



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

September 11, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 329** – Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at Paddock Avenue in Meriden, Connecticut.

By its Decision and Order dated August 29, 2007, the Connecticut Siting Council granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 651 Paddock Avenue in Meriden, Connecticut. Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

SDP/cm

Enclosures (3)

c: State Documents Librarian



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September 11, 2007

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

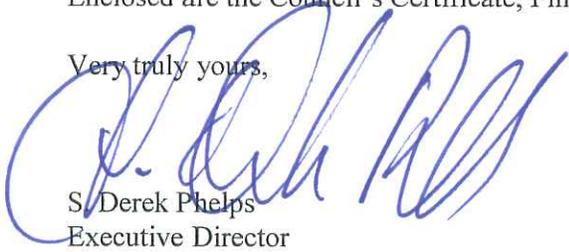
RE: **DOCKET NO. 329** – Optasite Towers LLC and Omnipoint Communications, Inc.
application for a Certificate of Environmental Compatibility and Public Need for the
construction, maintenance and operation of a telecommunications facility at Paddock
Avenue in Meriden, Connecticut.

Dear Attorneys Kohler and Larson:

By its Decision and Order dated August 29, 2007, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at 651 Paddock Avenue in Meriden, Connecticut.

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

Very truly yours,



S. Derek Phelps
Executive Director

SDP/cm

Enclosures (4)

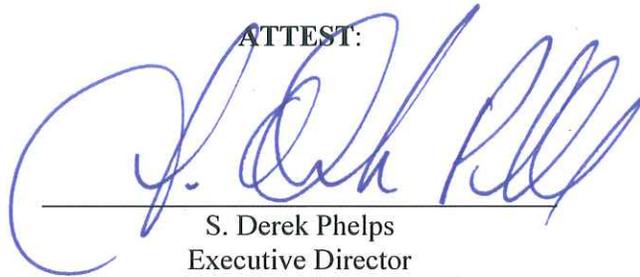
STATE OF CONNECTICUT)

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. 329 has been forwarded by Certified First Class Return Receipt Requested mail on September 11, 2007, to all parties and intervenors of record as listed on the attached service list, dated May 3, 2007.

ATTEST:



Carriann Mulcahy
Secretary
Connecticut Siting Council



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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September 11, 2007

TO: Classified/Legal Supervisor
329070213
The Hartford Courant
285 Broad St.
Hartford, CT 06115

Classified/Legal Supervisor
329070213
The Record Journal
11 Crown Street
Meriden, CT 06450

FROM: Carriann Mulcahy, Secretary 

RE: **DOCKET NO. 329** – Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at Paddock Avenue in Meriden, 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.

CM



Daniel F. Caruso
Chairman

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NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on August 29, 2007, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Optasite Towers LLC and Omnipoint Communications, Inc. for the construction, maintenance and operation of a telecommunications facility at 651 Paddock Avenue in Meriden, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

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 jkoher@cohenandwolf.com clarson@cohenandwolf.com
Party (granted on May 1, 2007)	City of Meriden	Deborah L. Moore, Esq. Legal Department Meriden City Hall 142 East Main Street Meriden, CT 06450 (203) 630-4045 (203) 630-7907 dmoore@ci.meriden.ct.us

DOCKET NO. 329 – Optasite Towers LLC 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 Paddock Avenue in Meriden, Connecticut. } Council

August 29, 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 Towers LLC (Optasite) and Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc., (T-Mobile) applied to the Connecticut Siting Council (Council) on February 13, 2007 for the construction, operation, and maintenance of a telecommunications facility to be located at 651 Paddock Avenue in the City of Meriden, 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 and the City of Meriden. (Transcript, May 3, 2007, 3:10 p.m. [Tr. 1], pp. 1-2)
5. The proposed facility would provide wireless service in the City of Meriden along Route 15 (Wilbur Cross Parkway) and the surrounding area. (Optasite 1, p. 1)
6. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on May 3, 2007, beginning at 3:10 p.m. and continuing at 7:00 p.m. in Room 206, the City Council's Chambers, in the Meriden City Hall in Meriden, Connecticut. (Tr. 1, p. 3 ff.)
7. The public hearing was continued to May 31, 2007 and was re-convened at 10:00 a.m. in Hearing Room Two of the Council's offices at Ten Franklin Square, New Britain, Connecticut. (Transcript, May 31, 2007, 10:02 a.m. [Tr. 3], p. 3 ff.)

8. The Council and its staff conducted an inspection of the proposed site(s) on May 3, 2007, beginning at 2:00 p.m. (Tr. 1, p. 27 ff.)
9. During this inspection, two sites were reviewed. The first site reviewed (referred to as the “wooded site”) was the site described in the application. It was located in the wooded portion of the church property approximately 110 feet east of the right-of-way of the Wilbur Cross Parkway and approximately 370 feet west of Paddock Avenue. (Tr. 1, p. 30 ff.; Optasite 1, Exhibit A, Drawing SC-1)
10. The second site reviewed (referred to as the “parking lot site”) was the site originally considered by Optasite. It is shown on site plans included in Exhibit K of the application. It was located adjacent to the church’s parking lot in a cleared area of the church property approximately 180 feet east of the Wilbur Cross right-of-way and 290 feet west of Paddock Avenue. (Tr. 1, p. 30 ff.; Optasite 1, Exhibit K, Drawing SC-1)
11. On the day of the field inspection, the applicants flew a balloon at the “wooded site” from 7:45 a.m. to 5:00 p.m. to simulate the height of the proposed tower. Conditions for flying the balloon were favorable until approximately 12:45 p.m., when the winds increased to over ten miles an hour, which made it difficult to keep the balloon aloft. (Tr. 1, p. 51)
12. Pursuant to CGS § 16-50/(b), notice of the applicants’ intent to submit this application was published in The Hartford Courant on February 6 and 8, 2007 and in the Meriden Record-Journal on February 7 and 9, 2007. (The Hartford Courant Affidavit of Publication dated February 13, 2007 and Record-Journal Affidavit of Publication dated March 14, 2007)
13. 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)
14. Optasite received return receipts from 21 of the 22 abutting property owners to whom notices of its application were sent. Optasite sent a second notice to the abutter from whom a return receipt was not received on March 23, 2007. (Optasite 2, A1)
15. Optasite made a third attempt to notify the one abutter from whom it had not received the return receipt but had not received the receipt at the time of the public hearing. (Tr. 1, pp. 83-84)
16. 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 C)

