

ORIGINAL

January 16, 2007

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CONNECTICUT  
SITING COUNCIL

**VIA FAX AND OVERNIGHT MAIL**

Hon. Daniel F. Caruso, Chairman  
and Members of the Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051

Re: Optasite, Inc. and New Cingular Wireless PCS, LLC  
Application for a Certificate of Environmental Compatibility and Public Need  
Wireless Telecommunications Facility  
Groton, Connecticut  
Docket No. 319

Dear Chairman Caruso and Members of the Council:

On behalf of Optasite, Inc. ("Optasite") and New Cingular Wireless PCS, LLC ("Cingular")(together, the "Applicants"), please accept the enclosed proposed findings of fact and this letter in further support of the above referenced application and in lieu of a more formal brief. The enclosed findings of fact and this letter are submitted in accordance with the 30 day post-hearing time frame established by the Council for the receipt of any written comments, proposed findings of fact or briefs and outlines the various reasons why we believe the proposed facility meets the statutory criteria for the Council's approval and issuance of a Certificate.

As the Council is aware, Optasite and Cingular submitted their application for a proposed tower facility on August 1, 2006 and a public hearing was held on December 14, 2006 in the Town of Groton. Optasite proposes to construct a cellular tower facility on one of two proposed sites on an approximately 32 acre property located at 1662 Gold Star Memorial Highway (Route 184). One of the proposed sites, designated as Site A, is a 150-foot monopole located within a 10,000 square foot lease parcel located in the center section of the property. The other proposed site, Site B, is a 160-foot tower on a 10,000 square-foot lease located in the southern section of the property (Site B is the site closer to Route 184). The property is classified in the RU-40 zoning district.

As presented in the application and in the testimony of Mr. John Blevins at the hearing, Cingular demonstrated that the proposed facility is an important part of its communications network in this area and is needed to provide service along Route 184 (Gold Star Memorial Highway), Route 117 (North Road) and surrounding areas in the Town of Groton where a gap in coverage currently exists. For Site A, Cingular requires antennas at a centerline height of 120 feet and for Site B, Cingular requires antennas at a centerline height of 130 feet in order to fulfill the coverage gaps along Routes 184 and 117 and the surrounding area. As noted by Mr. Ron Clark in his testimony, the tower heights proposed in this application will provide important co-location opportunities for other major wireless carriers providing services in this area of Connecticut. The record in this proceeding

January 16, 2007  
Page 2

also demonstrates that there are no existing structures or towers that can be used by Cingular to provide service to the targeted area.

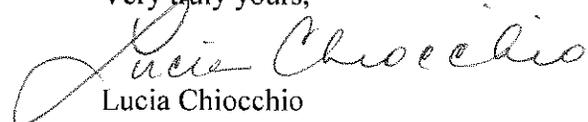
It is respectfully submitted that the record and testimony in this proceeding demonstrate that neither of the proposed sites presents adverse environmental effects that outweigh the need for a facility to provide coverage in the Center Groton area. Primary access to the site for both facilities is essentially in place, thereby eliminating significant tree clearing and the need for significant cut and fill for access to either site. Other construction related impacts are not significant for the development of either facility or compound area.<sup>1</sup> Indeed, as part of the upgrade to the existing travel way portion of the proposed Site A access drive, a small seasonal wetlands crossing will be constructed to improve water flow, mitigate sedimentation and eliminate any existing potential for soil erosion. No construction activities for the Site B Facility or access drive will take place within the wetlands. Neither tower will visually impact any significant aesthetic or scenic resources. Visibility of either of the proposed tower structures is minimal given the terrain, tree cover and other characteristics of the area as noted in the testimony and the visual analysis provided in the record.

In relation to the Council's balancing test, as set forth in State statutes and which governs the issuance of any Certificate, we respectfully submit that the record fully supports the public need for either the Site A or the Site B tower facilities proposed in this application. Further, that any potential environmental effects resulting from the construction of the proposed facility at the proposed sites are not significant nor would any such effects outweigh the public need for either of the proposed facilities. While either of the proposed sites satisfies the criteria for issuance of a Certificate, Optasite's preferred site in this proceeding is Site B.

