



City of Meriden, Connecticut
DEPARTMENT OF LAW

142 EAST MAIN STREET
MERIDEN, CONNECTICUT 06450-8022
TELEPHONE (203) 630-4045
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April 17, 2007

Mr. Daniel F. Caruso, Chairman
CT Siting Council
10 Franklin Square
New Britain, CT 06051

RECEIVED
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CONNECTICUT
SITING COUNCIL

RE: **Docket 329**, Optasite Towers LLC and Ominpoint Communications, Inc. Application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 651 Paddock Avenue, Meriden, CT.

Dear Mr. Caruso:

Please be advised that the City of Meriden hereby requests to be made a party in the above referenced matter.

Please list the following as the representative of the City of Meriden:

Deborah L. Moore, Esq. Acting City Attorney
Legal Department City Hall 142 East Main Street
Meriden, CT 06450
Phone: (203) 630-4045 Fax (203) 630-7907
Email dmoore@ci.meriden.ct.us

An original and 25 copies of this correspondence, the Party Status Request form, plus a copy of the February 22, 2007 letter from the Meriden Planning Commission to the CT Siting Council are being sent to the CT Siting Council.

I hereby certify that a copy of this correspondence, and the Party Status Request form, plus a copy of the February 22, 2007 letter from the Meriden Planning Commission to the CT Siting Council has been sent to the parties on the service list:

Cohen & Wolf, PC, Attention: Julie Kohler, Esq., & Carrie Larson, Esq., 1115 Broad Street, Bridgeport, CT 06604

If you have any questions, please don't hesitate to contact me.

Very truly yours,

Deborah L. Moore



Ten Franklin Square, New Britain, CT 06051 • Phone: (860) 827-2935 Fax: (860) 827-2950
siting.council@ct.gov

CONNECTICUT SITING COUNCIL
PARTY STATUS REQUEST FORM

Docket/Petition No. 329 **Town/City:** Meriden

Name: Deborah L. Moore, Acting City Attorney

Address: 142 East Main Street

City: Meriden **State:** CT **Zip:** 06450

Phone: (203) 630-4045 **Fax:** (203) 630-7907

E-Mail: dmoore@ci.meriden.ct.us

1. Manner in which petitioner claims to be substantially and specifically affected:

The proposed site is located in the City of Meriden. There are at least two City owned properties that present better alternatives to proposed location of structure. The properties are at higher elevations and also have existing vertical structures that are between 1,000 feet and 1/2 mile from proposed location.

2. Contention of the petitioner:

Please see attached correspondence from Meriden Planning Commission dated 2-22-07 to CT Siting Council.

3. Relief sought by the petitioner:

That the application be denied, or, in the alternative, an alternative site be selected.

4. Statutory or other authority therefore; and

5. Nature of evidence that the petitioner intends to present:

Please see attached correspondence from Meriden Planning Commission to CT Siting Council dated 2-22-07

6. Other comments for the Siting Council's consideration:

Please see attached correspondence from Meriden Planning Commission to CT Siting Council dated 2-22-07.

Copies of this request shall be mailed to all participants at least five (5) business days before the date of the hearing.

Signed

Deborah A. Moore

Date: 4/17/07

Choen and Wolf, P.C.
Attn: Julie Kohler, Esq.
Carrie Larsen, Esq.
115 Broad Street
Bridgeport, CT 06604

PLANNING COMMISSION-DIVISION



CITY OF MERIDEN

Tel. (203) 630-4081 Fax (203) 630-5883

February 22, 2007

Mr. Derek Phelps
Connecticut Siting Council
Ten Franklin square
New Britain, Ct 06051

RE: Optasite Towers LLC – 651 Paddock Avenue, Meriden, Ct

Dear Mr. Phelps:

The Meriden Planning Commission at its Special Meeting of February 15, 2007 reviewed the proposed application of Optasite for a 120 ft. high communication tower at the above mentioned address. The Commission unanimously voted to recommend that "Connecticut's Siting Council" deny this application.

