

Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

March 2, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 321** – Optasite, Inc. and Omnipoint Communications, Inc.
application for a Certificate of Environmental Compatibility and Public Need for
the construction, maintenance and operation of a telecommunications facility
located at 940 Meriden Road in Waterbury, Connecticut.



By its Decision and Order dated February 27, 2007, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 940 Meriden Road in Waterbury, Connecticut.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

SDP/ap

Enclosures (3)

c: Julie Kohler, Esq.
State Documents Librarian

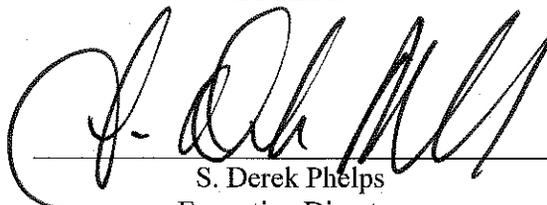
STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

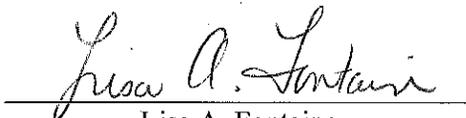
ATTEST:



S. Derek Phelps
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 321 has been forwarded by Certified First Class Return Receipt Requested mail on March 2, 2007, to all parties and intervenors of record as listed on the attached service list, dated November 22, 2006.

ATTEST:



Lisa A. Fontaine
Administrative Assistant
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<p>Optasite, Inc. One Research Drive, Suite 200C Westborough, MA 01581</p> <p>Omnipoint Communications, Inc. 100 Filley Street Bloomfield, CT 06002</p>	<p>Julie Kohler, Esq. Carrie L. Larson, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-0211 (203) 394-9901 fax jkoher@cohenandwolf.com clarson@cohenandwolf.com</p>
Intervenor <i>(approved at the hearing on November 21, 2006)</i>	Sprint Nextel Corporation	<p>Thomas J. Regan Brown Rudnick Berlack Israels LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3402 (860) 509-6500 (860) 509-6501 fax</p>

DOCKET NO. 321 – Optasite, Inc. and Omnipoint } Connecticut
Communications, Inc. application for a Certificate of }
Environmental Compatibility and Public Need for the } Siting
construction, maintenance and operation of a telecommunications }
facility at 940 Meriden Road in Waterbury, Connecticut. } Council

February 27, 2007

Findings of Fact

Introduction

1. Pursuant to Chapter 277a, Sections 16-50g et seq. of the Connecticut General Statutes (CGS), as amended, and Section 16-50j-1 et. seq. of the Regulations of Connecticut State Agencies (RCSA), Optasite, Inc. (Optasite) and Omnipoint Communications, Inc. (T-Mobile) applied to the Connecticut Siting Council (Council) on September 14, 2006 for the construction, operation, and maintenance of a telecommunications facility to be located at 940 Meriden Road in the City of Waterbury, Connecticut. (Optasite 1, p. 1)
2. Optasite is a Delaware corporation with offices at One Research Drive, Suite 200C, Westborough, Massachusetts. It would construct and maintain the proposed facility. (Optasite 1, p. 3)
3. T-Mobile is a Delaware corporation with a Connecticut office at 100 Filley Street, Bloomfield, Connecticut. The company and its affiliated entities are licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless services system in Connecticut. T-Mobile does not conduct any other business in the State of Connecticut other than the provision of wireless services under FCC rules and regulations. (Optasite 1, p. 3)
4. The parties in this proceeding are the applicants, Optasite and T-Mobile. Sprint/Nextel Corporation (Nextel) is an intervenor. (Transcript, November 21, 2006, 3:00 p.m. [Tr. 1], pp. 5-6)
5. The proposed facility would provide wireless service in the City of Waterbury and the Town of Wolcott along Interstate highway I-84 and Meriden Road, as well as in adjacent areas. (Optasite 1, p. 1)
6. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on November 21, 2006, beginning at 3:00 p.m. and continuing at 7:00 p.m. at Veteran's Memorial Hall in the Waterbury City Hall in Waterbury, Connecticut. (Tr. 1, p. 3 ff.)

7. The Council and its staff conducted an inspection of the proposed site on November 21, 2006, beginning at 2:00 p.m. On the day of the field inspection, the applicants flew a balloon from 7:45 a.m. to 5:00 p.m. to simulate the height of the proposed tower. The winds were mild, and visibility was unlimited. (Tr. 1, pp. 14-15)
8. Pursuant to CGS § 16-50(b), notice of the applicants' intent to submit this application was published in two editions of the Waterbury Republican-American issued between August 22 and August 24, 2006. (Waterbury-American Affidavit of Publication dated August 30, 2006)
9. In accordance with CGS § 16-50(b), Optasite sent notices of its intent to file an application with the Council to each person appearing of record as owner of property abutting the property on which the site is located. (Optasite 1, p. 4, Exhibit E)
10. Optasite sent notices by certified mail to 61 abutting property owners on August 22, 2006. Of this total, return receipts were not received from 15 abutters. A second certified mail notice was sent to these 15 abutters on September 11, 2006. Of the 15 letters re-sent, Optasite did not receive return receipts from nine abutters. Optasite sent a third notice to these nine abutters on or about November 3, 2006. (Optasite 2, Response A1)
11. Pursuant to CGS § 16-50/ (b), Optasite provided notice to all federal, state and local officials and agencies listed therein. (Optasite 1, p. 4, Exhibit D)
12. Optasite placed a four-foot by six-foot sign at the entrance of Pine Grove Cemetery to inform the public of its pending certificate application. The sign was installed on November 8, 2006. (Tr. 1, pp. 15-16)