State Agency Comment

17. 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 March 21, 2007 and on June 1, 2007. (CSC Hearing Package dated March 21, 2007 and Letter to State Agency heads dated June 1, 2007)

18. The Connecticut Department of Public Health (DOPH) responded to the Council's solicitation with no comments. (DOPH Memorandum dated March 29, 2007)
19. The Connecticut Department of Transportation (ConnDOT) responded to the Council's solicitation with no comments. (ConnDOT Letter dated May 2, 2007)
20. The Council did not receive comments from any other state agency from which comments were solicited. (Record)

Municipal Consultation

21. Optasite submitted a letter and a technical report describing its proposed facility to City of Meriden officials on September 28, 2006. (Optasite 1, p. 17)
22. The technical report submitted to the city described the site located within the wooded portion of the church property. (Tr. 1, p. 28)
23. Optasite met with representatives of the City of Meriden on December 1, 2006 to discuss the technical report and its proposed facility. Thomas Skoglund, Assistant City Planner, was among the city officials present at this meeting. (Optasite 1, p. 17)
24. At a Special Meeting held on February 15, 2007, the Meriden Planning Commission unanimously voted to recommend that the Council deny the application for a facility at 651 Paddock Avenue. (Record - Letter from Meriden Planning Commission dated February 22, 2007)
25. The City of Meriden recommended several city-owned properties as alternatives to the proposed facility at 651 Paddock Avenue. The suggested sites included the Thomas Hooker School on Overlook Drive, Nessing Field, and the grounds of the hospital located at 883 Paddock Avenue. (Letter from Deborah Moore, City of Meriden, dated July 2, 2007)
26. The Hooker School site was rejected because of issues related to the future development of the school and wetlands and, according to T-Mobile's RF engineer, a facility at the Hooker School would provide too much redundant coverage that would overlap with an existing rooftop facility on East Main Street. (Tr. 3, p. 42 ff.)
27. T-Mobile could achieve its coverage objectives from Nessing Field but would require a tower 160 to 165 feet tall. In addition, a deed restriction may eliminate the possibility of using Nessing Field as a wireless telecommunications site. (Tr. 3, p. 47 ff.)
28. T-Mobile could also achieve its coverage objectives from the hospital grounds at 883 Paddock Avenue but would require a tower at least 155 feet tall. The City of Meriden would not consider the hospital a potential site if a tower of this height would be required. (Tr. 3, p. 77; Tr. 3, p. 156)

Public Need for Service

29. 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)
30. 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)
31. 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 the Federal Communications Commission’s (FCC) 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)
32. 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. As an outgrowth of this act, the FCC mandated wireless service providers to provide enhanced 911 services (E911) that would enable public safety dispatchers to identify a wireless caller’s geographical location within several hundred feet. (Optasite 1, pp. 6-7)
33. The proposed facility would be an integral component of T-Mobile’s E911 network. (Optasite 1, p. 7)
34. Sprint/Nextel has determined that the proposed site would fill a coverage need, but it has not indicated that this location is in its immediate build plan. (Optasite 2, A6)
35. Sprint/Nextel was provided with the coordinates of the wooded site closer to the Wilbur Cross Parkway and was told that the tower would only accommodate flush-mounted antennas when its possible interest was solicited by Optasite. (Tr. 1, pp. 93-94)

Site Selection

36. Optasite began its site search for a facility in this area of Meriden in October, 2005, in response to T-Mobile’s need for improved coverage in this area. (Optasite 2, A2 & A3)

37. In its site search, Optasite found that there were no existing towers or other tall structures that would be suitable for T-Mobile's operations within two miles of its proposed site. (Optasite 1, p. 8)
38. Optasite identified five towers within approximately four miles of its search area. They are located at 1605 Durham Road in Wallingford, 90 N. Plains Industrial Road in Wallingford, West Peak Drive in Meriden, and Highland Avenue (Route 10) in Cheshire. There are two towers on West Peak Drive. (Optasite 1, p. 8; Exhibit G)
39. ConnDOT has a maintenance yard across the Wilbur Cross Parkway from Optasite's proposed site. But due to lack of space, ConnDOT refused to lease to Optasite. (Optasite 1, Exhibit H)
40. Optasite considered several other sites in addition to the First Assembly of God Church property on which it is proposing its facility. Other properties considered are described below with a determination of their suitability.

Location Considered	Suitability
116 Miller Road, owned by Ruth Weston	Rejected because it is located at the top of a hill with high visibility to surrounding properties; little natural screening
91 Barr Street, owned by City of Meriden	This site is close to another existing site; tower would have to be 170' to 180' tall to achieve T-Mobile coverage objectives
70 Overlook Road – Thomas Hooker School, owned by City of Meriden	Issues related to future school development restrict site potential; coverage from this location would be redundant with existing T-Mobile site on East Main Street (Tr. 3, p. 42 ff.)
70 Overlook Road – Kogut Memorial Field; owned by City of Meriden	Rejected because of potential impact on wetlands
883 Paddock Avenue, owned by City of Meriden	Site would be feasible with a 155-foot tower; city not willing to allow use of this site with tower of this height (Tr. 3, p. 77; Tr. 3, p. 156)
Other city-owned properties	Rejected by city
Sterling Village Condominiums	Unable to reach lease agreement

(Optasite 1, Exhibit H)

41. Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means to provide service within the sizeable coverage gap T-Mobile is seeking to cover from the proposed location. (Optasite 1, p. 7)

42. If, as suggested by the city, T-Mobile were to utilize several smaller towers instead of the proposed 120-foot tower, approximately 5 towers above tree canopy height would most likely be required. Because of the location of the area T-Mobile is seeking to cover, these towers would have to be located in residential areas. (Tr. 1, p. 82 ff.)
43. A multiple tower option would also require a greater total footprint area. (Transcript, May 3, 2007, 7:05 p.m. [Tr. 2], p. 50)