Also, the Commission voted to relay for the Council's consideration, the following views and recommendations on behalf of the City and the City of Meriden citizens.

1. The application is erroneous in its statement that the application is consistent with the Land Use regulations, specifically:
 - a. Page 15 of the application notes that "towers" can be located without securing a Special Exception ...". This statement is incomplete in that the applicant has failed to include the rest of this paragraph which gives the proviso that "all routes shall be submitted to the Planning Commission ...";
 - b. The Zoning Regulations are what is known in Planning jargon as "positive zoning regulations" meaning that only uses listed are those uses that are allowed within certain zones – all other uses are not allowed. This S-R zone is the second least dense zone of the City. Communication towers are not allowed. This is a highly residential zone and, therefore, said towers are not compatible with other uses.
 - c. The height of the proposed use is nearly three and 1/2 times higher than the maximum height allowed in said residential zone and would thus be totally out of scale and incompatible, not only with the area in general but also specifically in the case of adjacent residences.
 - d. According to Section 213-12.2 of the Zoning Regulations in this zone, only one principal use is allowed in any particular parcel in the zone. Therefore, because of the existence and continuance of the church use in this zone, this would be considered a second use as it is not an accessory use to said church.

- e. Proposal is inconsistent with previous ZBA and Planning Commission permits and approvals. Application conflicts with the approved site plan of the church;
2. An Inland Wetlands and Watercourse application and approval is necessary because of the grading being proposed within the 50 ft. wetland buffer of said site.
 3. The application is not environmentally compatible for various reasons including:
 - a. The statement that “**minimum**” grading and “**minimal**” clearing will take place on the site, in a residential zone, the City of Meriden does not consider the grading or clearing of 8,400 sq. ft. minimal. Much of the area in question slopes steeply into the wetland.
 - b. The wetland buffer area where clearing, grading and development is proposed is clearly an inseparable extension of this watercourse/wetland area that also serves as a habitat.
 4. The application contains considerable inconsistent and inaccurate information that is on the whole confusing, misleading and incomplete.
 - a. Site has historically been address identified as 601 Paddock Avenue.
 - b. Three different parcel sizes are noted in the application, parcel is likely smaller than claimed.
 - c. Different project area sizes are noted, which is correct?
 - d. Application erroneously states that no wetlands or watercourses are located within 50 feet of the proposed site.
 - e. The location for the tower and equipment shown in the environmental assessment is significantly different from the location proposed (much closer to the wetlands and watercourse) and any conclusions made in such assessment are therefore invalid.
 - f. The visual resource evaluation done by the same firm that did the environmental assessment does not identify a specific tower location; it can be assumed that the information and photos contained in this report are also based upon a location different from the location proposed and are therefore invalid.
 - g. The application incorrectly states that there are no nearby historic sites.
 - h. The application incorrectly states that there was a meeting with City Planning staff on December 1, 2006.
 - i. The application erroneously indicates that the City of Meriden rejected alternative sites.
 5. The Proposal would create negative impacts to the abutting and nearby properties, and to the general area. Application significantly understates impacts.
 - a. The proposed location for 120 foot high tower is within 100 feet of the utilized lawn areas of two adjacent residences. Information in the application that adjacent properties are not within the tower’s fall zone is incorrect. The structure therefore would be potentially unsafe. Obvious negative impacts arise from the incompatible scale of such a structure this close to residences.
 - b. Also, there are about 15 adjacent or nearby residential single family dwellings that are within 500 feet of the proposed tower and numerous others just over that distance.
 - c. All visual photos, simulations, and projected visual impacts appear to ignore the fact that almost all vegetation in the area is deciduous vegetation that will not screen the