State Agency Comments

13. Pursuant to CGS § 16-50/, the Council solicited comments on Optasite's application from the following state departments and agencies: 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, and the Department of Transportation. The Council's letters requesting comments were sent on October 27, 2006 and on November 22, 2006. (CSC Hearing Package dated October 27, 2006)
14. The Connecticut Department of Transportation (ConnDOT) responded to the Council's solicitation with no comments. (ConnDOT letter dated November 7, 2006)
15. No other state agency submitted comments regarding this application. (Record)

Municipal Consultation

16. Optasite submitted a letter and a technical report to the City of Waterbury describing its proposed facility and its intent to apply to the Council on May 31, 2006. Optasite met with Waterbury city officials on July 25, 2006 to discuss its proposed facility. Waterbury's City Planner, James Sequin, indicated that the city did not oppose Optasite's facility and did not intend to offer any comments regarding it. (Optasite 1, p. 19)
17. Pursuant to CGS § 16-50(b)(1), Optasite also submitted a letter and a technical report to the officials of the Town of Wolcott on May 31, 2006 because the proposed site is within 2,500 feet of the Wolcott town line. Optasite followed up on this submittal by meeting with Wolcott town officials on August 1, 2006. At this meeting, Wolcott's mayor, Thomas Dunn, indicated that he did not have any concerns about Optasite's proposal and that he felt it would be beneficial to the area and its residents. (Optasite 1, p. 19)
18. The City of Waterbury has expressed interest in locating equipment on the proposed tower. If the city chooses to use Optasite's facility, Optasite will provide space at no charge. (Optasite 2, Response A5)

Public Need for Service

19. The United States Congress, through adoption of the Telecommunications Act of 1996, recognized the important public need for high quality telecommunication services throughout the United States. The purpose of this Act, which was a comprehensive overhaul of the Communications Act of 1934, was to "provide for a competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies to all Americans." (Optasite 1, p. 5)
20. The Telecommunications Act of 1996 prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Administrative Notice, Telecommunications Act of 1996)
21. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice, Telecommunications Act of 1996)
22. In an effort to ensure the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999 (the 911 Act). The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. (Optasite 1, p. 6)

- 23. The proposed facility would be an integral component of T-Mobile's E911 network. (Optasite 1, p. 7)
- 24. Nextel's antennas would comply with E911 requirements. (Optasite 2, Response A7 for Nextel)

Site Selection

- 25. The search for a site in this section of Waterbury was originally initiated by T-Mobile. However, T-Mobile decided that it did not want to own the tower and asked Optasite to take over the site investigation and certification process. (Tr. 1, pp. 18-19)
- 26. Optasite began its search for a site in this area of Waterbury in December 5, 2005. (Optasite 2, Response A2)
- 27. Optasite has a working relationship with T-Mobile to co-develop new tower facilities in Connecticut. (Optasite 2, Response A3; Tr. 1, p. 18)
- 28. Optasite contacted other FCC-licensed wireless providers to determine their possible interest in this site. Sprint/Nextel identified a need for a facility in this area and has expressed an interest in co-locating on the proposed tower. (Optasite 2, Response A4)
- 29. There are no existing towers or other tall structures within two miles of the proposed site that would enable T-Mobile or Nextel to adequately cover their respective target areas. (Optasite 1, p. 8)
- 30. Optasite identified and investigated six properties as possible facility locations. These properties and an assessment of their suitability are listed below.

Location Considered	Suitability
Pine Grove Cemetery property, 940 Meriden Road	Proposed location
Pine Grove Cemetery property, 390 Meriden Road	Not enough acreage for required lease area
Wolcott Land Trust property, Celia Drive in Wolcott	Rejected by T-Mobile because it was too far from target area to provide adequate coverage
Town of Wolcott property, 10 Kenea Drive, Wolcott	Rejected by T-Mobile because it was too far from target area to provide adequate coverage
1215 Meriden Road, Waterbury	Unable to negotiate lease agreement with property owner
Tower on Rockaway Avenue property	Property surrounded by residential properties and includes extensive wetlands

(Optasite 1, Exhibit I)

31. Optasite identified 17 towers within an approximate five mile radius of its search area. All of these towers are located too far from the site search area to provide adequate coverage to target areas of T-Mobile and Nextel. (Optasite 1, p. 8)
32. Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means to provide service within the coverage gaps T-Mobile and Nextel are seeking to cover. Significant terrain variations and tree cover in Waterbury and the surrounding area limit the practicality of such technologies. (Optasite 1, p. 7)