Site Description

Application Site- "Wooded Site"

44. The facility proposed in Optasite's application is located in the western portion of a 3.89-acre parcel owned by the First Assembly of God Church of Meriden at 651 Paddock Avenue in Meriden. The western boundary of the church property abuts the right-of-way of the Wilbur Cross Parkway. (Optasite 1, Exhibit A, Drawing AB-1)
45. The church property is located in an S-R (Suburban Residential) zoning district. Meriden's zoning regulations do not specifically address telecommunications facilities. (Optasite 1, p. 15)
46. At this location, Optasite would construct a 120-foot monopole tower within a 44-foot by 50-foot enclosed compound. The compound would be located within a 50-foot by 90-foot lease parcel and would be enclosed by an eight-foot chain link fence. (Optasite 1, p. 9; Tr. 1, p. 20)
47. The proposed tower would be painted to reduce its potential visibility. All proposed and future antennas on the tower would be flush-mounted. (Optasite 4, Paragraph 5g; Tr. 1, pp. 55, 64)
48. The tower would be located at 41° 30' 45" latitude and 72° 46' 45" longitude. Its elevation at ground level would be 315 feet above mean sea level. (Optasite 1, Exhibit A, Drawing SC-2)
49. 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," and would comply with the State Building Code. (Optasite 2, A8)
50. T-Mobile would flush mount three antennas at a centerline height of 117 feet on the proposed tower. (Optasite 2, A29)
51. The tower would be designed to accommodate all the wireless carriers active in Connecticut as well as City of Meriden emergency services. (Optasite 1, p. 9)
52. Site development would require approximately 2 cubic yards of cut and 10 cubic yards of fill. (Optasite 2, A12)

53. Approximately 3,900 square feet of land would be cleared for the compound, access road, and grading area. (Optasite 5, Pre-filed testimony of Douglas Roberts)
54. Eleven trees with a diameter of six inches or greater at breast height would be removed to construct a facility at this site. (Optasite 1, Exhibit A)
55. The nearest wetlands to the "wooded site" are approximately 18 feet to the west of the proposed compound. (Optasite 1, Exhibit A, Drawing SC-2)
56. Vehicular access to the site would extend from Paddock Avenue over an existing paved driveway, through an existing church parking lot, and over a new gravel access drive of approximately 40 feet that would extend from the church parking lot. (Optasite 1, Drawing SC-2 on Exhibit A)
57. Utility connections would extend underground from Paddock Avenue to the proposed site. (Optasite 1, p. 10)
58. No blasting would be required to develop this site. (Optasite 2, A13)
59. The proposed tower's setback radius would encroach approximately 11 feet onto the Wilbur Cross Parkway's right-of-way, 27 feet onto the property of Donald and Charlotte Jahnke to the southeast, and 26 feet onto the property of Mario and Judy D'Acunto to the southwest. (Optasite 2, A16)
60. Optasite could have the proposed tower designed with a yield point to reduce the effective setback radius. (Tr. 1, p. 66)
61. The nearest residence is approximately 146 feet to the south and is owned by Mario and Judy D'Acunto. (Optasite 2, A9)
62. There are approximately 83 residences located within 1,000 feet of the proposed tower. (Optasite 2, A10)
63. Development within ¼ mile of the proposed facility is primarily residential. (Optasite 1, p. 15)
64. The estimated cost of construction for this facility, not including carriers' antennas and support equipment, is:

Road construction	\$ 11,000
Site construction	40,000
Tower, Offload and Erection	60,000
Electrical/Telco/Grounding	15,000
Tower foundation	24,000
<u>Fencing</u>	<u>11,000</u>
Total costs	\$161,000

(Optasite 1, p. 18)

Alternate Site – “Parking Lot Site”

65. The site location originally considered by Optasite was located adjacent to the church’s parking lot. (Tr. 1, p. 29 ff.)
66. As a result of discussions with neighbors and church members, reviewing comments received from the city’s Planning and Zoning Commission, and responding to the Council’s interrogatories, Optasite reconsidered the “parking lot site” as an alternative to the “wooded site” described in the application. (Tr. 1, pp. 30-31)
67. The “parking lot site” is approximately 155 feet farther away from the Wilbur Cross Parkway than the “wooded site.” (Tr. 1, p. 75)
68. This site is approximately 173 feet from the nearest wetland. (Tr. 3, p. 176)
69. The ground elevation of the “parking lot site” is ten feet higher than that of the “wooded site.” (Tr. 1, p. 67)
70. Optasite’s original plans called for a 50-foot by 90-foot lease area/compound at this location. (Optasite 1, Exhibit K, Figure 2)
71. Optasite would erect a 120-foot tower at the “parking lot site.” (Tr. 1, p. 34)
72. Antennas at the “parking lot site” would be flush-mounted. (Tr. 3, p. 15)

“Site C”

73. In response to Council questions, Optasite proposed a third possible location on the church property that could be used as the facility site. This location would be approximately 120 feet north of the nearest property boundary to the south and 180 feet from the Wilbur Cross right-of-way. An existing stone wall on the church property would be the westernmost edge of the compound. The tower would be located in the northeast corner of the compound. (Tr. 2, p. 57 ff.)
74. At this location, Optasite would erect a tower 120 feet high. (Optasite 10, Exhibit C, Drawing L-3)
75. Antennas on this tower would be flush-mounted. (Tr. 3, p. 15)
76. The ground elevation of the tower at this site would be approximately 325 feet above mean sea level. (Optasite 10, Exhibit C, Drawing L-1)
77. At this location, Optasite might not have to remove any trees. (Tr. 2, p. 59)
78. To avoid disturbing the roots of any nearby trees, Optasite could require carriers using the facility to put their equipment shelters or cabinets on piers. (Tr. 2, pp. 59-60)
79. Site C would be approximately 57 feet from the nearest point of wetlands. (Tr. 3, p. 13)

