

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF MESSAGE CENTER MANAGEMENT,
INC. (MCM) 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 465 HILLS STREET OR 56 HILLS STREET
IN THE TOWN OF EAST HARTFORD, CONNECTICUT

DOCKET NO.436

June 25, 2013

**APPLICANTS' POST HEARING SUPPLEMENTAL SUBMISSION OF
INFORMATION REQUESTED BY THE SITING COUNCIL**

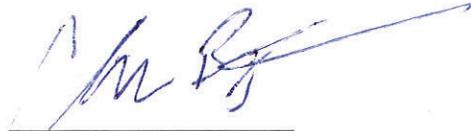
The Applicants respectfully submit the following materials as discussed on the record with the Siting Council during the hearing for Docket 436:

- Attachment 1: State Historic Preservation Officer Determination of "No Effect" for a 117' AGL tower at both the Candidate A (456 Hills Street) and Candidate B (56 Hills Street) Facilities.
- Attachment 2: Correspondence from the Applicants' consultants APT to the State of Connecticut Department of Energy and Environmental Protection providing Eastern Box Turtle Protection Plan documents for both Candidates A and B previously supplied to the Connecticut Department of Energy and Environmental Protection ("DEEP"). An Eastern Box Turtle Protection Plan can be incorporated into a Development & Management ("D&M") for either Candidate.
- Attachment 3: Letter from Christopher Gelinis, National Sales Manager, Site Acquisition and Leasing at MCM, documenting a post-hearing meeting/follow up with the owners of 28 Eagle Court, property abutting the Candidate A host parcel (also referred to as the "Krause property") who do not object to the proposed driveway location along their property line and prefer it over any relocation through the meadow.

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and fifteen copies of the foregoing was sent electronically and by overnight delivery to the Connecticut Siting Council.

Dated: June 25, 2013



Christopher B. Fisher

Attachment 1



May 13, 2013
Rev. June 5, 2013

Ms. Susan Chandler, Historical Architect
State Historic Preservation Office
Connecticut Commission on Culture & Tourism
One Constitution Plaza, 2nd Floor
Hartford CT 06103

Re: Proposed Wireless Telecommunications Facility
465 Hills Street
East Hartford, Connecticut

**NO HISTORIC
PROPERTIES AFFECTED**
[Signature] DEPUTY SHPO
STATE HISTORIC PRESERVATION OFFICE
Date 6/5/13 Project EMC

Dear Ms. Chandler,

In November 2012, your office reviewed the referenced project and provided Message Center Management, Inc. (MCM) with a letter stating "no historic properties effected" (letter attached). At that time, MCM intended to construct and operate a 107-foot tall monopole (to be disguised as a stealth "monopine"). Recently, the Town of East Hartford expressed interest in using the facility for emergency services, requiring the height to be increased by 10 feet to accommodate their equipment and meet their coverage needs. As a result, the proposed facility has been re-designed to meet the Town's request and is in front of the Connecticut Siting Council for consideration and approval at the revised height of 117 feet above grade.

The Area of Potential Effect (APE) associated with this project was determined to be 0.5 mile in radius. Based on a review of the National Register of Historic Places, we have determined that no listed historic properties or districts occur within the APE. Based on this fact and the modest 10-foot height increase now proposed, we believe that no substantive change has occurred and that no historic properties would be affected.

We respectfully request concurrence from your office that the 10-foot height increase does not change your original determination that the facility would not negatively affect historic resources. Thank you in advance for your prompt consideration of this request.

Yours truly,

Michael Libertine
Director of Siting and Permitting



June 5, 2013

Ms. Susan Chandler, Historical Architect
State Historic Preservation Office
Connecticut Commission on Culture & Tourism
One Constitution Plaza, 2nd Floor
Hartford CT 06103

**NO HISTORIC
PROPERTIES AFFECTED**

David Fond DEPUTY SHPO
STATE HISTORIC PRESERVATION OFFICE
Date 6/6/13 Project WRC

Re: Proposed Wireless Telecommunications Facility
56 Hills Street
East Hartford, Connecticut

Dear Ms. Chandler,

In June 2011 your office reviewed the referenced project and provided AT&T Mobility, LLC ("AT&T") with a determination of "No Effect" on historic properties (letter dated July 12, 2011 attached). At that time, AT&T intended to construct and operate a 100-foot tall monopole. The site was re-designed in 2012 as a stealth "monopine" to disguise the tower as coniferous tree and camouflage the antennas. The "monopine" design requires an additional five (5) feet of taper at the top to resemble a tree.