Site Description

33. Optasite's proposed facility is located in the north central portion of a 104-acre parcel owned by the Pine Grove Cemetery Association at 940 Meriden Road (also known as 850 Meriden Road) in Waterbury. Portions of cemetery property are developed for burial; however, large portions of the property remain undeveloped and wooded. (Optasite 1, p. 2)
34. The Pine Grove Cemetery is located within an area zoned RL Low Density Residential. (Optasite 1, p. 2)
35. Wireless communications facilities are permitted in RL districts as a special conditional use. (Optasite 1, bulk filed Waterbury Zoning Regulations)
36. Optasite would lease a 60-foot by 60-foot area within which it would develop a facility that would include a 110-foot monopole. Nextel's equipment would be housed within a 12-foot by 20-foot equipment shelter. T-Mobile's ground equipment would consist of cabinets on a concrete pad. The entire leased area would be enclosed by an eight-foot high chain link fence. (Optasite 1, Exhibit A)
37. The monopole design would enable Optasite to extend the tower's height in the future. A flagpole design would not allow for a future tower expansion. (Tr. 1, p. 39)
38. If the City of Waterbury were to mount a whip antenna on a flagpole tower, a flag could cause damage to the antenna. (Tr. 1, p. 42)
39. The Pine Grove Cemetery Association did not express any preference for a particular tower design. (Tr. 1, p. 67)
40. The proposed tower would be located at 41° 33' 11.8" latitude and 72° 59' 36.1" longitude. The elevation at the tower's base would be 611 feet AMSL. (Optasite 1, Exhibit A)
41. The tower would be designed in accordance with the specifications of the Electronic Industries Association Standard ANSI/EIA/TIA-222-G "Structural Standards for Steel Antenna Towers and Antenna Support Structures." (Optasite 2, Response A6)

42. The tower would be designed to accommodate antenna placements for up to four carriers. (Optasite 1, Exhibit A)
43. T-Mobile would use batteries for back-up power. For longer outages, T-Mobile could bring a generator to the site on a temporary basis. (Optasite 2, Response A3 from T-Mobile)
44. Nextel would use battery racks located within a shelter for power back-up. For prolonged outages, Nextel would bring in a portable generator. (Optasite 2, Response A9 for Nextel)
45. Land use in the vicinity of the proposed tower consists of small-scale commercial development along Meriden Road and dense residential areas beyond the cemetery, abutting the commercial areas. (Optasite 1, pp.17-18)
46. The nearest residence is located 770 feet to the northeast of the proposed tower. It is owned by Simeon and Leslie Arzu. (Optasite 2, Response A7)
47. Fifteen residences are located within 1,000 feet of the proposed tower. (Optasite 2, Response A8)
48. T-Mobile would install up to 12 antennas at a centerline of 97 feet above ground level (agl). (Optasite 1, p. 9)
49. Nextel would install up to 12 antennas on the tower at a centerline height of 107 feet agl. (Optasite 1, p. 9)
50. Vehicular access to the proposed facility would extend from Meriden Road over existing driveways and then over a new gravel drive that would be approximately 250 feet long. The new gravel drive was rerouted from its originally proposed location in order to avoid traveling over an existing septic system pipe. (Optasite 1, p. 10; Tr. 1, p. 12; Tr. 1, p. 26)
51. Public utilities would be extended underground along the new gravel drive from existing overhead lines that follow existing driveways within the cemetery. (Optasite 1, p. 10)
52. The tower's setback radius would be contained within the Pine Grove Cemetery property. (Optasite 1, Exhibit A)
53. The estimated cost of construction for this facility, not including carriers' antennas and support equipment, is:

Tower and foundation	\$ 74,000
Site development	47,000
<u>Utility installation</u>	<u>37,000</u>
Total costs	\$158,000

(Optasite 1, p. 20)

Environmental Considerations

54. The proposed project would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Optasite 1, Exhibit L)
55. No known extant populations of Federal or State Endangered, Threatened or Special Concern Species occur at the proposed site. (Optasite 1, Exhibit L – Letter from Connecticut Department of Environmental Protection)
56. No trees with a diameter of six inches or greater at breast height would be cleared for the development of the proposed site. (Optasite 1, Exhibit A)
57. No wetlands or watercourses are located within 300 feet of the proposed site. (Optasite 1, p. 18)
58. Developing this site would require 52 cubic yards of fill and 80 cubic yards of cuts. (Optasite 2, Response A9)
59. Blasting would not be required at this site. (Optasite 2, Response A10)
60. The Federal Aviation Administration determined that the proposed facility would not be a hazard to air navigation and would not require marking or lighting. (Optasite 1, Exhibit P)
61. The maximum power density from the radio frequency emissions of T-Mobile's and Nextel's proposed antennas would be 15.457% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously. (Optasite 1, p. 14)

Visibility

62. The proposed tower would be visible year round from approximately 33 acres. (Optasite 1, Exhibit K)
63. The proposed tower would be seasonally visible from approximately 91 acres. (Optasite 1, Exhibit K)
64. Eight residences in the surrounding area would have partial year-round views of the proposed facility; 36 residences would have partial seasonal views of the facility. (Optasite 1, p. 12)

65. The visibility of the proposed tower from different vantage points in the surrounding vicinity is summarized in the following table.

<u>Location</u>	<u>Visible</u>	<u>Approx. Portion of (110') Tower Visible (ft.)</u>	<u>Approx. Distance and Direction to Tower</u>
	<u>Site</u>		<u>Site</u>
1 – Courtland Avenue at Beth Lane	Yes	60'	2050 feet; S
2 – Meriden Road entrance to Pine Grove Cemetery	Yes	30'	1000 feet; W
3 – Meriden Road, east of Woodtick Road	Yes	40'	330 feet; E
4 – Meriden Road at Woodland Avenue Rd	Yes	50'	2700 feet; E

(Optasite 1, Exhibit K)

Existing and Proposed Wireless Coverage

T-Mobile

66. T-Mobile's licensed operating frequencies are:

Transmit: C Band – 1975.8 to 1989.8 MHz
 Upper 2/3 A Band – 1935 to 1945 MHz
 Receive: C Band – 1895.8 to 1909.8 MHz
 Upper 2/3 A Band – 1855 to 1865 MHz

