

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

IN RE:

APPLICATION OF OPTASITE TOWERS LLC  
AND OMNIPOINT COMMUNICATIONS, INC.  
FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR  
THE CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A TELECOMMUNICATIONS  
FACILITY AT 651 PADDOCK AVENUE IN  
CITY OF MERIDEN, CONNECTICUT

DOCKET NO. 329

Date: April 26, 2007

**PRE-FILED TESTIMONY OF KEITH COPPINS**

Q1. Mr. Coppins, please summarize your professional background in telecommunications.

A. I am the Vice President of Development at Optasite where I lead a development team in the growing Northeast Region telecommunications development and site acquisition activities. I have been part of the telecommunications industry for more than a decade and my primary focus is on property development, lease contract negotiations, and construction of newly-approved towers. I joined Optasite from Site Acquisitions, Inc. where I was Vice-President and oversaw the leasing, zoning and construction of new towers sites. I also managed a consulting team for AT& T Wireless and T-Mobile.

Prior to Site Acquisitions, I was General Manager for American Tower Corporation and managed a consulting group for Cellular One and Southern New England Telephone. My primary responsibilities were site acquisitions, lease negotiations and zoning of new cellular sites in the New England and New York

markets. I have successfully completed all aspects of development activities for more than 300 sites in Connecticut, Massachusetts, Vermont and New York.

Q2. What is the purpose of your testimony?

A. My testimony provides background information relating to this application for a Certificate of Environmental Compatibility and Public Need for the proposed Meriden facility. In addition, I will address the specific site search resulting in the proposed site as well as both Optasite and T-Mobile's activities prior to initiation of this application.

Q3. What is Optasite's and T-Mobile's relationship in this application?

A. As described in detail below, Optasite has a working relationship with T-Mobile to co-develop new tower facilities in the State of Connecticut. T-Mobile identified a need for a new facility in this area of Meriden and Optasite conducted the site search. The arrangement between T-Mobile and Optasite provides for Optasite and T-Mobile to make a joint application to the Council; for Optasite to own, construct and maintain the site as the Certificate holder; and for T-Mobile to serve as the anchor tenant.

Q4. How does Optasite conduct a site search?

A. Optasite maintains close relationships with T-Mobile as well as other wireless carriers, follows the development activities of others and has an in-depth understanding of the fluctuating market conditions. When T-Mobile (or another

wireless carrier) contacts Optasite regarding the need for a new facility, Optasite conducts an extensive review of the area. The first activity after assignment of a search ring to acquisition personnel is a review of the area for a suitable existing structure. Only once Optasite exhausts its search for existing structures on which to locate does it then begin to study the area for suitable locations to construct a new facility. Optasite first studies the area to determine whether industrial or commercial areas which have appropriate environmental and land use characteristics are present. Potential locations are studied by radio frequency engineers to determine whether the locations will meet the technical requirements for a site in the area. Obviously, the list of potential locations is further refined based on the willingness of property owners to make their property available.

Q5. Please describe Optasite's search for the proposed Meriden wireless facility.

A. Optasite commenced a search for a site in this area of Meriden in October, 2005. In that area, Optasite found no existing towers suitable for use as a wireless communications facility. The nearest tower(s) suitable for use as a wireless communications facility are outside of T-Mobile's search area or not useable due to existing terrain in the area. In addition, Optasite identified no existing structures which were suitable for use and available. Optasite conducted RF coverage, environmental and engineering research and identified the subject site as being the best site to locate such a facility.

Q6. Have the Applicants consulted with municipal officials with regard to their plans?

A. Yes. In compliance with Section 16-50l(e), consultation with municipal officials was undertaken by Optasite. On October 3, 2006, Optasite provided technical information to the Mayor of Meriden. Optasite's representatives made numerous attempts to meet with Mayor Benigni after filing the technical report. On November 17, a letter from the Meriden Planning Department was received which alleged that we had somehow been attempting to circumvent the Planning Agency by compliance with the statutory requirement of that the technical information be filed with the chief elected official. (See Exhibit A for 9.29.06 Kohler letter and 11.17.06 Skoglund letter.)

