

**STATE OF CONNECTICUT**  
**CONNECTICUT SITING COUNCIL**

In Re:

APPLICATION OF CINGULAR WIRELESS PSC, LLC FOR A  
CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND  
PUBLIC NEED FOR THE CONSTRUCTION, MAINTENANCE,  
AND OPERATION OF A TELECOMMUNICATIONS FACILITY  
AT 8 BARNES ROAD, FALLS VILLAGE, CONNECTICUT

DOCKET: 409A

April 15, 2013

**Falls Village (Town of Canaan) Inland Wetlands and Conservation Commission's  
First Set of Interrogatories to Cingular Wireless PSC, LLC**

**Anticipated Application**

1. Please provide proofs of service of the application for the proposed facility under Docket 409A in compliance with C.G.S. §16-50l(3)(b) documenting service on:

- (a) the chief executive officer of the Town of Canaan;
- (b) the planning and zoning commission of the Town of Canaan;
- (c) the Inland Wetlands and Conservation Commission of the Town of Canaan;
- (d) the Attorney General;
- (e) each member of the legislature in whose assembly or senate district the facility or any alternative location listed in the application is to be located;
- (f) any agency, department or instrumentality of the federal government that has jurisdiction, whether concurrent with the state or otherwise, over any matter that would be affected by such facility;
- (g) each state department, agency and commission named in subsection (h) of section 16-50j.

2. Please provide a copy of the notice of the application given to the general public pursuant to C.G.S. §16-50l(3)(b) and in accordance with (1) of C.G.S. §16-50l(3)(b) to serve "substantially to inform the public of such application and to afford interested persons sufficient time to prepare for and to be heard at the hearing prescribed in section 16-50m." (CGS 16-50l(3)(b)).

3. Please provide a copy of the notice of the application given to the general public pursuant to C.G.S. §16-50l(3)(b).

4. Please provide a copy of the notice of the application and proofs of service of same for the proposed facility under Docket 409A in compliance with C.G.S. §16-501(3)(b) that the Applicant has made "each person appearing of record as an owner of property which abuts the proposed primary or alternative sites on which the facility would be located.

5. Please provide the Falls Village Inland Wetland Commission a copy of Cingular Wireless PSC, LLC's complete application in accordance with Conn. Gen. Stat. §16-501.

### **Site Development and Access**

6. In AT&T's "Application for Certificate of Environmental Compatibility", dated October 18, 2010 (Docket No. 409), detailed plans were submitted for the proposed site access (Section 3: Maps CO1, CO2A, CO2B, CO2C, and CO2D). Plans were also included in this application for proposed drainage strategies in conjunction with the site access (Section 5: Figures 4A,4B, 4C, 4D, 4E, 5A, 5B, 5C, 5D, and 5E). These maps and figures detailed plans for significant amount of cutting and filling along the access drive as well as construction of swales, outfalls and check dams. Much of this activity was proposed to occur on lands outside the 30-foot right of way. "In AT&T's "Responses To Siting Council's Request For Additional Information" (Docket 409, May 20, 2011), AT&T, under "AT&T Supplemental Information, #1", submitted a "Revised Access Drive Design". This revised access drive design, while keeping the 30-foot right of way/access drive virtually the same, eliminates any proposed activity occurring outside the right of way; cut and fill contours stop abruptly at the edge of the right of way.

- (a) Please explain how you intend to accomplish construction of the access to the site (including, but not limited to, the necessary filling and drainage measures) solely within the 30' right of way.
- (b) How will limiting activity to within the 3-foot right of way alter the road design?
- (c) Will the grade be the same?
- (d) Describe the nature of the slopes of the final constructed access drive.

7. In the "revised access drive design", drainage was not addressed, in contrast to the plan under Docket 409 where extensive water control was proposed.

- (a) Please produce drawings showing intended drainage strategy.
- (b) Explain absence of swales, outfalls and check dams.

8. Please provide technical details (including, but not limited to, grade changes, cut and fill, drainage measures) for the proposed additional 1,600 + feet of the access drive and the construction of the compound area (clearing, grading and drainage).

9. Has the actual location of the original deeded right of way been field verified? Please provide complete documentation.

10. The application proposes to relocate the access drive. Please provide documentation that the property owner on whose land this change is proposed has agreed to said relocation.