For all the foregoing reasons, it is respectfully submitted that a Certificate for construction of the tower facility should be issued to Optasite in order for Cingular and other wireless carriers to provide their services to the public in this area of the State.

We thank the Council for your consideration as you deliberate and conclude your review in this Docket.

Very truly yours,

  
Lucia Chiochio

Enclosure

cc: Ron Clark; Keith Coppins; Mark Appleby; John Blevins; Doug Roberts; and Mike Libertine

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<sup>1</sup> No cleaning of equipment or storage of fuel or refueling will take place at either proposed site and as such, the construction and operation of the proposed facility at either site will not impact the Watershed Area.

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**IN RE:**

**APPLICATION OF OPTASITE, INC. AND  
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 ONE OF TWO LOCATIONS AT  
1662 GOLD STAR MEMORIAL HIGHWAY IN  
THE TOWN OF GROTON**

**DOCKET NO. 319**

**Date: January 16, 2007**

**PROPOSED FINDINGS OF FACT**

**Introduction**

1. On August 1, 2006 and in accordance with Connecticut General Statutes §16-50g et seq., and Connecticut Agencies Regulations §16-50j-1 et. seq., Optasite, Inc. ("Optasite") and New Cingular Wireless PCS, LLC ("Cingular"), the ("Applicants"), applied to the Connecticut Siting Council ("Council") for a certificate of environmental compatibility and public need authorizing the construction, operation, and maintenance of a telecommunications facility to be located at one of two locations at 1662 Gold Star Memorial Highway in the Town of Groton. (Applicants 1, p.1)
2. Optasite is a Delaware corporation with offices at One Research Drive, Suite 200C, Westborough, Massachusetts 01581. Optasite will construct and maintain the proposed Facility. (Applicants 1, p. 4)
3. Cingular is a Delaware limited liability company with a Connecticut office at 500 Enterprise Drive, Rocky Hill, Connecticut 06067. Cingular is the anchor tenant for the proposed facility. (Applicants 1, p. 4)
4. The parties in this proceeding are the Applicants, Optasite and Cingular. (Tr. 1, pgs. 4-5)
5. Cingular is licensed by the FCC to provide wireless services in the State of Connecticut including New London County. (Applicants 1, pgs. 6-7)
6. Pursuant to Connecticut General Statutes ("CGS") §16-50l(b), the Applicants had public notice of its intent to file its application published in the New London Day on July 20, 2006 and July 21, 2006 and in the Groton Times, a weekly publication, on July 20, 2006 and July 27, 2006. (Applicants 3)

7. Pursuant to CGS §16-50l(b) and Section 16-50l-1(e) of the Regulations of Connecticut State Agencies (“RCSA”), the Applicants notified owners of property abutting its candidate site of its intent to file an application with the Council. The letter of notification was sent on July 27, 2006. (Applicants 1, Attachment 12)
8. One of the abutting property owners did not claim the notification sent to them and no receipts were received from two abutting property owners. Additional notification was sent to these three abutting property owners via first class mail. One of the property owners for whom a receipt was not received is the owner of the property on which the sites are proposed. (Applicants 2, Response Nos. 1 & 2)
9. Optasite provided proof of service certifying that copies of its application were sent to the Attorney General, Department of Environmental Protection, Department of Public Health, Council On Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, Department of Transportation, Southeastern Connecticut Council of Governments, State Senators and State Representatives, Federal Aviation Administration, Federal Communications Commission, and the Town of Groton Mayor, the Town of Groton Town Manager, the Groton Planning and Development Director, the Groton Planning Commission, the Groton Zoning Commission, the Groton Zoning Board of Appeals, the Groton Inland Wetlands Commission, the Groton Conservation Commission and the Groton Town Clerk. (Applicants 1, Attachment 10)
10. Pursuant to CGS § 16-50j(h), the Council solicited written comments from several State agencies to which the Department of Transportation responded and requested that if any access to Route 184 was necessary or any work would occur in the Route 184 right-of-way that an encroachment permit be obtained. (Department of Transportation correspondence, December 11, 2006)
11. The State of Connecticut Department of Public Health responded in a memorandum dated December 29, 2006 and requested that no cleaning of equipment, storage of fuels or refueling take place at the site and that Groton Utilities review the detailed site plans for the facility. (Department of Public Health Memorandum, December 29, 2006).
12. The Council and its staff made inspections of the proposed Sites on December 14, 2006. On the day of the field review, a balloon was floated at each proposed site to simulate the height of the proposed tower. The balloons were flown from approximately 7:50 a.m. to 4:30p.m. The wind and weather provided favorable conditions for visibility with sunny conditions and light winds in the 5 to 10 mile per hour range. (Tr. 1, p.14)
13. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on December 14, 2006, beginning at 4:00 p.m. and continuing at 7:00 p.m. in Groton, Connecticut. (Tr. 1, p.2-6)