We were ultimately directed by the Mayor's office to meet with Thomas Skoglund, Assistant City Planner. Attorney Kohler and I met with Mr. Skoglund on December 19, 2006 to review the technical report and discuss the proposed project. During this meeting we explained the proposed project and (as noted in Mr. Skoglund's December 1, 2006 letter) made our customary offer to appear at whatever public forum(s) the City wished. (See Exhibit B for 12.1.06 Kohler letter and 12.1.06 Skoglund letter).

Mr. Skoglund advised that he would like us to appear before the Planning Commission, Inland Wetland Watercourses Commission and the Zoning Board of Appeals meeting. When asked what dates we should appear, he informed us that we would not be allowed to appear before any of these commissions without filing for the relevant approvals (i.e. special permit, wetland approval, variance)

and that we must file for these approvals before the City would agree to include us on any of these agendas.

When we explained that the project was within the exclusive jurisdiction of the Siting Council and that the purpose of appearing before the City agencies would be to solicit City comment, not obtain approvals or variances for the project, Mr. Skoglund informed us that the Siting Council's approval was not a matter of the City's concern and that the project could not continue further without special permit, wetland approval and a variance.

Despite repeated attempts, the City refused to place us on any of the City's planning agency agendas unless we filed for City approvals. After the application was filed, however, it considered this Application at a Planning Commission meeting on February 22, 2007 and without providing any notice to the Optasite or its counsel. The Planning Commission subsequently submitted the February 22, 2007 negative recommendation letter in support of its request for party status.

Q7. Has the City suggested alternatives to this proposal?

Yes, we received the following feedback regarding alternate sites.

- 883 Paddock Avenue

In our December 19<sup>th</sup> meeting Mr. Skoglund suggested Optasite consider the municipally owned property located at 883 Paddock Avenue. After that meeting Optasite visited the site, considered design options, and identified the best option for a facility on this municipal property. I provided Mr. Skoglund with an aerial view of the area depicting where the facility could be

located and simulations and two (2) sets of photos of a brown stick design for a tower with flush mounted antennas. (See Exhibit C for a copy of the correspondence, aerial map, photos and simulations.

On January 16, 2007 I forwarded Mayor Benigni (with a copy to Mr. Skoglund) a Proposal for Tower Site, which set forth the proposed location, size and use of the property, financial terms, and terms for negotiation and agreement. Included with the Proposal for Tower Site was a Lease and Option Agreement. (See Exhibit D for Proposal for Tower Site dated January 16, 200, and Lease and Option Agreement.)<sup>1</sup>

Optasite did not receive a response to the Lease or the Proposal for Tower Site. It did receive a response from Mr. Skoglund dated January 31, 2007.

Among the concerns noted, Mr. Skoglund indicated that 883 Paddock Avenue was “near residential uses and in a residential district” and “the site has a current principal (institutional) use; a long term lease of a portion of the site could diminish the ability to sell or redevelop the site.”

Given the fact that we were following up on this alternative at the City’s (Mr. Skoglund’s) request or suggestion, it was frustrating to receive this contradictory response. It became clear from our correspondence and conversations that no matter what alternative was considered all would be found unacceptable and all would be required to be permitted through the City. I advised the City that we would not delay filing the Certificate Application any further, however “assuming the City has not foreclosed the

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<sup>1</sup> Given its length, the fact that it’s not being produced for the truth or validity of its contents, and to avoid unnecessary paper consumption, only the first page of the Lease Agreement has been included in the Attachment. If requested by the Council or Parties the full document is available.

possibility of locating the facility at 883 Paddock Avenue we will continue to pursue this as an alternative.” (See Exhibit E for 1.31.07 Skoglund letter and 2.6.07 and 2.9.07 Coppins responsive letter and e-mail).