(Optasite 2, Response A4 from T-Mobile)

67. The minimum required signal strength for T-Mobile is -84 dBm, which is the lower limit for T-Mobile to provide in-vehicle coverage. (Optasite 2, Response A5 from T-Mobile; Tr. 1, p. 33)
68. T-Mobile's lower threshold for in-building coverage is -76 dBm. (Tr. 1, p. 33)
69. T-Mobile's signal strength in the area that would be served by the proposed facility ranges from -85 to -95 dBm. (Optasite 2, Response A6 from T-Mobile)
70. T-Mobile would initially install six antennas in a three sector configuration on a triangular platform at this site. (Tr. 1, p. 22)
71. T-Mobile could achieve the same coverage with T-bar mounts as it could with platform mounted antennas. (Tr. 1, p. 41)
72. T-Mobile's antennas would cover a total area of 1.5 square miles from the proposed facility. (Optasite 2, Response A7 from T-Mobile)

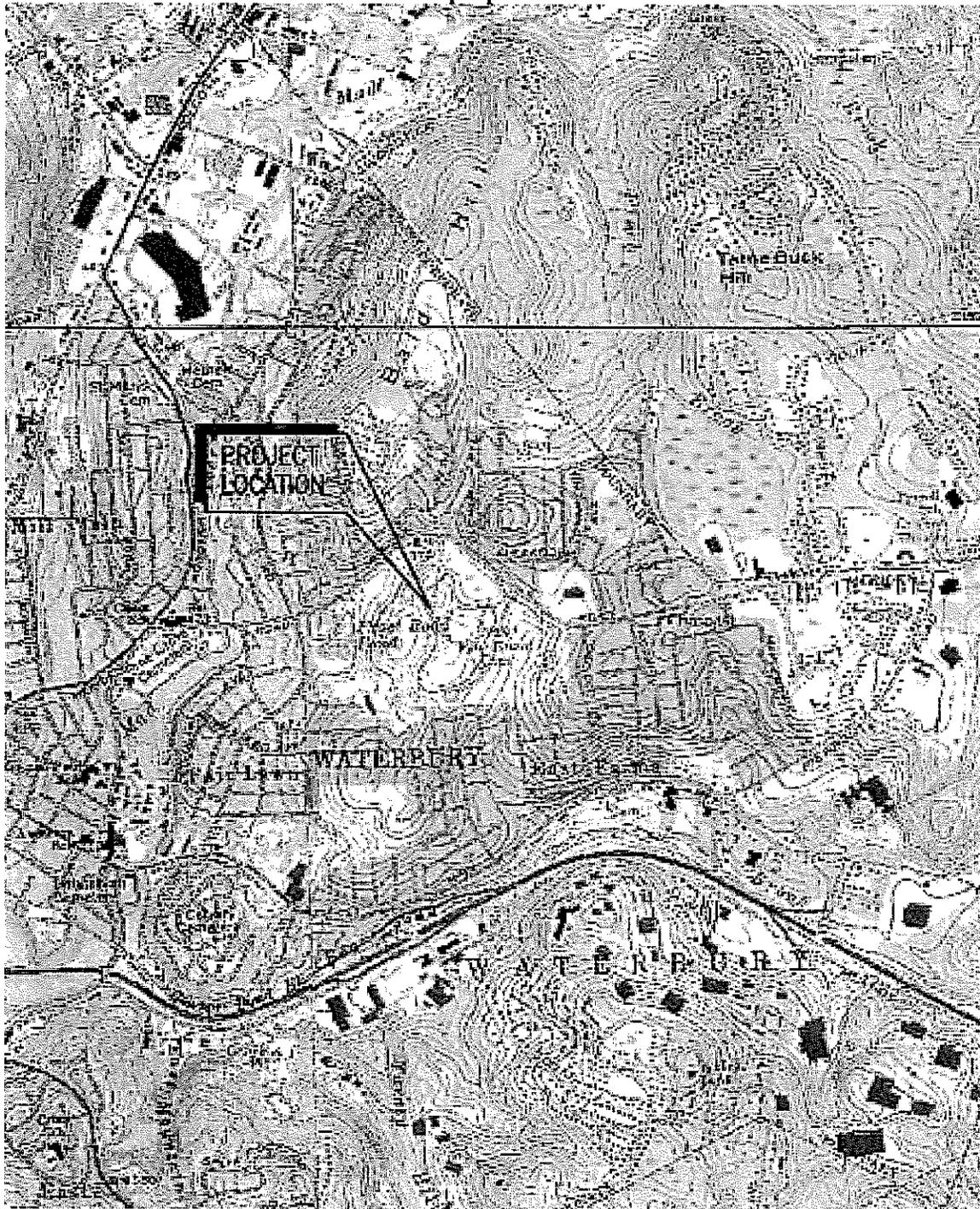
73. The proposed facility would enable T-Mobile to cover 1.4 miles along Meriden Road. It would not provide T-Mobile with additional coverage footprint along I-84. It would, however, provide necessary capacity offloading for existing T-Mobile facilities, providing coverage along I-84 in this area of Waterbury. (Optasite 2, Response A8 from T-Mobile)
74. The proposed facility would hand off signals to T-Mobile sites at 25 Mulloy Road in Waterbury (CT11131A), 119 Store Avenue in Waterbury (CT11992C), 347 East Street in Wolcott (CT11414B), 1119 Summit Road in Cheshire (CT11352C), 150 Mattatuck Heights in Waterbury (CT11269B), 815 Hamilton Avenue in Waterbury (CT11130A), and 181 Garden Circle in Waterbury (CT11392B). (Optasite 2, Response A10 from T-Mobile)
75. The distances and directions from the proposed site to T-Mobile's nearest existing facilities are:
- To CT11131A .68 miles, southeast
 - To CT11992C 1.09 miles, west
 - To CT11494B 2.26 miles, east
 - To CT11352C 2.04 miles, southeast
 - To CT11269B 1.07 miles, south
- (Optasite 2, Response A1 from T-Mobile)
76. T-Mobile could not expand its CT11131A site at 25 Mulloy Road because it is an advertising billboard and could not support any additional antennas. There is also a significant difference in the terrain between this site and T-Mobile's target area that would limit the effectiveness of this site. (Tr. 1, p. 23)
77. The minimum height at which T-Mobile could achieve its coverage objectives at this location is 97 feet AGL. (Optasite 2, Response A11)