### **Public Need for Wireless Service**

14. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services throughout the United States. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition and encourage technical innovation for telecommunication services. (Applicants 1, p. 6)
15. In 1999, the United States Congress recognized a nationwide need for seamless emergency communications networks and the FCC has required all carriers to deploy enhanced 911 technologies to locate callers in distress. (Applicants 1, pgs. 7-8)
16. The proposed Facility will become an important component of Cingular's E911 network in this area of the State. (Applicants 1, p. 8)

### **Site Selection**

17. Optasite subscribes to State policy and sound business practice and will not become involved in a search for a new tower site in an area where an existing suitable structure can meet the carriers' needs. (Applicants 1, Attachment 1)
18. The search for a potential site for providing service to the Center Groton area began in 2002 and was conducted by AT&T Wireless. AT&T Wireless' search resulted in the selection of the subject parcel at 1662 Gold Star Memorial Highway. (Applicants 1, p. 2)
19. As a result of the merger of AT&T Wireless and Cingular Wireless, a moratorium was placed on new tower development and a Certificate Application was not submitted by AT&T Wireless or the new entity for a proposed facility in Groton. (Applicants 1, p. 2)
20. After the merger and integration of the carriers' system into the combined new system, Cingular determined that a facility was still needed to provide service in the Center Groton area. (Applicants 1, p. 2)
21. No material changes to this area of Groton have taken place since AT&T Wireless' search for a site to obviate the need for a new tower facility to provide service to Center Groton. Therefore, the site search previously conducted is applicable. (Applicants 1, p. 2, Attachment 4)
22. During the merger and integration periods, the proposed Groton facility was assigned to Optasite by Cingular for site development. (Applicants, p.2)
23. Five communication towers are located within approximately three (3) miles of the site search area. These existing towers are currently being used by Cingular or would not provide adequate coverage to the area targeted for coverage. (Applicants 1, pgs. 9-10, Attachment 4)

24. The search for sites identified eight (8) potential sites. These sites and their final status are listed in the following table:

<b>Location</b>	<b>Final Status</b>
Tilcon Minerals, Inc., Gold Star Memorial Highway	In 2003, after negotiations with AT&T Wireless, Tilcon decided not to enter into a lease for a proposed facility. Optasite attempted to contact Tilcon in 2006 about a potential lease, however, Tilcon did not respond.
1662 Gold Star Memorial Highway, Groton	Location of proposed Site A and Site B
325 Rogers Road, Groton	Rejected due to potential environmental issues, fall zone consideration and visibility concerns.
Center Groton	Parcels in the vicinity of the intersection of Routes 117 and 184 were not large enough to support a new tower facility.
Route 117/Gales Ferry Road area	Rejected due to the close proximity to nearby visually sensitive areas such as Farquhar Park and Ledyard Reservoir area.
Noank-Ledyard Road	Two large parcels were rejected as they are located too far from the area targeted for service.
Vetter Road	Properties along Yetter Road are located too far from the area targeted for service.
Lambtown Road area	Properties in this area rejected due to the high density single family homes.