80. A facility at this location would be easier to construct than a facility at the wooded site because of its farther distance from the wetlands. At this location, the water table is lower and constructing the tower's foundation would not require extensive dewatering efforts. (Tr. 2, pp. 60-61)
81. The equipment compound at this location would be 45 feet by 50 feet. (Tr. 2, p. 62; Tr. 3, p. 13)
82. The tower at the Site C location would be located approximately halfway between the church's abutting properties to the north and south. (Tr. 3, p. 17)
83. For this alternative Optasite would use wooden stockade fencing and landscaping around the site perimeter to mitigate the visual impact of the facility's compound. (Tr. 2, p. 63)
84. At this location, the tower's setback radius would lie completely within the church property. (Tr. 2, p. 64)
85. Optasite could bring underground utilities to its facility along the north side of the church to eliminate the possibility of damaging a large tree whose root system might be disturbed if utilities were installed along the church's driveway. (Tr. 2, pp. 67-68)
86. Optasite would be amenable to providing vegetative screening along the boundaries of the church property to further minimize the visual impact of its proposed facility. (Tr. 3, p. 185)

Environmental Considerations

87. 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 – Letter from State Historic Preservation Officer)
88. 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)
89. Optasite would install sedimentation and erosion control measures and employ best management practices during the construction of the facility to protect the wetlands. (Optasite 2, A22)
90. 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 2, Exhibit 3)

91. The maximum power density from the radio frequency (RF) emissions of T-Mobile's proposed antennas would be 5.67% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower at any of the proposed sites. 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, Exhibit M)

Visibility

92. The visual analysis included in the application was based on a tower located at the "parking lot site." (Tr. 1, p. 32)
93. The visual impact of a tower at any one of the three sites considered would be essentially the same. (Tr. 3, p. 58)
94. The visibility of a proposed tower at the "parking lot site" from different vantage points in the surrounding vicinity is summarized in the following table.

<u>Location</u>	<u>Visible</u>	<u>Approx. Portion of (120°) Tower Visible (ft.)</u>	<u>Approx. Distance and Direction to Tower</u>
	<u>Site</u>		<u>Site</u>
1 – 563 Paddock Avenue	Yes	60'	690 feet; SW
2 – 138 Elmwood Drive	Yes	20'	1200 feet; NE
3 – Elmwood Drive at Tulip Drive	Yes	20'	1700 feet; NE
4 – 30 Clover Street	Yes	50'	1250 feet; E
5 – 8 Tulip Drive	Yes	10'	1050 feet; NE
6 – Rice Road at Prann Court	Yes	10'	1160 feet; SE
7 – 125 Prann Court	Yes	50'	850 feet; SE
8 – 86 Prann Court	Yes	50'	900 feet; SE
9 – 33 Whitney Drive	Yes	20'	1500 feet; SE
10 – 57 Whitney Drive	Yes	20'	1600 feet; SE
11 – 185 Miller Avenue	Yes	10'	1200 feet; E
12 – 35 Sandy Lane	Yes	5'	690 feet; NW
13 – 45 Overlook Road	Yes	40'	2050 feet ; SW
14 – Schwink Drive at Milici Circle	Yes	10'	4000 feet; S
15 – 355 Research Parkway	Yes	10'	4000 feet; SW
16 – Thorpe Avenue	Yes	20'	6000 feet, W

(Optasite 1, Exhibit J)

95. The proposed tower would be visible year-round from approximately 137 acres within a two-mile radius of the site. (Optasite 1, Exhibit J)

96. The tower would be seasonally visible from an approximately 96 additional acres within a two-mile radius of the site. (Optasite 1, Exhibit J – Viewshed Map)
97. Approximately 42 residences would have partial year round views of the proposed tower. (Optasite 1, Exhibit J)
98. Approximately 48 additional residences would have seasonal views of the proposed tower. (Optasite 1, Exhibit J)
99. The tower would be visible for approximately 2,800 feet on the Wilbur Cross Parkway. (Optasite 1, Exhibit J – Viewshed Map)
100. Portions of the Mattabesett Trail that traverses the Beseck Mountain ridgeline approximately 1.6 miles to the east of the site would have views of the tower. (Optasite 1, Exhibit J)
101. A 155-foot tower at 883 Paddock Avenue would have more of a visual impact on the surrounding area than a 120-foot tower at the 651 Paddock Avenue site. (Tr. 1, pp. 66-67)
102. A tower at Nessing Field, because of its higher required height, would have a wider visual footprint than the 120-foot tower at the proposed site. (Tr. 3, p. 183)