- DOT Property

The City also suggested use of the DOT property, which was the first parcel that Optasite considered in this area. Charles Regulbuto has contacted DOT several times on behalf of Optasite, and the DOT has unequivocally rejected any possibility of a telecommunications facility on its property at this location.

Q8. Has Optasite received any indications from other wireless carriers about their possible interest in locating this Site?

A. Optasite has contacted all carriers licensed in Connecticut. Sprint/Nextel has determined the proposed Site will fill a need but has indicated that this Site is not in their immediate build plan. Cingular and Verizon have not commented on the Site. Optasite will construct the Site, if approved, to accommodate all carriers licensed in Connecticut.

Q9. Has Optasite received any indications from the City of Meriden that it is interested in locating emergency service equipment at this Site?

The City of Meriden has not expressed any interest in the tower at this time. Optasite will continue to reserve a location for the City emergency services, free of charge, should the need arise in the future.

# EXHIBIT A

JULIE D. KOHLER  
Please Reply to Bridgeport  
Writer's Direct Dial: (203) 337-4157  
E-Mail: jkohler@cohenandwolf.com

September 29, 2006

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mayor Mark Benigni  
City of Meriden  
142 East Main Street  
Meriden, CT 06450

**Re: Proposed Development of a Telecommunications Facility  
651 Paddock Avenue, Meriden, Connecticut**

Dear Mayor Benigni:

Enclosed please find two (2) copies of the technical report in compliance with Connecticut General Statutes Section 16-501(e) and in anticipation of filing an application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility at the above-referenced location. The technical report includes information regarding the public need for the facility, the site selection process, and the environmental effects of the facility.

The municipality may conduct public hearings and meetings as it deems necessary to provide recommendations or comments to Optasite, Inc. concerning this proposal. If a hearing or meeting is scheduled, we request notice and will be pleased to provide an informational summary of the proposal. If the City has any recommendations or comments, it must provide them to us within sixty (60) days of the receipt of this filing.

We would like to meet with you (or your designee) to review the proposed project and will contact you next week to set up an appointment at your convenience.

If you have any questions, please do not hesitate to contact me directly.

Very truly yours,

  
Julie D. Kohler

JDK:dlo  
Enclosures

cc: Keith Coppins, Optasite, Inc.  
Charles Regulbuto, Optasite, Inc.  
Jackie Slaga, T-Mobile USA, Inc.

# PLANNING

## COMMISSION-DIVISION



CITY OF MERIDEN  
November 17, 2006

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

Carrie Larsen and/or Julie Kohler  
Cohen and Wolf, Attorneys at Law  
1115 Broad Street  
P.O. Box 1821  
Bridgeport, CT 06604

RE: Proposed Development of a Telecommunications Facility at 651 Paddock Avenue in Meriden

Dear Ms. Kohler/Ms Larsen:

Yesterday, your fax dated November 1, 2006 was forwarded to me. The City of Meriden has a process to receive public comments, review and approve applications for telecommunication facilities. The process is fair and expedient. Mr. Regulato, representative of Opta-site was informed of this process. Neither I nor the Zoning Officer (2 primary contacts for such projects) have been personally contacted by your office to initiate our process or to arrange a meeting. Please contact the Planning Division, City of Meriden immediately at the number above for assistance in initiating the process in a proper manner.

The City of Meriden strongly opposes any attempt to short circuit the rights of the City and its residents to make public comments and fully review applications for new telecommunication tower facilities. This specific proposal is for a new tall tower in a residential district. It clearly needs to be carefully considered.

In a cooperative manner, I did meet and provide feedback to Mr. Regulato regarding potential telecommunication sites under control of the City in southeast/south central area of Meriden. Mr. Regulato did note some constraints or unresolved issues but the City of Meriden has not rejected any potential alternative site. Staff noted that any alternative would need to be specifically documented and be compatible with the site before staff could recommend such; it would need to go through the standard public process and use of City property would need to be approved by the City Council.