(Applicants 1, Attachment 4)

### **Municipal Consultation**

25. In 2003, AT&T Wireless submitted a Technical Report to the Town of Groton for the proposed Groton facility, however due to the merger, a Certificate Application was not submitted. (Applicants 1, p. 20)
26. After the merger and determination by Cingular that a new tower facility was needed to provide service, an updated Technical Report was prepared by the Applicants and delivered to the Town of Groton Town Manager and Town Planner on May 10, 2006. (Applicants 1, p. 20)
27. The updated Technical Report included information about the need for the proposed facility, a summary of the site selection process, specifics the proposed location and the environmental effects of the proposed facility. (Applicants 1, p. 20, Bulk Filing)

- 28. In correspondence dated June 22, 2006, the Groton Town Planner provided comments on the updated Technical Report and proposed facility designs. (Applicants 1, Attachment 9).
- 29. The Town's comments were incorporated and addressed in the final facility designs. (Applicants 1, Attachments 1 & 8).

**Project Description**

- 30. Optasite proposes to locate a wireless telecommunications facility, at one of two locations, designated as Site A and Site B in the Town of Groton on property located at 1662 Gold Star Memorial Highway. (Applicants 1, pgs.1-2)
- 31. The sites are located on an approximately 32 acre property owned by Chester Crouch. The property is classified locally in the RU-40 residential zoning district. (Applicants 1, p. 17, Attachments 5 & 6)
- 32. The Site A proposed Facility would consist of a 150' monopole and a 75' x 75' equipment compound within 100' by 100' lease parcel located in the center section of the property. The latitude and longitude coordinates for the proposed monopole would be 41<sup>o</sup> 23' 12.52" and 72<sup>o</sup> 00' 48.63". The ground elevation at the base of the monopole would be 280' AMSL. (Applicants 1, pgs. 10-11, Attachment 5; Tr. 1, p. 11)
- 33. At Site A, Cingular proposes to install up to 12 panel antennas at a centerline height of approximately 120' and an equipment shelter within the fenced equipment compound. (Applicants 1, p. 3, Attachment 5)
- 34. The proposed tower and compound at Site A are designed to accommodate the equipment of up to four wireless carriers. (Applicants 1 p. 10, Attachment 5)
- 35. Vehicular access to the proposed Site A Facility would extend from Route 184 onto an existing driveway, then along an existing unimproved travel way to the equipment compound. (Applicants 1, p. 3, Attachment 5)
- 36. Utility connections for the Site A Facility would extend underground from an existing utility pole on Route 184 and parallel the access drive into the Site A compound. (Applicants 1, p. 3, Attachment 5)
- 37. The compound area for Site A will be enclosed with a security fence eight feet in height. (Applicants 1, p. 3, Attachment 5)
- 38. The construction costs of the Site A Facility are estimated to be:

Electronic equipment costs	\$70,000
Tower and antenna costs (including installation)	\$138,900
Site development and utility construction costs	\$83,800

Total: \$292,700  
(Applicants 1, p. 22)

39. The nearest residential structure to proposed Site A is the property owners residence which is approximately 575' from the proposed compound at Site A. The closest off-site residence is approximately 770' from the proposed Site A compound. Approximately 5 residences are located within 1000' of the proposed Facility at Site A. (Applicants 1, p. 14)
40. The zone whose radius is the tower height at Site A lies completely within the boundaries of the property. (Applicants 1, Attachment 5)
41. The Site B proposed Facility would consist of a 160' monopole and a 100' x 50' equipment compound within 100' by 100' lease parcel located in the southern section of the property. The latitude and longitude coordinates for the proposed monopole would be 41<sup>o</sup> 23' 8.50" and 72<sup>o</sup> 00' 47.99". The ground elevation at the base of the monopole would be 246' AMSL. (Applicants 1, pgs. 12-13, Attachment 6; Tr. 1, p. 12)
42. At Site B, Cingular proposes to install up to 12 panel antennas at a centerline height of approximately 130' and an equipment shelter within the fenced equipment compound. (Applicants 1, p. 3, Attachment 6)
43. The proposed tower and compound at Site B are designed to accommodate the equipment of up to four wireless carriers. (Applicants 1 p. 12, Attachment 6)
44. Vehicular access to the proposed Site B Facility would extend from Route 184 onto an existing driveway, then along an existing unimproved travel way that runs past the west side of the proposed equipment compound. (Applicants 1, p. 3, Attachment 6)
45. Utility connections for the Site B Facility would extend underground from an existing utility pole on Route 184 and parallel the access drive into the Site B compound. (Applicants 1, p. 3, Attachment 6)
46. The compound area for Site B will be enclosed with a security fence eight feet in height. (Applicants 1, p. 3, Attachment 6)
47. The construction costs of the Site B Facility are estimated to be:
- |  |           |
|--|-----------|
| Electronic equipment costs                       | \$70,000  |
| Tower and antenna costs (including installation) | \$140,500 |
| Site development and utility construction costs  | \$76,200  |
| Total:   | \$286,700 |
- (Applicants 1, p. 22)