Existing and Proposed Wireless Coverage

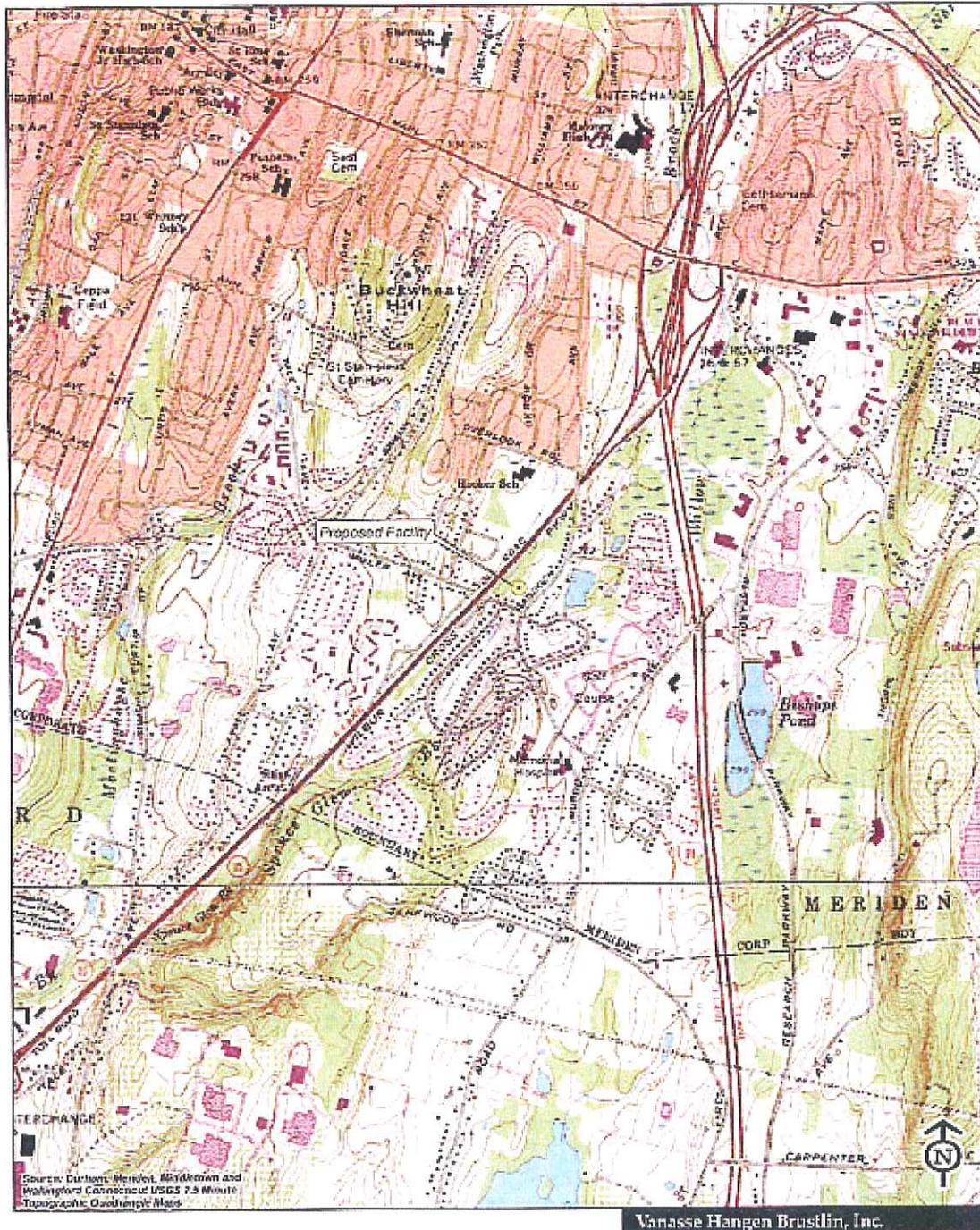
103. The drive tests T-Mobile performed to determine coverage from this property were based on the “parking lot site” location. (Tr. 1, p. 69)
104. T-Mobile’s licensed operating frequencies are:

 Transmit: 1935.00 to 1945.00 MHz (A Band) and 1980.20 to 1984.80 MHz (C Band)
 Receive: 1855.00 to 1865.00 MHz (A Band) and 1900.20 to 1904.80 MHz (C Band)

 (Optasite 3, A2)
105. The minimum design signal strength for the T-Mobile system is -84 dBm, which is the lower limit for T-Mobile to provide in-vehicle coverage. (Optasite 3, A3)
106. T-Mobile’s requirement for providing in-building coverage is -10 dBm to -76 dBm. (Optasite 5, Pre-filed testimony of Scott Heffernan; Tr. 1, p. 77)
107. Signal strength below -84 dBm would adversely affect T-Mobile’s ability to provide reliable E911 services mandated by the federal government. (Optasite 5, Pre-filed testimony of Scott Heffernan)
108. T-Mobile’s existing signal strength in the area that would be covered by the proposed facility ranges from -87 to -100 dBm. (Optasite 3, A4)

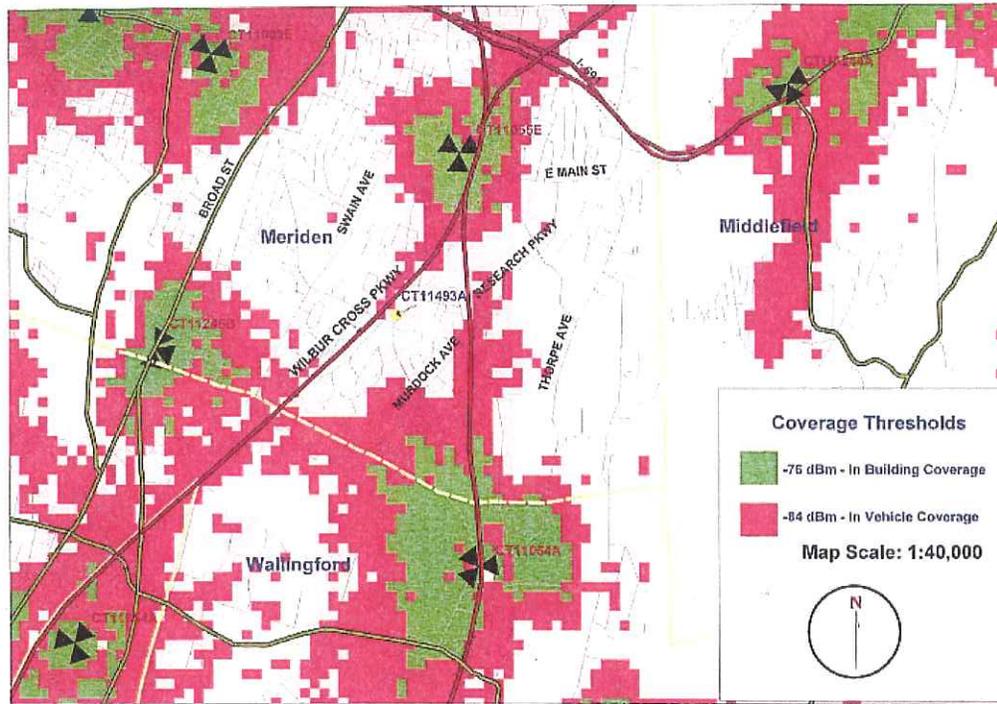
109. From the proposed facility, T-Mobile's antennas would hand off signals to the facilities identified below:
- 869 East Main Street in Meriden - antennas mounted on billboard at 64 feet above ground level (AGL),
 - 546 Broad Street in Meriden – antennas mounted on rooftop at 54 feet AGL,
 - 992 Northrop Road in Wallingford - antennas mounted on monopole at 140 feet AGL,
 - 90 North Plains Industrial Road in Wallingford (antennas mounted on monopole at 148 feet AGL).
(Optasite 3, A9)
110. The length of T-Mobile's coverage gap on the Wilbur Cross Parkway is 1.49 miles. (Optasite 3, A6)
111. T-Mobile's RF signal would cover 2.11 miles on the Wilbur Cross Parkway from the proposed site(s). (Optasite 3, A7)
112. T-Mobile's RF signal would cover 3.57 square miles from the proposed site(s). (Optasite 3, A5)
113. The minimum height at which T-Mobile could achieve its coverage objectives from this location is 117 feet AGL. (Optasite 3, A10)
114. The minimum height requirement of 117 feet is based on T-Mobile's drive test and propagation data which were generated at the "parking lot site." (Tr. 1, p. 69)
115. Because of the closer proximity of the wooded site to the Wilbur Cross Parkway, T-Mobile would be able to achieve its coverage objectives with its antennas at 117 feet AGL despite the ten-foot difference in ground elevation. (Tr. 1, p. 69 ff.)
116. T-Mobile could achieve its coverage objective from any one of the three alternative sites proposed. (Tr. 3, pp. 26-27)