11. Please provide documentation (including title research) that the current location of the right of way/access drive is the same as the right of way originally deeded in 1964 to Peter J. Prestipino, Anthony J. Forino and Michael Migaldi from Nancy H. Cortesi (Town of Canaan Land Records Vol. 35, Pg. 425).

### **Deforestation and Drainage**

12. Tab 4, page 4 of the Application under Docket 409, "Tree Inventory" by CHA states that a total of 127 trees will be removed "within the area of the proposed access road and compound which need to be removed for construction of the facility." Please describe how many trees will be removed to accommodate the proposed drainage systems for the new site, and please state the site total tree removal for the entire project, not just the access road and facility construction.

13. Tab 5, page 3 of the original Application under Docket 409 refers to "Hydrologic Evaluation." Please provide all hydrologic engineering studies of the changes to the watershed to be caused by the proposed new facility including access road, tower, compound and power shed.

(a) Please provide hydrologic studies based upon the proposed removal of trees (interrogatory 12);

(b) and please provide hydrologic studies based upon removal of the additional trees necessary to accommodate the drainage systems proposed (see interrogatory numbers 6-8, 12).

14. Please provide topographic map with precise location of proposed tower and access drive.

15. Does AT&T intend to utilize the existing tower to the north on Church Hill in the town of North Canaan? If so, how does it propose to achieve connectivity between the proposed new further-east site on Cobble Hill and the Church Hill site in North Canaan?

## **RF and Site Considerations**

16. AT&T's response to IW/CC Interrogatory Q27 dated February 10, 2011 stated in part, "...post install (sic) monitoring is not required and cannot be legally required," and cited *Cellular Phone Taskforce v. FCC*, 205 F.3d 82 (2<sup>nd</sup> Cir. 2000) as authority. Please cite the specific provision in this ruling, the TCA, the FCC regulations or other authority that prohibits states or municipalities from requiring wireless operators to demonstrate compliance with FCC RF emissions regulations by monitoring or other means.

17. AT&T's response to IW/CC Interrogatory Q72 dated February 10, 2011 stated in part, "...details of future co-locators' facilities are not available at this time, a cumulative calculation is not feasible." Given that AT&T has vast experience with co-location facilities throughout the United States and given that AT&T has previously made good-faith estimates of future cumulative power density for facilities designed for co-location (see for example, Special Permit Application for New Cingular Wireless/Florida Tower Partners/ North Atlantic Towers (North Atlantic/AT&T) Wireless Service Facility at 580 Oblong Road, Williamstown, MA dated June 23, 2011), please provide all details of future co-locators' facilities.

18. Please provide estimates/information for the following:

(a) the types of fuel that will be used at the compound and the maximum amount of said fuels that will be stored at the compound at any given time, assuming full capacity;

(b) the on-site fuel capacity of the proposed emergency generator (internal, external, or both);

(c) the run time of the generators with on-site fuel;

(d) the specific manner in which the various fuels will be delivered to the site in view of the steep grade and the potential for extended adverse weather conditions.

19. Please describe/detail AT&T's objectives with the new tower other than filling coverage gaps for emergency purposes and providing local cellular phone service.

## **Coverage/Viewshed**

20. In AT&T's bulk filing (October 2010), a 120' tower was proposed on or near the peak of Cobble Hill. In the subsequent application for Docket 409 (October 18, 2010) the proposed location was moved considerably to the west. It was stated that this "...revised location coupled with an increase in the proposed height of the tower from 120' to 150' AGL would provide improved AT&T service in the area and minimize the need for additional sites in the future." In view of the current proposal to site the tower further east, does AT&T, as previously suggested, anticipate the need for an additional tower(s) to achieve its desired coverage? Please provide maps detailing location of these additional sites.

21. Please provide a field-verified viewshed analysis of the two mile study area of the proposed settlement location. Compare and contrast said field-verified viewshed analysis with the "CSC Certificate Location" viewshed analysis. What is the total acreage for the combined seasonal and year-round visibility within the 2 mile study area? How does this compare with a comparable visibility analysis with the Certificate Location? In what areas within the study area will the tower be most visible?

