

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

September 4, 2012

APPLICANTS

NORTH ATLANTIC TOWERS, LLC and NEW CINGULAR WIRELESS PCS, LLC (AT&T)
SUPPLEMENTAL INFORMATION

Applicants North Atlantic Towers, LLC and New Cingular Wireless PCS, LLC (AT&T) respectfully submit this supplemental information regarding the parcels improved with multi-family housing located at "43" and "61" Briarwood Lane in Branford.

In response to the Applicants' request at the August 15th continued hearing, the Town of Branford advised that the multi-family parcels on Briarwood Lane include a substantial area within each parcel reserved and dedicated for use as "recreation area" per Section 7.1.A.4 which states:

The entire area of the lot not used for buildings, driveways, and parking areas shall be landscaped with lawn and with trees and/or shrubs or shall be left undisturbed as natural terrain.

Per the Town of Branford, this reservation of recreation area was a condition imposed by the Branford Planning and Zoning Commission in the 1960s when the multi-family housing improvements were approved. As a follow up to this information provided by the Town of Branford via email, the Applicants requested copies of any Planning and Zoning Commission approval resolutions or meeting minutes for these parcels. In advance of same, we reviewed online a recorded map for one of the parcels known as the Garden Homes Branford Limited Partnership a copy of which is included in Attachment 1 and which confirms a large area of dedicated "park and recreation area".¹ Upon information and belief the adjacent parcel developed as a condominium known as Dover Court Condominiums has similar restrictions that would be contained on the approved plan and/or in the underlying condominium declaration as to use of the common areas.

As set forth in the Applicants' Exhibit 2, Responses to Siting Council Interrogatories, Set I, dated June 7, 2012, when searching for possible sites for the siting of a needed wireless facility, parcels

¹ The "unofficial" notation is due to our printing the map from the Town's online viewer.

improved with residential structures are avoided, particularly in areas where non-residentially improved parcels are available, such as the sites proposed in this Docket. Thus, the multi-family improved parcels on Briarwood Lane are considered less suitable than the Site proposed in this Docket for the siting of a tower facility in relation to the Siting Council's statutory review criteria set forth in Section 16-50p of the Connecticut General Statutes (C.G.S.) given the underlying residential uses of the Briarwood Lane parcels as compared to the commercial use at the Branford Site and the Fire Department use at the East Haven Site. Indeed, any area developable for a tower site would likely be in the immediate vicinity of the apartment buildings/condominium units given the required reservation of park and recreational lands in an undisturbed area as recorded. While, there is a legal argument that these restrictions are zoning related and therefore not enforceable as against a tower applicant, there would be a concern that by allowing development in such areas, the property owners, would be in violation of Branford Planning and Zoning Commission conditions and approvals that required those the dedicated and reserved recreation areas on these parcels.

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:

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Dated: September 4, 2012

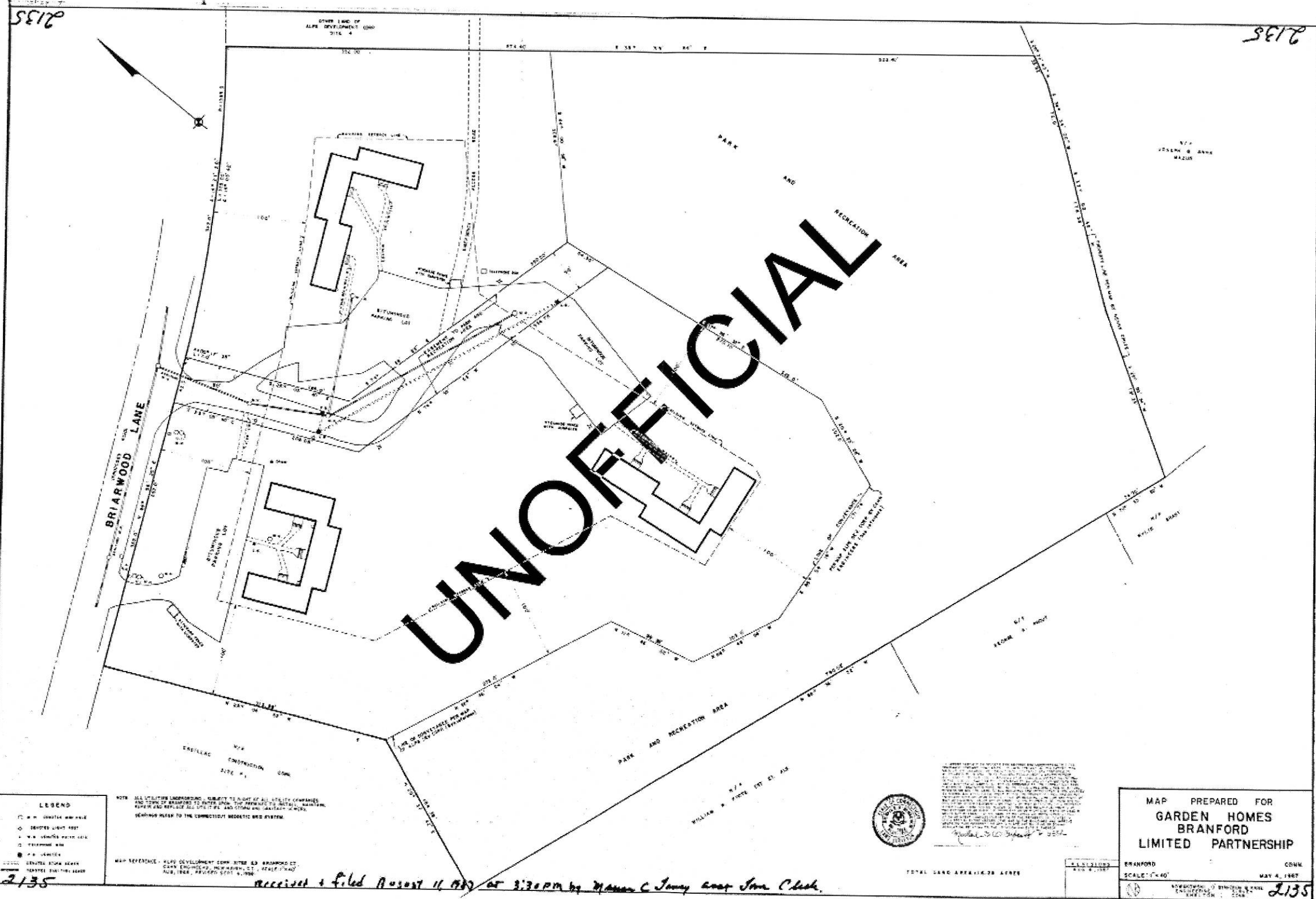

Lucia Chiochio

cc: Dan Shriver, 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, SAI; Michael Libertine, All-Points Technology Corporation, P.C.; Randy Howse; Christopher Fisher, Esq.

ATTACHMENT 1

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LEGEND

- (C) 12" WATER MAIN
- (O) 12" SEWER
- (S) 12" GAS
- (D) 12" WATER MAIN
- (E) 12" SEWER
- (F) 12" GAS
- (G) 12" WATER MAIN
- (H) 12" SEWER
- (I) 12" GAS

NOTE: ALL UTILITIES UNDERGROUND, SUBJECT TO RIGHT OF ALL UTILITY COMPANIES AND TOWN OF BRANFORD TO ENTER UPON THE PREMISES TO INSTALL, MAINTAIN, REPAIR AND REPLACE ALL UTILITIES AND OTHER NECESSARY WORKS, SERVING HEREIN TO THE CONNECTIVE SEWERAGE SYSTEM.

MAP REFERENCE: ALPS DEVELOPMENT COMP. SITE #3 BRANFORD CT. CIVIL ENGINEERS, BRANFORD, CT. REVISION 1/20/87

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received & filed August 11, 1987 at 3:30 PM by Hannah C. Jony and Tom Clark.



ALL RIGHTS RESERVED
 BRANFORD, CT. MAY 4, 1987
 SCALE: 1" = 40'

MAP PREPARED FOR
**GARDEN HOMES
 BRANFORD
 LIMITED PARTNERSHIP**

BRANFORD, CT. MAY 4, 1987
 SCALE: 1" = 40'

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