Figure 1: Location Map



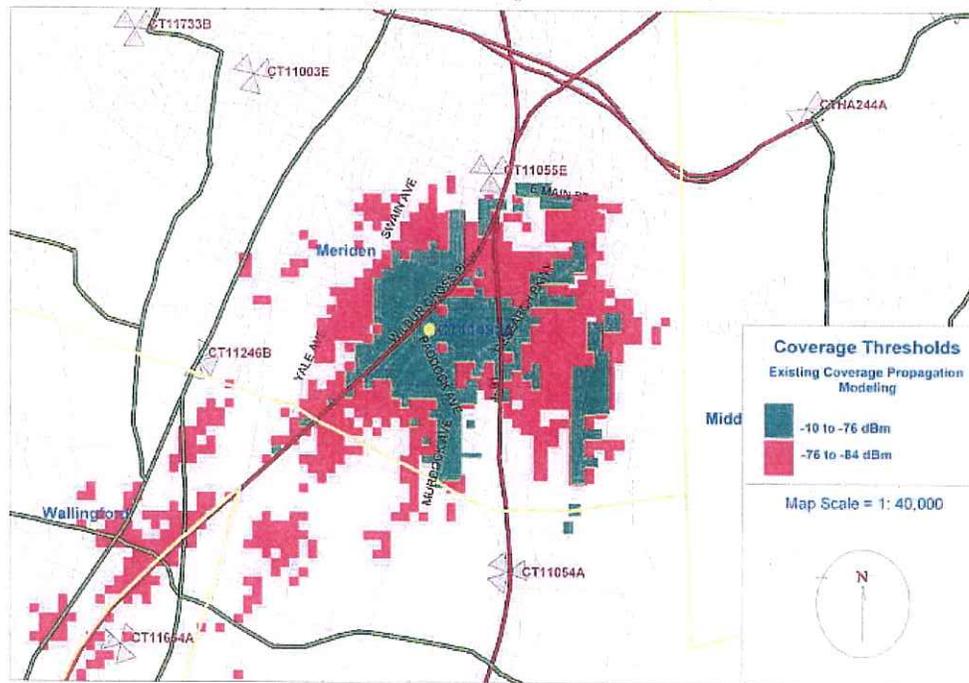
(Optasite 1, Exhibit 1)

Figure 3: Existing T-Mobile Coverage



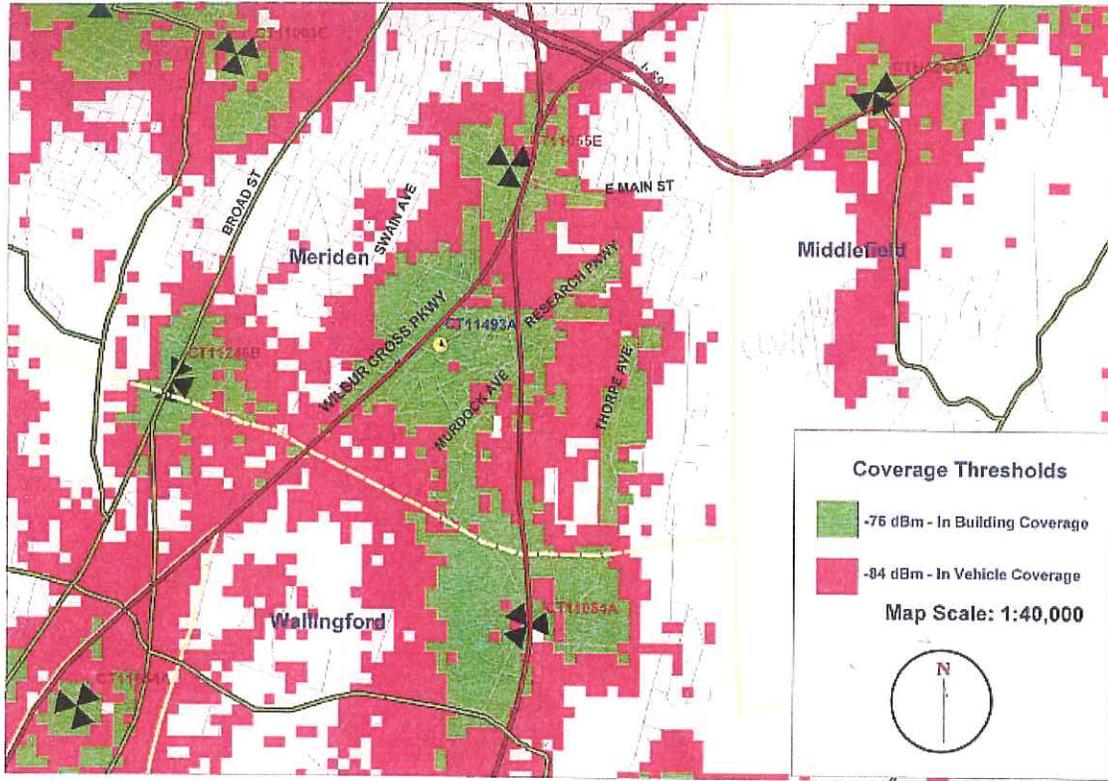
(Optasite 1, Exhibit F)