Nextel

78. Nextel is licensed to operate at 851-866 MHz and 935-940 MHz. (Optasite 2, Response A6 for Nextel)
79. Nextel's system is designed for a signal strength of -81 dBm for in-vehicle mobile coverage. (Optasite 2, Response A4 for Nextel; Tr. 1, pp. 63-64)
80. Nextel requires a signal strength of -76 dBm to provide in-building coverage. (Tr. 1, p. 64)
81. Nextel's existing signal strength in the vicinity of the proposed facility ranges from some areas of -81 dBm or better to the west and south of the site to -91 dBm to the east and north of the site. (Optasite 2, Response A5 for Nextel)
82. This facility would primarily fulfill a capacity need for Nextel. (Optasite 2, Response A8 for Nextel)

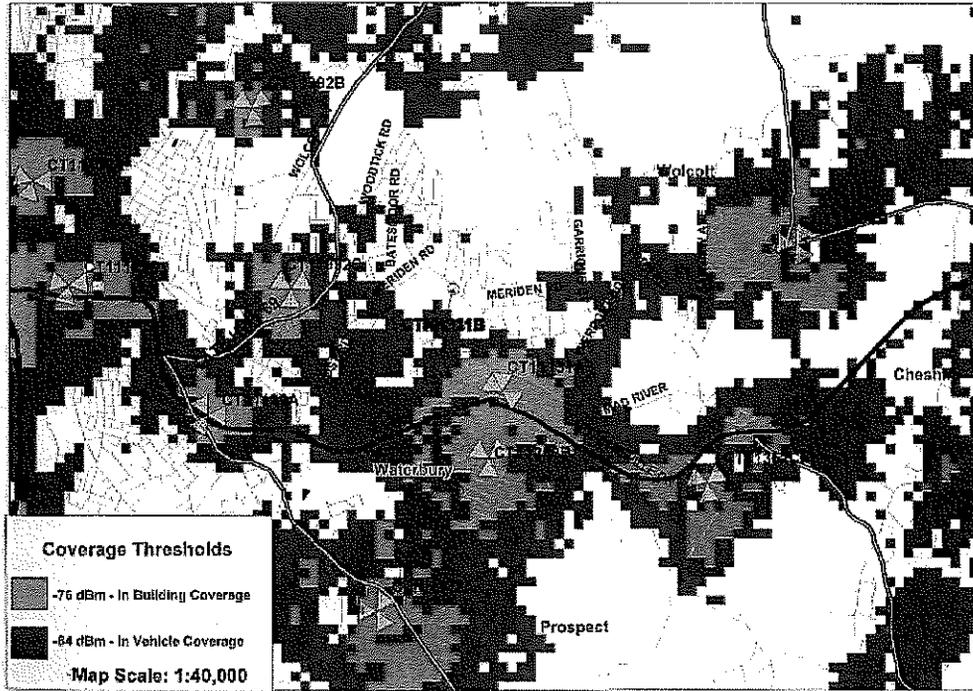
83. Nextel would initially install three antennas per sector on a triangular platform. (Tr. 1, p. 48)
84. A flagpole tower would reduce Nextel's capability to achieve the capacity relief it is seeking to provide from this location. It might also restrict Sprint/Nextel's ability to provide CDMA service from this site in the future. (Tr. 1, p. 49)
85. Nextel's antennas would cover approximately 2.8 square miles from this location. (Optasite 2, Response A10 for Nextel)
86. Nextel's antennas would cover approximately 1 mile along I-84 and 2.2 miles along Meriden Road from this location. (Optasite 2, Response A11 for Nextel)
87. From this location, Nextel's antennas would hand off signals to existing sites at 150 Mattatuck Heights in Waterbury (NCT1062S), 1119 Summit Road in Cheshire (NCT2529R), 1600 East Main Street in Waterbury (NCT3626R), Garden Hill Circle Extension in Waterbury (NCT10016T), and 30 Framingham Drive in Waterbury (NCT1045R). (Optasite 2, Response A12 for Nextel)
88. The distances and directions from Optasite's proposed facility to Nextel's existing sites are:
 - To NCT3626R 1.2 miles, Southwest
 - To NCT1045R 1 mile, Northwest
 - To NCT1062S 1.15 miles, Southeast(Optasite 2, Response A1 for Nextel)
89. The site that would most benefit from the capacity relief provided by the proposed site is identified by Nextel as NCT1016, which is actually two sites away from the proposed site (1.7 miles to Northwest). This site currently handles 40,000 minutes a day and is considered to be at or above capacity. Because of this site's high elevation, it causes interference problems by overshooting the nearest adjacent sites. The proposed site would reduce these interference problems in addition to providing capacity relief. (Tr. 1, pp. 51 ff.)
90. The minimum height at which Nextel could achieve its coverage objectives at this location is 107 feet AGL. (Optasite 2, Response A13 for Nextel)