Sincerely,

Thomas Skoglund  
Assistant City Planner

Cc: Lawrence Kendzior, City Manager  
Dominick Caruso, Director of Planning  
James Anderson, Zoning Officer

# EXHIBIT B

December 1, 2006

**VIA FACSIMILE (203-630-5883) AND U.S. MAIL**

Mr. Thomas Skoglund  
Assistant City Planner  
City of Meriden, City Hall  
142 East Main Street  
Meriden, CT 06450

**Re: Proposed Development of a Telecommunications Facility  
651 Paddock Avenue, Meriden, Connecticut**

Dear Mr. Skoglund:

I am writing in response to your letter dated November 17, 2006 and to confirm our telephone conversation of same date.

First, I want to clear up any misunderstanding. Your letter seemed to indicate that there was an intent on the part of Optasite, Inc. ("Optasite") to avoid filing the above-referenced project with the Meriden Planning and Zoning Department. As we discussed during our phone conversation, you were unaware at the time you wrote the letter that the telecommunications facility proposed by Optasite falls within the exclusive jurisdiction of the Connecticut Siting Council, and not the Meriden Planning Department.

As more specifically set forth in the attached legal memorandum:

- Connecticut General Statutes § 16-50x grants the Connecticut Siting Council ("Siting Council") exclusive jurisdiction over the location and permitting of telecommunications facilities and therefore the applicant is required to file its application to the Siting Council, not local commissions or agencies.
- Section 16-50I requires an applicant to submit a technical report to the municipality where a proposed facility is proposed to be located 60 days prior the submitting the application to the Siting Council. This is the report that was filed with Meriden on September 29, 2006.
- During that 60 day period, § 16-50I requires the applicant to make good faith efforts to meet with the chief elected official of that municipality.

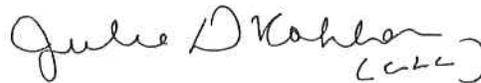
This office has made numerous attempts to set up a meeting with Mayor Benigni. When we spoke with Mayor Benigni directly, he stated that we should meet with the

planning staff in lieu of meeting with him personally and that he would forward the technical report that we had sent to him on September 29, 2006 to the City Planner, Mr. Caruso.

Since that time, we have spoken with Mr. Caruso several times but have been unable to set up a meeting to discuss this proposal. As I mentioned, we would welcome the opportunity to meet with you and any members of the planning staff. If requested, we will also be pleased to attend a Planning Commission meeting to discuss this proposed facility further. As I've indicated, Optasite will not be submitting applications for local zoning approval as the proposed facility is within the regulatory jurisdiction of the Siting Council (as set forth herein and in the attached legal memorandum). Therefore, our attendance at the Planning and Zoning meeting will be informational only.

We are available to be present at the following Planning Commission meeting dates: December 13, 2006 and January 10, 2006. Please let us know when you'd like us to attend and if you have any questions.

Very truly yours,



Julie D. Kohler

JDK:dlo

cc: Keith Coppins, Optasite Towers, Inc  
Chuck Regulbuto, Optasite Towers, Inc.  
Christine Ferrell, T-Mobile

Enclosures

## RESEARCH MEMORANDUM

### QUESTION PRESENTED

Does the Connecticut Siting Council have exclusive jurisdiction over the application for a proposed cellular tower?

### DISCUSSION

Connecticut General Statute §§ 16-50g *et seq.*, sets forth the provisions of the Public Utilities Environmental Standards Act (“PUESA”). Under PUESA, the Connecticut Siting Council (the “Council”): “shall have exclusive jurisdiction over the location and type of facilities and over the location and type of modifications of facilities subject to the provisions of subsection (d) of this section.” Conn. Gen. Stat. § 16-50x(a). Subsection (d) cross references the definition of “facility” found in § 16-50i, which includes cellular towers. *See Conn. Gen. Stat.* § 16-50i(a)(6). Connecticut courts have uniformly interpreted this section as giving the Council exclusive jurisdiction over wireless towers and not requiring permits or review by local planning and zoning commissions.