Figure 4: T-Mobile Coverage from Proposed Site with antennas at 117 feet



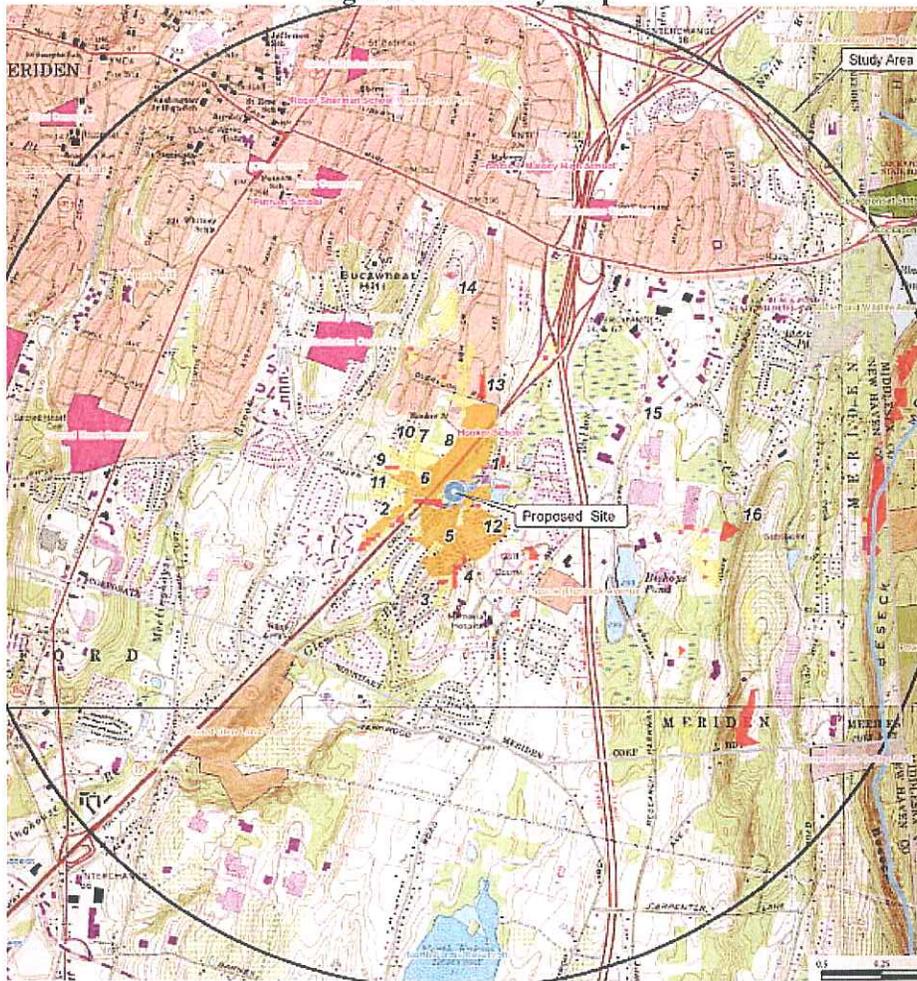
(Optasite 3, Exhibit 1)

Figure 5: T-Mobile Composite Coverage with Antennas at 117 Feet



(Optasite 1, Exhibit F)

Figure 6: Visibility Map



(Opposite 1, Exhibit J)

DOCKET NO. 329 – Optasite Towers LLC 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 Paddock Avenue in Meriden, Connecticut. } Council

August 29, 2007

Opinion

On February 13, 2007, Optasite Towers, LLC (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 651 Paddock Avenue in Meriden, Connecticut. The applicant seeks to develop a facility on a 3.89-acre parcel owned by the First Assembly of God Church. T-Mobile's objective in locating its antennas on a tower at this property would be to provide wireless service along the Wilbur Cross Parkway (Route 15) and surrounding areas in Meriden. In addition to the applicants, the City of Meriden participated as a party to this proceeding.

During the course of this proceeding, three different sites on the church property were suggested as potential locations for the proposed facility. These three sites were respectively referred to as the "wooded site," the "parking lot site," and "Site C." The "wooded site" was located closest to the Wilbur Cross Parkway (Wilbur Cross) right-of-way in the western portion of the property, in an area of mature, deciduous trees. The western edge of this site's compound would be approximately 18 feet from the nearest wetlands. At this site, the proposed tower's setback radius would encroach approximately 11 feet onto the Wilbur Cross right-of-way. The "parking lot site" would be located adjacent to the existing church parking lot. It would be approximately 155 feet farther away from the Wilbur Cross right-of-way than the "wooded site." The ground elevation at this site would be ten feet higher than the "wooded site's" ground elevation. "Site C" would be located between the "wooded site" and the "parking lot site," somewhat north of the latter site. Its ground elevation would be the same as that of the "parking lot site," and it would be located against the tree line of the church property, slightly removed from the church's parking lot. It would be approximately 57 feet from the nearest wetland.

At any of these locations, Optasite would erect a 120-foot tower and, to help reduce visibility, would flush-mount any antennas installed on the tower. Optasite also intended to paint the tower brown to minimize visibility. Optasite's original plans for the "parking lot site" showed a 50-foot by 90-foot compound. Its plans for the "wooded site" indicated a 44-foot by 50-foot compound, which would also be the size of the compound at "Site C." T-Mobile would mount its antennas at a centerline height of 117 feet, regardless of the location.

A tower from any one of the three sites under consideration would be visible year-round from approximately 137 acres within a two-mile radius of the site and from an additional 96 acres on a seasonal basis. An estimated 42 residences would have a year-round view of the tower, and an additional 48 residences would have a seasonal view. The City of Meriden suggested

several city-owned properties in the vicinity as possible locations for the tower. But a tower at each city-proposed location would have a greater visible impact on surrounding areas because of the higher heights required to provide the same coverage achievable from the church property.