Site of proposed tower



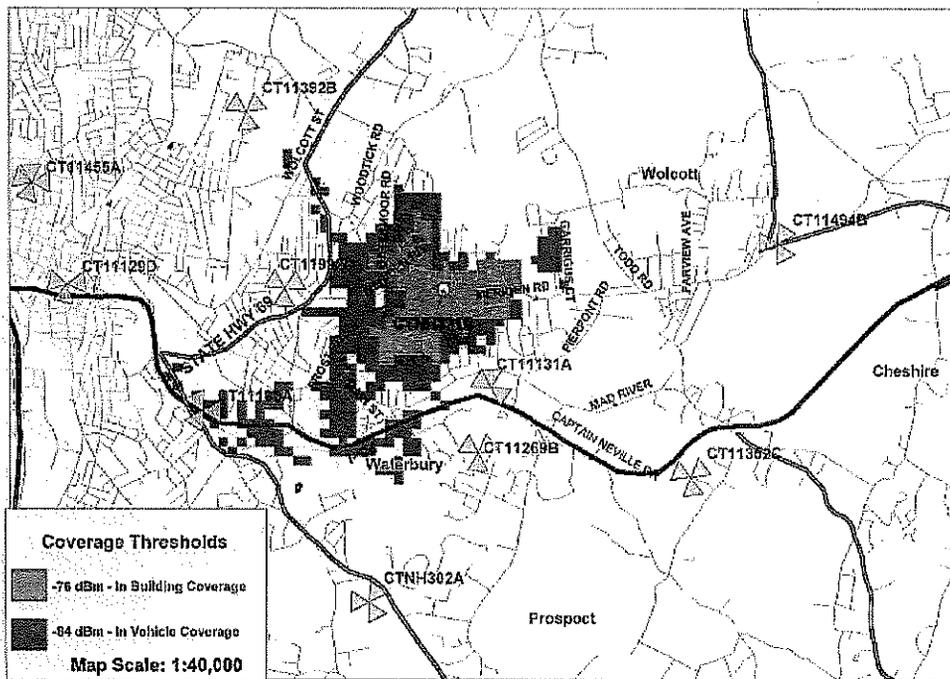
(Optasite 1, Exhibit A)

T-Mobile's existing coverage



(Cellco 1, Exhibit F)

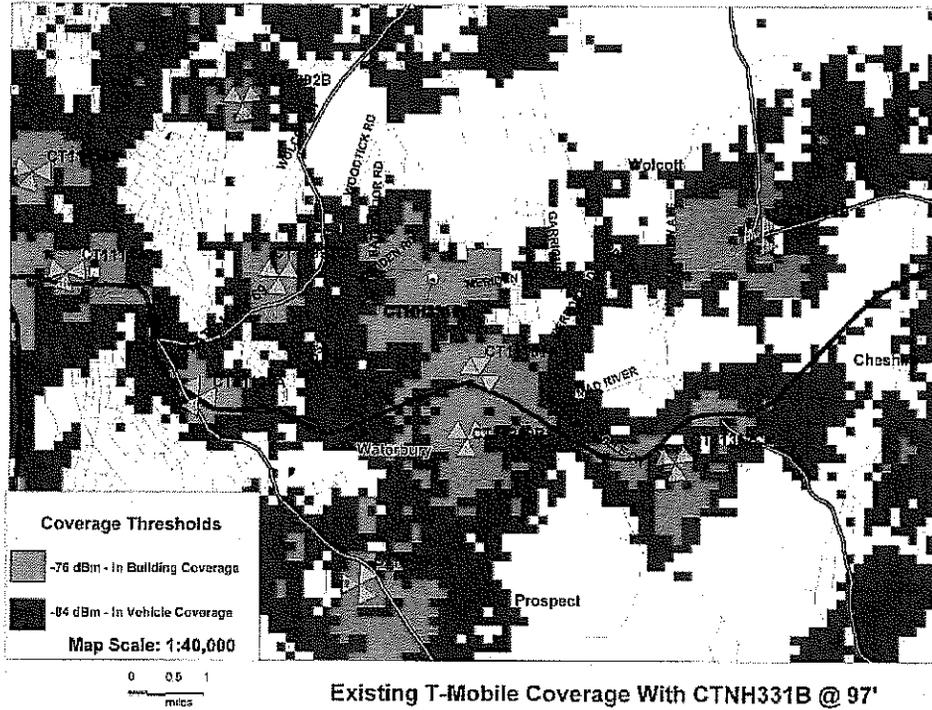
T-Mobile coverage from proposed site



T-Mobile Proposed CTNH331B Facility @ 97'

