the proposed project. Therefore, due to the lack of unique habitat (e.g., vernal pools) and absence of documented occurrences of possible other rare species in proximity to the proposed project, no additional rare species investigations were deemed warranted. Please see AT&T’s Responses to Intervenor Sirman’s Interrogatories (AT&T’s Exhibit 4), Response No. 7.

Q20. Has archeological testing been conducted for the current proposed and alternate locations?

A20. No. Due to weather constraints, archaeological testing associated with the alternate location has not been completed to date. AT&T is committed to providing this information to the Connecticut State Historic Preservation Officer (SHPO).

An archeological assessment was conducted for the originally proposed facility location in October 2009 as part of AT&T’s consultation with the Connecticut SHPO in accordance with

the Federal Communications Commission's (FCC) regulations implementing the National Environmental Policy Act (NEPA). Pursuant to this consultation, the SHPO agreed with the evaluation that the Area of Potential Effect (APE) is unlikely to contain significant archaeological resources and determined that the proposed Facility will have no effect on archeological resources. (See AT&T's Application (AT&T's Exhibit 1), Attachment 8).

We expect generally similar conditions for the alternate location; however, the archaeological investigation will provide its own conclusions.

Q21. With respect to the Site Search regarding North Hollow Road (Tunxis State Forest), has it been confirmed if this a DEP or DOT property?

A21. Please see AT&T's Responses to Siting Council Interrogatories, Set II, Response No. 1, dated February 11, 2011.

Q22. With respect to the property referenced in the preceding question, what efforts have been taken to determine whether this site is a feasible alternative site for the proposed monopole and compound, in light of the fact that this is already a disturbed site with a State DOT salt shed and wire fence surrounding the compound?

A22. Please AT&T's Responses to Siting Council Interrogatories, Set II, Response No. 1, dated February 11, 2011 and AT&T's Responses to Siting Council Interrogatories, Set I, (AT&T's Exhibit 3) Response No. 9 and Exhibit 3.

Q23. With respect to the Site Search regarding the Barkhamsted Reservoir, has the MDC been contacted to determine whether Class I and Class II watershed properties are available as a potential site for the monopole and compound?

A23. Please see AT&T's Responses to Siting Council Interrogatories, Set I (AT&T's Exhibit 3), Response No. 11 and AT&T's Exhibit 8, Response from the MDC.

Q24. How does AT&T respond to the OLR Research Report conducted by Kevin E. McCarthy, Principal Analyst on December 3, 2010? (A copy has been provided).

A24. The facts and information that AT&T has provided in this proceeding regarding the siting of its proposed facility are consistent with the information included in the referenced document. AT&T has demonstrated that State Forest property and the MDC watershed properties in the area are both unavailable for the siting of telecommunications facilities, as noted in the OLR report. Further, AT&T has addressed the requirements for soil erosion and sediment control as required for the watershed.

Please see AT&T's Application (AT&T's Exhibit 1), Section VI.D, Attachments 2 and 4; Responses to Siting Council Interrogatories Set I (AT&T's Exhibit 3), Response No. 11; AT&T's Exhibit 8, Response from the MDC; AT&T's Responses to Siting Council Interrogatories, Set II, Response No. 1, dated February 11, 2011; David Vivian's Pre-Filed

Testimony, question and answer number 3; and Dean Gustafson's Pre-Filed Testimony, question and answer number 11.

Q25. Has the MDC been contacted to see if there are any existing structures that they would be willing to lease for telecommunications antenna?

A25. Please see Response No. 23 above.

Q26. Being part of the MDC Watershed, has it been determined what class of watershed 95 Balance Rock Road, East Hartland, CT is?

A26. Pursuant to C.G.S. 25-37-c-1, property owned by a water company, as defined in C.G.S. Section 25-32a, are classified as Class I, II or III watershed properties. These classifications are not applicable to non-water company owned property such as the property located at 95 Balance Rock Road.

Q27. Would the DOT garage on Rte 20 be considered a State Forest or Park?

A27. Please see Response No. 21 above and AT&T's Responses to Siting Council Interrogatories, Set II, Response No. 1, dated February 11, 2011.

Q28. Were any Granville or Tolland, Massachusetts sites investigated, given that they lie well within the 4 mile radius of the proposed coverage area, including the tower under construction on Main Street in Granville, MA and the tower that exists on Wendy Road in Granville, MA? If not, please explain.

A28. Please AT&T's Responses to Siting Council Interrogatories, Set II, Response No. 2, dated February 11, 2011.

Q29. Were RF tests performed to determine whether height extensions to existing towers mentioned in AT&T application including site numbers 1167 (tower height 150'); 1170 (tower height 120') and 1272 (tower height 160') would provide cell phone coverage in the Eastern part of Harland along Route 20?

A29. Please see AT&T's Exhibit 6, Response to the Town of Hartland's Inquiry regarding propagation form existing sites, dated January 7, 2011. Please also see David Vivian's Pre-Filed Testimony, question and answer number 7 and Anthony Wells Pre-Filed Testimony, question and answer number 8.

Q30. Were discussions held with the First Church regarding the feasibility of concealing a tower with the church steeple? If so, please provide the results of any such discussions.

A30. No due to the fact that the church is located too far from the area where service is needed and as such a facility within the church located on Granville Road would not meet the coverage objectives.

Q31. Was any public notice give regarding August 16th public information session held before the Harland Planning and Zoning Commission? If not, please explain.

A31. The August 16th public information session held before the Hartland Planning & Zoning Commission was coordinated with the Chairman. Notice of municipal consultation information sessions is not required by applicable state statute or regulations. AT&T was not requested to provide notice of this information session. AT&T did provide notice, as requested, for the December 2, 2010 community meeting before the Inland Wetlands and Watercourses Commission.

CERTIFICATE OF SERVICE

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

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