48. The nearest residential structure to proposed Site B is the property owners residence which is approximately 200' from the proposed compound at Site B. The closest off-site residence is approximately 600' from the proposed Site B compound. Approximately 6 residences are located within 1000' of the proposed Facility at Site B. (Applicants 1, p. 14)
49. The zone whose radius is the tower height at Site B lies completely within the boundaries of the property. (Applicants 1, Attachment 6)

### **Environmental Considerations**

50. Throughout the construction of the proposed facility, Optasite will establish and maintain soil erosion control measures and other best management practices in accordance with the Connecticut Soil Erosion Control Guidelines, as established by the Council of Soil and Water Conservation. (Applicants 1, pgs. 19-20)
51. According to the site survey and field investigations conducted at the Site A location, the existing dirt travel way that would be used to access the facility crosses a short section (20'-25') of a small seasonal inland wetland area. (Applicants 1, p.19, Attachment 5)
52. As part of the upgrade to the existing travel way portion of the Site A access drive, Optasite will design, engineer and construct the wetlands crossing to improve water flow, mitigate sedimentation and eliminate any existing potential for soil erosion. (Applicants 1, p. 19, Attachment 5; Applicants 2, Response No. 13)
53. According to the site survey and field investigations conducted at the Site B location, inland wetlands were delineated approximately 100' to the north. No construction activities for the Site B Facility or access drive will take place within the wetlands. (Applicants 1, p. 19, Attachment 6)
54. At the Department of Environmental Protection's ("DEP") request, an ornithological survey was conducted and the survey report recommended that any non-routine maintenance activities take place during the fall, winter and early spring and that Connecticut-native evergreens be planted at the perimeter of the compound. (Applicants 1, p. 15)
55. The DEP confirmed that the recommendations in the survey report would mitigate any potential negative impacts to listed bird species that may frequent the site. (Applicants 1, p. 15, Attachment 8)
56. Optasite will implement the recommendations approved by the DEP. (Applicants 2, Response No. 19)

57. At the State Historic Preservation Office's ("SHPO") request, an archaeological study of the proposed sites was conducted. The study identified no prehistoric or historic archaeological resources within the project areas. (Applicant 1, pgs. 14-15)
58. SHPO determined that the proposed facility will have no effect on archaeological resources. No other resources were identified by SHPO as an area of concern. (Applicants 1, Attachment 8)
59. The power density at Site A, assuming all antennas were pointed at the base of the monopole and all channels were operating simultaneously, would be approximately 10.76% of the applicable MPE standard. (Applicants 1, p. 16)
60. The power density at Site B, assuming all antennas were pointed at the base of the monopole and all channels were operating simultaneously, would be approximately 9.17% of the applicable MPE standard. (Applicants 1, p. 16)
61. The proposed tower at either Site would not require registration with the Federal Aviation Administration. (Applicants 1, Attachments 5 & 6)
62. Twenty-six (26) trees with 6" diameter at breast height would be removed for the development of the Site A Facility and access road. (Applicants 2, Response No. 7)
63. One (1) tree with 6" diameter at breast height would be removed for the development of the Site B Facility and access road. (Applicants 2, Response No. 7)