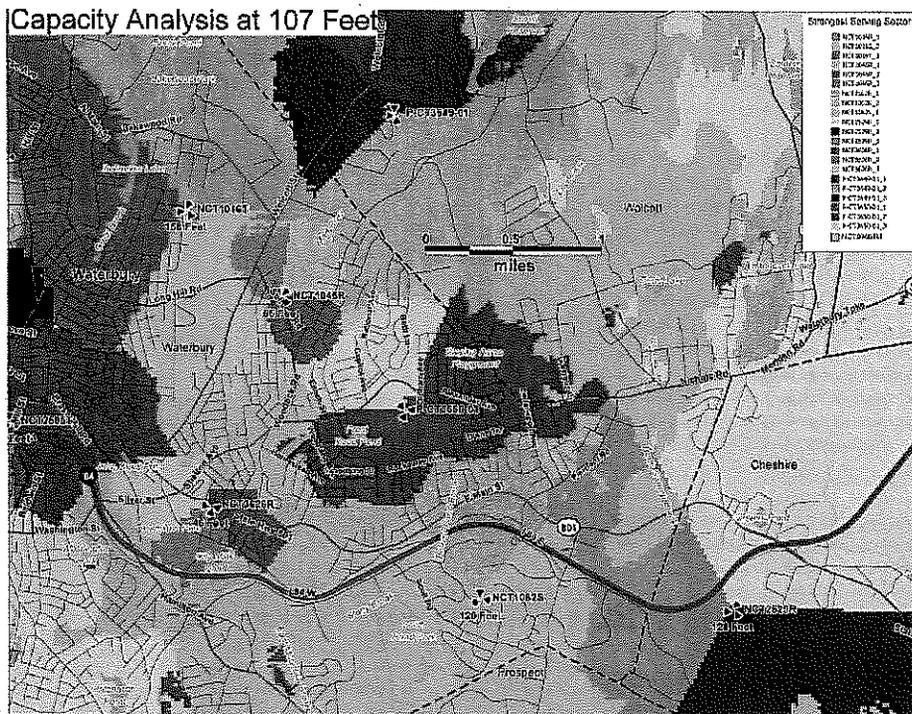
(Cellco 2, Exhibit 3)

T-Mobile coverage, existing and proposed



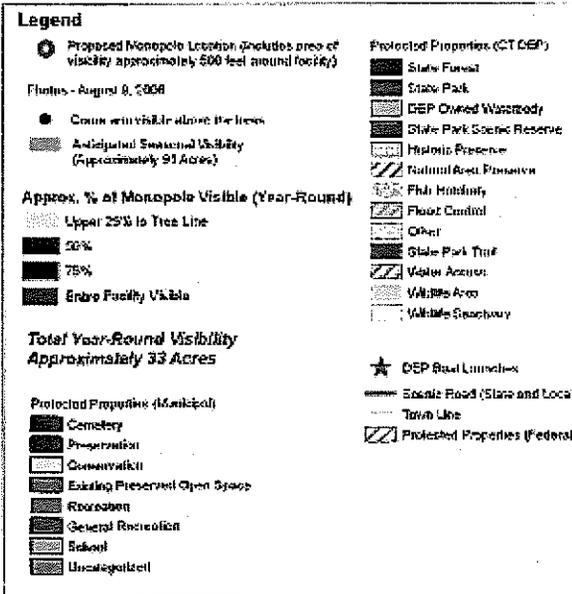
(Optasite 1, Exhibit F)

Nextel capacity analysis



(Nextel 2)

Visibility Map



(Optasite 1, Exhibit K)

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February 27, 2007

Opinion

On September 14, 2006, Optasite, Inc. (Optasite) and Omnipoint Communications, Inc. (T-Mobile) applied to the Connecticut Siting Council (Council) for the issuance of a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility at 940 Meriden Road in Waterbury, Connecticut. The applicant sought to develop a facility on the 104-acre Pine Grove Cemetery located in the eastern part of Waterbury. This location would enable T-Mobile to provide wireless service along I-84 and Meriden Road. Sprint/Nextel Corporation (Nextel) was an intervenor in this proceeding and would install antennas on this site to provide capacity relief for overloaded facilities in the vicinity.

At the proposed location, Optasite would erect a 110-foot steel monopole tower. The tower would be located within a 60-foot by 60-foot compound that would include a 12-foot by 20-foot equipment shelter for Sprint/Nextel. The compound would be enclosed by an eight-foot high chain link fence. The tower would be designed to accommodate the antennas of up to four carriers. Vehicular access to the facility would extend over existing driveways and then over a new 250-foot gravel driveway that would be designed to avoid crossing a buried septic system pipe. Utility services would extend underground along the gravel drive.

The tower's setback radius would be completely contained within the cemetery property.

The proposed tower would be visible year-round from approximately 33 acres. It would be seasonally visible from approximately 91 acres. Approximately eight residences would have partial year-round views of the tower; 36 residences would have partial seasonal views of the tower. Visibility of the tower is limited in part by the number of mature, deciduous trees in the area where the tower would be erected.

The closest wetlands to the site are over 300 feet away. No trees with a diameter of six inches or greater at breast height would be cleared to make way for the facility.

No endangered or threatened species are known to inhabit the area of the site.

The proposed project would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the T-Mobile's and Nextel's antennas proposed to be installed on the tower have been calculated to amount to 15.457% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions.

Both T-Mobile and Nextel provided sufficient data to support the need for a tower at this location. T-Mobile's antennas at this site would provide added coverage and offloading of adjacent sites that primarily serve the heavily traveled Interstate Highway I-84. Nextel plans to use the tower to resolve interference and capacity issues it is currently experiencing in this area.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the proposed telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, operation, and maintenance of a telecommunications facility, which would include a 110-foot steel monopole tower, at the proposed site at 940 Meriden Road in Waterbury, Connecticut.