Recently, the Town of East Hartford expressed interest in using the facility for emergency services, requiring the height to be increased by an additional 10 feet to accommodate their equipment and meet their coverage needs. As a result, the proposed facility has been re-configured to meet the Town's request and is in front of the Connecticut Siting Council for consideration and approval at the revised total facility height of 117 feet above grade.

The Area of Potential Effect (APE) associated with this project was determined to be 0.5 mile in radius. Based on a review of the National Register of Historic Places, we have determined that no listed historic properties or districts occur within the APE. Based on this fact and the modest 15-foot height increase now proposed, we believe that no substantive change has occurred and that no historic properties would be affected.

We respectfully request concurrence from your office that the proposed height increase to meet the Town's needs does not change your original determination that the facility would not negatively affect historic resources. Thank you in advance for your consideration of this request.

Yours truly,

A handwritten signature in blue ink that reads "Michael Libertine".

Michael Libertine
Director of Siting and Permitting

Attachment 2



February 4, 2013

**Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106-5127**

APT Project No.: CT242283

Attn: Dawn McKay

**Re: NDDB #201206529
MCM East Hartford
Telecommunications Facility
465 Hills Street
East Hartford, Connecticut**

Dear Ms. McKay,

All-Points Technology Corporation, P.C. ("APT") had previously submitted a Natural Diversity Data Base ("NDDB") State Listed Species Review request on behalf of Message Center Management, Inc. ("MCM") for a proposed telecommunications facility located at 465 Hill Street in East Hartford, Connecticut. APT understands that NDDB records reveal Eastern Box Turtle (*Terrapene c. carolina*), a State Special Concern Species, in the vicinity of the proposed project and that conservation measures are required should construction occur during their active period (April to October)¹.

The enclosed protective measures, which will be incorporated into the construction drawings (Development and Management Plans) should the project receive approval by the Connecticut Siting Council, would avoid unintentional mortality to Eastern Box Turtle as a result of proposed construction activities for the MCM facility. The proposed Eastern Box Turtle protection program consists of several components: isolation of the project perimeter; periodic inspection and maintenance of isolation structures; turtle sweeps; education of all contractors and sub-contractors prior to initiation of work on the site; protective measures; and, reporting. An example of the poster material that would be posted at the construction site as part of the contractor education component is also enclosed. With adherence to this Eastern Box Turtle protection program, the proposed development at this property would not have an adverse effect on this state-listed species.

Please feel free to contact me at (860) 984-9515 or dgustafson@allpointstech.com with any questions or if additional information is required.

Sincerely,

A handwritten signature in blue ink that reads "Dean Gustafson".

Dean Gustafson
Senior Environmental Scientist

Enclosures

¹ Connecticut Department of Energy & Environmental Protection NDDB #201206529 letter, October 26, 2012.

Eastern Box Turtle Protection Plan

EASTERN BOX TURTLE PROTECTION PROGRAM

The construction area is located in proximity to Eastern Box Turtle (*Terrapene c. carolina*) habitat, a State Special Concern Species. The following protective measures will avoid unintentional mortality to Eastern Box Turtle as a result of construction activities for the site improvements proposed. With adherence to this Eastern Box Turtle protection program, the proposed development at this property will not have an adverse effect on this rare species.

It is of the utmost importance that the Contractor complies with the requirements for the installation of protective measures and the education of employees and subcontractors performing work on the project site if work will occur during the Eastern Box Turtle's active period (April 1 to November 1). All-Points Technology Corporation, P.C. ("APT") will serve as the Environmental Monitor for this project to ensure that the Eastern Box Turtle protection measures are implemented properly. The Contractor shall contact Dean Gustafson, Senior Wetland Scientist at APT, at least 5 business days prior to the pre-construction meeting. Mr. Gustafson can be reached at (860) 984-9515 and at dgustafson@allpointstech.com.

The proposed Eastern Box Turtle protection program consists of several components: isolation of the project perimeter; periodic inspection and maintenance of isolation structures; turtle sweeps; education of all contractors and sub-contractors prior to initiation of work on the site; protective measures; and, reporting.