The “wooded site” would have the greatest impact on vegetation, as it would require the clearing of approximately 3,900 square feet of land, including eleven trees with a diameter at breast height of six inches or greater. No trees would need to be removed at either of the other two locations.

The “wooded site” is also the closest site to wetlands on the church property and would have the greatest potential to affect these wetlands. The other two sites are farther away and are on the flat area where the parking lot is located. Neither of these two sites would require much grading.

T-Mobile could achieve its coverage objectives with its antennas installed at a centerline height of 117 feet on a 120-foot tower located at any one of the three possible sites on the church property. If Optasite and T-Mobile were to locate a facility on one of the properties suggested by the City of Meriden, they would need a tower at least thirty feet higher to achieve comparable coverage. In addition, T-Mobile would generate excessively redundant coverage at one of the City-suggested sites.

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

According to the State Historic Preservation Officer, a tower at this property 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 radio frequency power density levels of the T-Mobile’s antennas proposed to be installed on the tower have been calculated to amount to 5.67% 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.

Of the three possible locations presented by Optasite, the Council feels that “Site C” would be the least obtrusive for the surrounding neighborhood and would have the least environmental impact. The “wooded site” would require the clearing of a significant area of existing vegetation and would be close enough to an existing wetlands area to pose a potential risk. Constructing this site would be more difficult than either of the other two sites because significant dewatering might be necessary to excavate for the tower’s foundation. In addition, the setback radius for a tower at the “wooded site” would encroach on the Wilbur Cross Parkway’s right-of-way. The “parking lot site” would be the location most exposed to the view of neighboring residents.

Based on the record in this proceeding and the reasons cited above, 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 120-foot steel monopole tower on which antennas would be flush-mounted, at the proposed "Site C" on the First Assembly of God Church-owned property at 651 Paddock Avenue in Meriden, Connecticut. The Council denies certification of the "wooded site" and the "parking lot site."

DOCKET NO. 329 – Optasite Towers LLC and Omnipoint
Communications, Inc. application for a Certificate of
Environmental Compatibility and Public Need for the
construction, maintenance and operation of a telecommunications
facility at Paddock Avenue in Meriden, Connecticut.

} Connecticut
} Siting
} Council

August 29, 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 Towers, LLC for the construction, maintenance and operation of a wireless telecommunications facility at the location identified as “Site C” on property owned by the First Assembly of God Church of Meriden at 651 Paddock Avenue in Meriden, Connecticut. The Council denies certification of the locations identified as the “wooded site” and the “parking lot site.”

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 120 feet above ground level to provide telecommunications services to both public and private entities.
2. All antennas installed by commercial wireless telecommunications providers shall be flush-mounted.
3. 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 Meriden 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, color of the tower (to be determined after consultation with the property owner and the City of Meriden), 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.
4. 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.
5. 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.
6. 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.
7. The Certificate Holder shall provide reasonable space on the tower for no compensation for any City of Meriden public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
8. 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.
9. Any request for extension of the time period referred to in Condition 8 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 Meriden. Any proposed modifications to this Decision and Order shall likewise be so served.
10. 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.

11. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.
12. 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 Meriden Record-Journal and the Hartford Courant.

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 jkoher@cohenandwolf.com clarson@cohenandwolf.com
Party (granted on May 1, 2007)	City of Meriden	Deborah L. Moore, Esq. Legal Department Meriden City Hall 142 East Main Street Meriden, CT 06450 (203) 630-4045 (203) 630-7907 dmoore@ci.meriden.ct.us



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

**CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 329**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Optasite Towers LLC and Omnipoint Communications, Inc. 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 August 29, 2007.

By order of the Council,

Daniel F. Caruso, Chairman

August 29, 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

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By order of the Council,

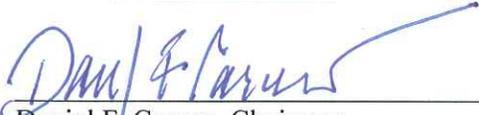
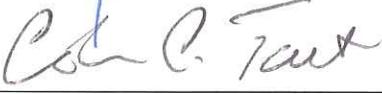
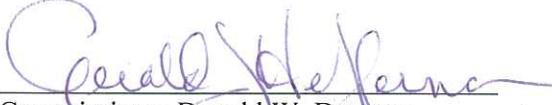
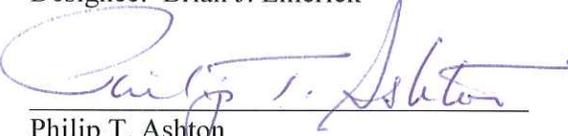
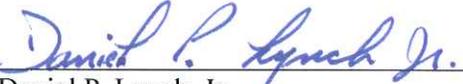
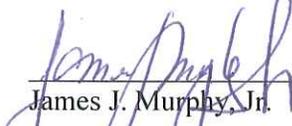
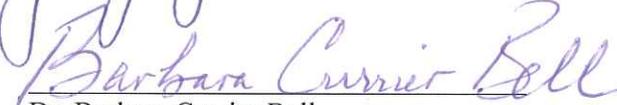
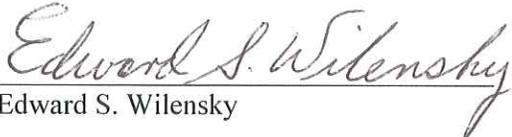
August 29, 2007



Daniel F. Caruso, Chairman

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. 329** – Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at Paddock Avenue in Meriden, Connecticut, and voted as follows to approve the proposed “Site C,” located at 651 Paddock Avenue in Meriden, Connecticut, and to deny certification of the proposed “Wooded Site” and “Parking Lot Site” located at 651 Paddock Avenue, Meriden, Connecticut:

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Daniel F. Caruso, Chairman	Yes
 _____ Colin C. Tait, Vice Chairman	Yes
 _____ Commissioner Donald W. Downes Designee: Gerald J. Heffernan	Yes
 _____ Commissioner Gina McCarthy Designee: Brian J. Emerick	No
 _____ Philip T. Ashton	Abstain
 _____ Daniel P. Lynch, Jr.	Yes
 _____ James J. Murphy, Jr.	Yes
 _____ Dr. Barbara Currier Bell	Yes
 _____ Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, August 29, 2007.