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February 27, 2007

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Optasite, Inc. for the construction, maintenance and operation of a wireless telecommunications facility to be located at 940 Meriden Road in Waterbury, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be designed as a steel monopole and shall be constructed no taller than 110 feet above ground level to provide telecommunications services to both public and private entities.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the City of Waterbury and all parties and intervenors, as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antenna mountings, equipment building, access road, utility line, and landscaping; and
 - b) construction plans for site clearing, water drainage, and erosion and sedimentation control consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

3. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of electromagnetic radio frequency power density is submitted to the Council in the event other carriers locate at this facility or if circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
4. Upon the establishment of any new state or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
6. The Certificate Holder shall provide reasonable space on the tower for no compensation for any City of Waterbury public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
8. Any request for extension of the time period referred to in Condition 7 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the City of Waterbury. Any proposed modifications to this Decision and Order shall likewise be so served.
9. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
10. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.

11. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of site operation.

Pursuant to General Statutes § 16-50p, we hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the Waterbury Republican-American.

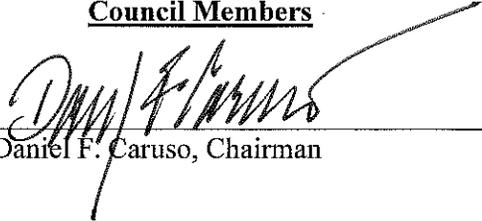
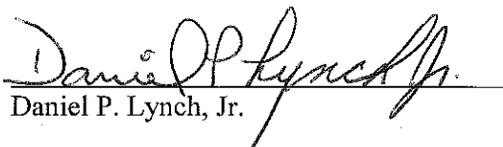
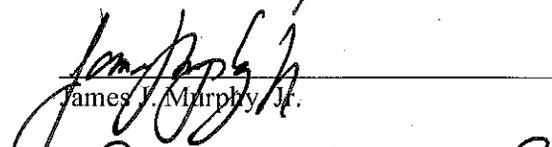
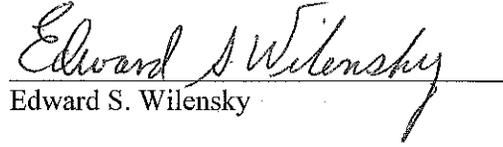
By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors in this proceeding are:

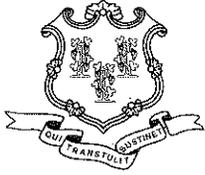
Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Optasite, Inc. One Research Drive, Suite 200C Westborough, MA 01581 Omnipoint Communications, Inc. 100 Filley Street Bloomfield, CT 06002	Julie Kohler, Esq. Carrie L. Larson, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-0211 (203) 394-9901 fax jkohler@cohenandwolf.com clarson@cohenandwolf.com
Intervenor <i>(approved at the hearing on November 21, 2006)</i>	Sprint/Nextel Corporation	Thomas J. Regan Brown Rudnick Berlack Israels LLP CityPlace I, 185 Asylum Street Hartford, CT 06103-3402 (860) 509-6500 (860) 509-6501 fax

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in DOCKET NO. 321 – Optasite, Inc. and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 940 Meriden Road in Waterbury, Connecticut, and voted as follows to approve the proposed site located at 940 Meriden Road in Waterbury, Connecticut:

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Daniel F. Caruso, Chairman	Yes
_____ Colin C. Tait, Vice Chairman	Absent
_____ Commissioner Donald W. Downes Designee: Gerald J. Heffernan	Absent
 _____ Commissioner Gina McCarthy Designee: Brian J. Emerick	Yes
_____ Philip T. Ashton	Absent
 _____ Daniel P. Lynch, Jr.	Yes
 _____ James J. Murphy, Jr.	Yes
 _____ Dr. Barbara Currier Bell	Yes
 _____ Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, February 27, 2007.



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

March 2, 2007

Julie Kohler, Esq.
Carrie L. Larson, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604

RE: **DOCKET NO. 321** – Optasite, Inc. and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 940 Meriden Road in Waterbury, Connecticut.

Dear Attorney Kohler:

By its Decision and Order dated February 27, 2007, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility located at 940 Meriden Road in Waterbury, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,

S. Derek Phelps
Executive Director

SDP/ap

Enclosures (4)



Daniel F. Caruso
Chairman

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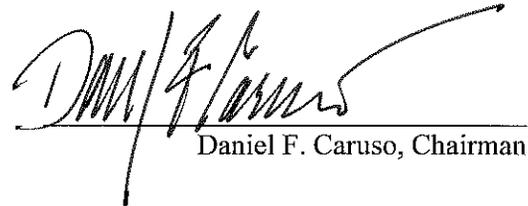
E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 321

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Optasite, Inc. for the construction, maintenance and operation of a telecommunications facility at 940 Meriden Road in Waterbury, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on February 27, 2007.

By order of the Council,



Daniel F. Caruso, Chairman

February 27, 2007



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Internet: ct.gov/csc

March 2, 2007

TO: Classified/Legal Supervisor
321060914
Waterbury Republican-American
389 Meadow Street
P.O. Box 2090
Waterbury, CT 06722

FROM: Adriana C. Popa, Administrative Assistant

RE: **DOCKET NO. 321** – Optasite, Inc. and Omnipoint Communications, Inc.
application for a Certificate of Environmental Compatibility and Public Need for
the construction, maintenance and operation of a telecommunications facility
located at 940 Meriden Road in Waterbury, Connecticut.

Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

AP



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

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NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on February 27, 2007, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Optasite, Inc. and Omnipoint Communications, Inc. for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 940 Meriden Road in Waterbury, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.