1. Isolation Measures

- a. Installation of conventional silt fencing, which will also serve as an isolation of the work zone from surrounding areas and is required for erosion control compliance, shall be performed by the Contractor following clearing activities and prior to any earthwork. APT will inspect the work zone area prior to and following erosion control barrier installation to ensure the area is free of Eastern Box Turtles.
- b. The fencing will consist of conventional erosion control woven fabric, installed approximately six inches below surface grade to bury the bottom of the silt fence and staked at seven to ten-foot intervals using four-foot oak stakes or approved equivalent. In addition to required daily inspection by the Contractor, the fencing will be inspected for tears or breeches in the fabric following installation and at approximately one-week intervals or within 24 hours of a storm event of 0.25 inch or greater by APT. Inspections will be conducted by APT throughout the course of the construction project.
- c. The extent of the barrier fencing will effectively isolate the construction area, including equipment and material storage areas, from possible migrating turtles. Field conditions may require the installation of additional barrier fencing at the direction of APT. The Contractor shall maintain additional supplies of barrier fencing and erosion controls on site for this purpose.
- d. No equipment, vehicles or construction materials shall be stored outside of barrier fencing.

2. Contractor Education:

- a. Prior to work on site, the Contractor shall attend an educational session at the pre-construction meeting with APT. This orientation and educational session will consist of an introductory session with photos identifying Eastern Box Turtle,

stressing the non-aggressive nature of this species and the absence of need to destroy animals that might be encountered, how to properly handle these species if encountered and the need to follow Protective Measures as described in Section 3.

- b. Also stressed in the education session will be means to discriminate between the species of concern and other native species to avoid unnecessary, "false alarms".
- c. The Contractor will be provided with cell phone and email contacts for APT Environmental Monitor staff to immediately report any encounters with Eastern Box Turtle. Poster materials will be provided by APT to the Contractor for posting on the job site to maintain worker awareness, along with any visitors, to the sensitive environmental nature of the job site.

3. Protective Measures

- a. A thorough cover search of the construction area will be performed by an APT Environmental Monitor for Eastern Box Turtle prior to and following installation of silt fencing to remove any species from the work zone prior to the initiation of construction activities.
- b. Prior to the start of construction each day, the Contractor shall search the entire work area for Eastern Box Turtle.
- c. If Eastern Box Turtle are found, it should be carefully grasped in both hands, one on each side of the shell, between the turtle's forelimbs and the hind limbs, and placed just outside of the isolation barrier in the approximate direction it was heading.
- d. Special care shall be taken by the Contractor during early morning and evening hours so that possible basking or foraging turtles are not harmed by construction activities.
- e. Erosion control measures will be removed no later than 30 days following final site stabilization so as not to impede migration of turtles or other wildlife.

4. Reporting

- a. Weekly inspection reports (brief narrative and applicable photos) will be submitted to the Connecticut Siting Council for compliance verification. Any observations of Eastern Box Turtle will be included in the reports.
- b. Following completion of the construction project, APT will provide a summary report to CTDEEP documenting the monitoring and maintenance of the barrier fence and observations of any Eastern Box Turtle encountered.

Eastern Box Turtle Poster

CAUTION

EASTERN BOX TURTLES ARE KNOWN TO INHABIT THIS AREA



Identification: Eastern Box Turtles (*Terrapene c. carolina*) are small, terrestrial turtles ranging from 4.5 to 6.6 inches in length. The shell (carapace) is readily distinguished by its high domed shaped. The color of the shell is brown or black with numerous irregular yellow, orange or reddish markings. The belly (plastron) typically has a light and dark variable pattern, but may be completely tan, brown or black. The head, neck and legs also vary in color but are generally dark with orange or yellow mottling. Box turtles are terrestrial and inhabit many types of habitats including deciduous forests, brushy fields, thickets, streams, ponds and wetlands.

What to do if you find a box turtle: Box turtles are protected by Connecticut's threatened and endangered species legislation and **cannot** be injured, killed, or retained as a pet. If you find a box turtle move the turtle to a safe location away from any construction activity in the direction that the turtle was heading. Carefully pick up the turtle by its shell (carapace) between the front and hind legs with both hands. Be sure to hold the turtle closer to their hind legs as they may reach over and bite if your hands are too close to the head. The turtle may hiss and should retract into its shell.