#### Visibility

64. The visual impact of the proposed tower at either site will vary from different locations depending upon factors such as vegetation, topography, distance from the tower, and the location of structures around the tower. (Applicants 1, p. 13)
65. Topography and abundance of mature woodlands surrounding the proposed sites will serve to minimize views of the proposed monopoles. (Applicants 1, Attachment 7)
66. Both towers are expected to be visible along portions of Route 184, Route 117, Lambtown Road, Gales Ferry Road and Rogers Road. (Applicants 1, Attachment 7; Applicants 2, Response No.15)
67. A monopole at Site B is expected to be visible in locations along Route 184 west of the site and along Rogers Road south of the site. (Applicants 1, Attachment 7)
68. Approximately six residences will have year round views of either monopole. (Applicants 1, Attachment 7)

- 69. Approximately two additional residences will have year round views of the monopole at Site B. (Applicants, Attachment 7)
- 70. The visibility of the monopole at Site A and Site B from different vantage points in the vicinity of the site is summarized in the following tables.

**Visibility Table: Candidate A (150') and Candidate B (160')**

<b>Location</b>	<b>Site A Visible</b>	<b>Approximate Distance and Direction to Site A (miles)</b>	<b>Site B Visible</b>	<b>Approximate Distance and Direction to Site B (miles)</b>
View 1 - Route 184 west of Route 117 (looking northeast)	Yes	.89	Yes	.89
View 2 - Gales Ferry Road (north of Farquahar Park, looking east)	Yes	.79	Yes	.81
View 3 - Lambtown Road (north of Lambtown extension, looking south)	Yes	1.41	Yes	1.48
View 4 - Route 184 (west of host property, looking northeast)	Yes	.31	Yes	.28
View 5 - Rogers Road (looking northwest)	Yes	.46	No	.40
View 6 - Route 117 (Orchard Drive, looking northeast)	No	.62	Yes	.58
View 7 - Rogers Road (at Maple Ridge Kennels, looking north)	No	.24	Yes	.16
View 8 - Gales Ferry Road (west of Route 117, looking east)	No	.76	No	.82
View 9 - Route 117 (at Ledyard Reservoir, looking southeast)	No	1.5	No	1.54
View 10 - Lambtown Road (at Quaker Farm Road, looking southwest)	No	.68	No	.74
View 11 - Vetter Road (at Rogers Road, looking northwest)	No	.62	No	.62

(Applicants 1, Attachment 7; Applicants 2, Response No. 21)

**Coverage Needs**

71. Cingular's signal level threshold to provide adequate service in central Groton is -80 dBm, Cingular is licensed to operate in the 800 MHz and 1900 MHz frequency bands. (Applicants 2, Response No. 22).
72. The proposed Facility is needed by Cingular to provide wireless telecommunication service along State Highway 184 (Gold Start Memorial Highway), State Highway 117 (North Road) and surrounding areas in the Town of Groton. (Applicants 1, Attachment 3).
73. The proposed site is needed to provide coverage to an area of the State where users of Cingular's network have difficulty originating and maintaining wireless services. (Applicants 1, Attachment 2).
74. The approved site will provide coverage within the targeted portion of State highways 184 and 117 and the surrounding area. (Applicants 1, Attachment 2).
75. The minimum antenna centerline height required by Cingular to provide coverage in the target area from the proposed facility is 120' at Site A and 130' at Site B. (Applicants 1, Attachment 2; Tr. 1, p. 30)

CERTIFICATE OF SERVICE

I hereby certify that on this day, an original and twenty copies of Optasite's and Cingular's proposed findings of fact were served on the Connecticut Siting Council by fax and overnight delivery with a copy by first class mail to:

Mr. Keith Coppins  
Optasite, Inc.  
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Mr. Ronald C. Clark  
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6 Evarts Lane  
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P: (203) 645-3301

Dated: January 16, 2007

  
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Lucia Chiochio

cc: Mark Appleby  
John Blevins  
Douglas Roberts  
Michael Libertine