- view of the tower for the hundreds of nearby residences for the months of November through April.
- d. The visual assessment does show Elmwood Drive, a street within 300 feet of the proposed tower as a direct focal point. The photo simulation shown is misleading in that there are two dozen residences closer to the tower than the location where a photo simulation was based; said tower will be a higher more prominent, more incompatible view for those homes and all users of this road traveling north (most commonly taken route).
 - e. The visual assessment fails to recognize that the tower will be a prominent incompatible direct view focal point for the heavily used off ramp from the Wilbur Cross Parkway.
 - f. Tower will also be prominent from Paddock Avenue and Miller Avenue, both primary residential arterial roads and regional commuting routes.
 - g. The Tower design is unusual. Why are no comparable tower sites listed? If the intent is to make the tower appearance a tree-like brown color, why is the tower not disguised as a tree with branches?
 - h. The application incorrectly states that there are no nearby historic sites. The proposed site is adjacent to the Deacon Silas Rice House, built in 1796, one of the oldest structures in this part of Meriden. According to the City's planning consultant, the house is on the Local Register of Historic Places; such sites were previously identified as potentially eligible for nomination to the National Register of Historic Places.
 - i. In addition, the Wilbur Cross Parkway itself is an historic scenic landscaped highway. The Meriden section was completed in 1946, as one of the earliest parkways in the United States. Parkway includes Art Deco style bridges, one only a few hundred feet from the proposed site.
6. Insufficient efforts were made to afford residents of Meriden an opportunity to provide input at the local level.
 - a. Immediately upon receiving the initial report (on 11/17/06), Planning staff sent a request in writing for a public hearing to be held in Meriden before the Zoning Board of Appeals and staff repeatedly asked for standard development project information to be provided.
 - b. At a meeting held on 12/19/06, the above request was repeated; Applicant was also asked to contact the Planning Director but this was apparently not done.
 - c. Scores of nearby residences that will be affected were not notified; for instance, no Elmwood Drive properties were notified of this application.
 7. Public need for the proposed tower is not clear. The application is inaccurate in its claim that there are no feasible alternatives to the application. City Planning staff (as noted in a recent letter of 1/31/07) and the Planning Commission desire an alternative that creates less impacts.
 - a. There are at least three City controlled properties (noted below) at higher elevations with existing vertical structures that are within one half mile of proposed location, one within 1,000 feet.

- b. The applicant, not the City, apparently rejected Kogut Field/Hooker School flag pole structure alternative locations, ironically noting nearby wetlands as a reason, then applicant proposed a project in a wetland buffer area.
- c. The applicant's non-detailed alternative for a taller (150 foot high) tower at 883 Paddock Avenue would appear to create even greater negative impacts.
- d. The nature of the area points to the need for a more flexible approach. The company seems not to have considered lower impact alternatives utilizing two sites. Alternatives include City sites:
 - 1. 883 Paddock Avenue. The ground elevation is approximately 40-45 feet higher than the proposed location at 651 Paddock Avenue, and antennas at a height much lower than 150 feet could be an alternative to serve much of the area. There is an existing antenna atop the building approximately 50-55 feet high that is not problematic. Equipment could also be stored atop this building. The site has always had a memorial and a telecom equipped flag pole at 883 Paddock Avenue could be appropriate.
 - 2. 528 Murdock Avenue - Nessing Field is a softball complex located adjacent to I-91 that has numerous existing light towers approximately 60-65 feet in height. Multiple existing structures could host multiple carriers or a new light tower could host equipment, in either case serving much of the area.

Either of the above sites could be utilized in combination with antennas at a lower height at the Connecticut DOT facility off Miller Avenue. This facility is located near the topographical apex of the parkway. Such a combination would appear to easily serve the area sought at least as effectively, possibly serving additional areas beyond more effectively, apparently with less impact to the residents of Meriden. If the need is a statewide need, why is the State of Connecticut DOT not more accommodating?

City Planning could support a more flexible less impact approach, and typically City officials also seek such solutions.

Thank you for your consideration.

Very truly yours,



Enrico Buccilli, Chairman
MERIDEN PLANNING COMMISSION

EB/twc

cc: Carrie L. Larson
M. Benigni, Mayor, City of Meriden
Lawrence Kendzior, City Manager