Who to contact: Please report any finds and relocation of Eastern Box Turtle immediately to **Dean Gustafson of All-Points Technology Corporation, P.C. at (860) 984-9515.**



February 6, 2013

**Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106-5127**

APT Project No.: CT242283

Attn: Dawn McKay

**Re: NDDB #201300630
MCM East Hartford
Telecommunications Facility
56 Hills Street
East Hartford, Connecticut**

Dear Ms. McKay,

All-Points Technology Corporation, P.C. ("APT") had previously submitted a Natural Diversity Data Base ("NDDB") State Listed Species Review request on behalf of Message Center Management, Inc. ("MCM") for a proposed telecommunications facility located at 56 Hills Street in East Hartford, Connecticut. APT understands that NDDB records reveal Eastern Box Turtle (*Terrapene c. carolina*), a State Special Concern Species, in the vicinity of the proposed project and that conservation measures are required should construction occur during their active period (April to October)¹.

The enclosed protective measures, which will be incorporated into the construction drawings (Development and Management Plans) should the project receive approval by the Connecticut Siting Council, would avoid unintentional mortality to Eastern Box Turtle as a result of proposed construction activities for the MCM facility. The proposed Eastern Box Turtle protection program consists of several components: isolation of the project perimeter; periodic inspection and maintenance of isolation structures; turtle sweeps; education of all contractors and sub-contractors prior to initiation of work on the site; protective measures; and, reporting. An example of the poster material that would be posted at the construction site as part of the contractor education component is also enclosed. With adherence to this Eastern Box Turtle protection program, the proposed development at this property would not have an adverse effect on this state-listed species.

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Sincerely,

A handwritten signature in blue ink that reads "Dean Gustafson".

Dean Gustafson
Senior Environmental Scientist

Enclosures

¹ Dawn McKay, personal communication, February 4, 2013.

Eastern Box Turtle Protection Plan

EASTERN BOX TURTLE PROTECTION PROGRAM

The construction area is located in proximity to Eastern Box Turtle (*Terrapene c. carolina*) habitat, a State Special Concern Species. The following protective measures will avoid unintentional mortality to Eastern Box Turtle as a result of construction activities for the site improvements proposed. With adherence to this Eastern Box Turtle protection program, the proposed development at this property will not have an adverse effect on this rare species.

It is of the utmost importance that the Contractor complies with the requirements for the installation of protective measures and the education of employees and subcontractors performing work on the project site if work will occur during the Eastern Box Turtle's active period (April 1 to November 1). All-Points Technology Corporation, P.C. ("APT") will serve as the Environmental Monitor for this project to ensure that the Eastern Box Turtle protection measures are implemented properly. The Contractor shall contact Dean Gustafson, Senior Wetland Scientist at APT, at least 5 business days prior to the pre-construction meeting. Mr. Gustafson can be reached at (860) 984-9515 and at dgustafson@allpointstech.com.

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Who to contact: Please report any finds and relocation of Eastern Box Turtle immediately to **Dean Gustafson of All-Points Technology Corporation, P.C. at (860) 984-9515.**

Attachment 3



June 17, 2013

Christopher Fisher, Esquire
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601

RE: CSC Docket 436
Potential screening of access road
456 Hills St.
East Hartford, CT

Dear Attorney Fisher:

In furtherance of the Council's inquiry at our hearing, I met with the owners of 28 Eagle Court on June 12th to discuss potential screening of the proposed access road in the area immediately adjacent to their property line. We walked the property line, reviewed the drawings together, and I left a set of drawings with Mr. Sweeney for his files.

Mr. and Mrs. Sweeney have lived at their Eagle Court location for over 50 years. Their property borders a meadow portion of the Krause property, and they savor the existing view of the meadow and the horse they feed daily at the fence line.

The Sweeney's are very clear about the location of the proposed access road and specifically asked that the access road not be screened so they can maintain their current view of the meadow.

I've enclosed a photograph showing the view they currently enjoy and wish to preserve.

Please feel free to call with any questions.

Sincerely,

Christopher Gelinas
National Sales Manager
Site Acquisition and Leasing

Message Center Management, Inc.

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