22. Why is there a reference to an "Existing Site" on the coverage maps in Exhibit 4 of the February 15, 2013 AT&T motion to the CSC, when no existing site is shown? Please provide a map showing the referenced "Existing Site" and confirm if and how this "Existing Site" plays into AT&T's coverage?

23. Section 9.2.6.b of the Town of Canaan Planning and Zoning Regulations requires applicants to make provisions to adjust tower height and visibility if future technologies make the original height unnecessary. How does AT&T propose to comply with this section?

24. Please describe and provide a map showing the outer limits of the projected maximum reliable coverage of operating frequency 880 MHz from the proposed site.

25. Please describe and provide a map showing the outer limits of the projected maximum reliable coverage of operating frequency 1900 MHz from the proposed site.

26. Please provide Cingular Wireless's plans for after-built monitoring for compliance with projected power densities throughout the life of the facility.

27. Please describe (a) any site visit made by the SHPO or officer thereof.

28. At page 6 of the narrative, the application states "The company's member corporation is licensed by the Federal Communications Commission ("FCC") to construct and operate a personal wireless services system, which has been interpreted as a 'cellular system', within the meaning of CGS Section 16-50i(a)(6)."

(a) Please describe all services that the proposed facility will support.

(b) Please list all communities the proposed signals will serve.

(c) Please detail/explain why 9-1-1 services cannot be accomplished through booster antennas.

(d) Please detail/explain what determines that high-tension power line tower supports running from southeast to west to north will not serve the proposed coverage.

29. Please explain (a) what is meant by "worst case calculation of power density" (Tab 4, at E) Application Dkt 409? and (b) how is that different from power density output with four co-located carriers on the proposed tower when the tower is operational? (c) what provision is there for independent after-built monitoring of the power output by the applicant?

30. Please describe the broadband capabilities of the proposed facility and its projected reliable coverage area.

31. Please describe and provide a map of the complete existing reliable coverage area from AT&T Site 1134 in relation to (a) the 880 MHz signal; and (b) the 1900 MHz signal.

### **Environment and "Critical Habitat"**

32. Please describe the steps taken by New Cingular to ascertain the presence of State and Federal Endangered Species within the effective proposed coverage area.

33. Please provide all documentation of Cingular Wireless's procedure for determining whether a Section 7 consultation is needed and how to avoid or minimize effects for specific projects.

34. Please list all alternatives considered by the applicant in order to comply with the Siting Council's mandate to encourage co-location on existing towers, to avoid tower proliferation, in keeping with the Town's Plan of Conservation and Development.

35. NOAA Satellite and Information Service / National Climatic Data Center (Annual Precipitation Connecticut) has projected an increase in the intensity of precipitation events, particularly in the Northeast. In light of the steep grade of the road and potential for erosion, what additional provisions have you made for monitoring the access drive during these intense precipitation events to guarantee uninterrupted access on the drive and to the compound area?

36. Please describe extent and nature of any land clearing/canopy opening/ tree removal for both additional access drive footage and tower site/compound area.

37. Please describe any investigations regarding the occurrence of any wetlands/ watercourses/ seeps/ springs/ vernal pools at or below the extended access road to the proposed tower site as well as in and around the compound area. In the absence of any submitted topographic map showing the proposed tower site location, please describe the watershed in which the proposed activity is located. How does this watershed relate to Wangum Brook, Wangum Brook Valley and Robbins Swamp? What erosion control measures are you proposing to avoid any potential negative impact to the watershed and its associated wetlands and watercourses during and subsequent to construction of the access drive?

38. Has an inventory of flora and fauna in the vicinity of the additional access drive and new tower site been conducted? Please provide full inventory and name and contact information for those who performed it.

39. If so, please describe the nature of the inventory and specific dates/time of year it was conducted.

40. Please provide a species list resulting from the inventory.

41. Please detail all studies completed by AT&T of the proposed Facility to comply with Section 9.2 of the Zoning Regulations of the Town of Canaan as those studies relate to:

- (a) preserving environmentally sensitive areas;
- (b) preserving unique wildlife habitats;
- (c) preserving wetlands;
- (d) preserving historic and archaeological resources.

42. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to the Wangum Lake Brook.

43. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to Robbins Swamp.

44. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to the closest wetland other than the foregoing (interrogatories 4 and 42) and provide a description of same.

45. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any amphibian habitat, and provide a description and location of the habitat(s).

46. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any potential bog turtle habitat, and provide a description and location of the habitat(s).

47. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any Eastern box turtle habitat, and provide a description and location of the habitat(s).

48. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any timber rattlesnake habitat, and provide a description and location of the habitat(s).

49. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any northern metalmark butterfly habitat, and provide a description and location of the habitat(s).

50. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any small whorl pogonia habitat, and provide a description and location of the habitat(s).

51. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any Blue-spotted salamander habitat, and provide a description and location of the habitat(s).

52. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any Northern spring salamander habitat, and provide a description and location of the habitat(s).

53. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any Northern slimy salamander habitat, and provide a description and location of the habitat(s).

54. Please provide (in feet) the distances from closest point of (a) the compound area; and (b) the access drive, to any five-lined skink habitat, and provide a description and location of habitat(s).

55. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any American bittern habitat, and provide a description and location of the habitat(s).

56. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any Bald eagle habitat, and provide a description and location of the habitat(s).

57. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any whippoorwill habitat, and provide a description and location of the habitat(s).

58. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any golden eagle habitat, and provide a description and location of the habitat(s).

59. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any ruffed grouse habitat, and provide a description and location of the habitat(s).

60. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any yellow ladies slipper habitat, and provide a description and location of the habitat(s).

61. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any showy ladies slipper habitat, and provide a description and location of the habitat(s).



62. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any northern leopard frog habitat, and provide a description and location of the habitat(s).

63. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any Scotts Spleenwort habitat, and provide a description and location of the habitat(s).

64. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any "Limestone Erratics" – limestone boulders supporting sensitive ferns, including the "walking fern" and "Scotts Spleenwort" specific to limestone habitats, and provide a description and location of the habitat(s).

65. Please provide (in feet) the distances from the closest points of (a) the compound area; and (b) the access drive, to any Burbot habitat, and provide a description and location of the habitat(s).

66. Please identify and provide copies of any submissions by the applicant to the federal communications Commission pursuant to 47 C.F.R. §1.1307(3) relating to the subjects of interrogatories 37 to 64.

67. Please describe the boundaries of the "site" submitted to (a) the U.S. Fish and Wildlife Service, and (b) Connecticut D.E.P. for determination of the extant populations of any Federal or State endangered, threatened or special concern species relating to this application.

68. Please identify all endangered, threatened or special concern species located anywhere in the reliable coverage area for the proposed facility, describing the location of their habitats in relation thereto.

69. Please provide the date and title of the most recent field study of state endangered, threatened or special concern species conducted by the Connecticut DEP relied upon in any part of the application.

70. Please provide the date and title of the most recent field study of federally listed, threatened or endangered species conducted by any Federal agency relied upon in any part of the application.

71. Did the Applicant or any consultant on its behalf meet or communicate with any representative of the following agencies and entities concerning the issue of "critical habitat" relating to the new site:

- (a) United States Fish and Wildlife Service
- (b) Connecticut Department of Environmental Protection
- (c) The Nature Conservancy
- (d) U.S. Environmental Protection Agency

If yes, please provide all inquiries, responses and materials obtained from each agency, especially as to each agency's definition of "critical habitat," as referred to on NEPA Screen Map, Tab 7, page 5 of the Application under Docket 409.

Respectfully submitted,

Ellery W. Sinclair, Chairman  
Inland Wetlands/Conservation Commission  
Town of Canaan (Falls Village)  
201 Under Mountain Road  
Falls Village, CT 06031  
(860) 824-7454  
WML61@comcast.net

CERTIFICATE OF SERVICE

I hereby certify that on this day, the foregoing interrogatories were emailed and an original and twenty copies of the foregoing served on the Connecticut Siting Council by first class mail and copy of same was sent postage prepaid to:

Christopher B Fisher, Esq.  
Lucia Chiocchio, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14th Floor  
White Plains, NY 10601

Michele Briggs  
AT&T  
500 Enterprise Drive  
Rocky Hill, CT 06067-3900

A copy was also delivered by hand to:

Patty and Guy Rovezzi  
36 Barnes Road  
Falls Village, CT 06031

Town of Canaan Planning & Zoning Commission  
Town Hall, Main Street  
Falls Village, CT 06031

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Ellery W. Sinclair

Dated: April 15, 2013