The leading case on the matter is Westport v. Connecticut Siting Council, 260 Conn. 46 (2002), where the Supreme Court affirmed the trial court’s judgment and adopted its memorandum of decision affirming that the Council has exclusive jurisdiction over cellular towers. In Westport, the trial court held that the Council has exclusive jurisdiction over location and type of telecommunications tower even though the cellular service carrier involved would be sharing the tower with non-cellular telecommunications carriers. Westport v. Connecticut Siting Council, 47 Conn. Sup. 382, 400 (2001).

Further, the court found that PUESA precluded the town from having jurisdiction on the matter. Id.

The Appellate Court has also found that a local planning and zoning commission does not have authority or jurisdiction to review the Council's decisions. Preston v. Connecticut Siting Council, 20 Conn. App. 474, 482-3 (1990). In Preston, the court called the planning and zoning commission's assertion of jurisdiction an "erroneous hypothesis" and ruled in favor of the Council on the issue.

In light of the statute and subsequent decisions, it is clear that local planning and zoning commissions cannot assert jurisdiction to hear or review applications that have been brought before the Council. While PUESA grants exclusive jurisdiction to the Council in the certification process, the municipality in which the proposed tower is intended is also given ample opportunity for input in the process. Conn. Gen. Stat. §§ 16-50l (e) requires that the applicant "consult" with the municipality at least sixty days before filing an application with the Council. The statute further discusses that at the consultation, the applicant will provide the "chief elected official" with technical reports regarding public need, the site selection process, and the environmental effects of the proposed facility. Id.

In conclusion, while a municipality may not usurp the Council's exclusive jurisdiction over the certification process of a proposed cellular tower, a municipality is still given ample opportunity to be fully briefed in the application process and prepare its own recommendations.

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FILE NO.=505

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-COHEN & WOLF -

\*\*\*\*\* -COHEN & WOLF - \*\*\*\*\* 2033332979- \*\*\*\*\*

**COHEN AND WOLF, P.C.**  
**1115 BROAD STREET**  
**BRIDGEPORT, CT 06604**  
**PHONE (203) 368-0211**  
**FAX (203) 394-9901 or (203) 576-8504**

**FAX TRANSMISSION COVER SHEET**

**TO:** Mr. Thomas Skoglund  
Assistant City Planner

**DATE:** December 1, 2006

**FAX NO.:** 203-630-5883

**FROM:** Attorney Carrie L. Larson

**RE:**

**FILE NO.** 276822-013

**MESSAGE:** See attached.

**TOTAL NUMBER OF PAGES BEING SENT (INCLUDING COVER SHEET): 5**

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL Tina Codella at 203-337-4147.**

The information contained in this communication is legally privileged and/or confidential information which is intended only for use of the individual or entity named above. If the reader of this communication is not the intended recipient (or the agent or employee responsible to deliver it to the intended recipient), you are hereby notified that any dissemination, distribution, or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original communication to us at the address set forth above via the U.S. Postal Service. Thank you.

**COHEN AND WOLF, P.C.**  
1115 BROAD STREET  
BRIDGEPORT, CT 06604  
PHONE (203) 368-0211  
FAX (203) 394-9901 or (203) 576-8504

**FAX TRANSMISSION COVER SHEET**

**TO:** Mr. Thomas Skoglund  
Assistant City Planner

**DATE:** December 1, 2006

**FAX NO.:** 203-630-5883

**FROM:** Attorney Carrie L. Larson

**RE:**

**FILE NO.** 276822-013

**MESSAGE:** See attached.

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# PLANNING

## COMMISSION-DIVISION



CITY OF MERIDEN

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

December 1, 2006

Julie Kohler  
Cohen and Wolf, Attorneys at Law  
1115 Broad Street  
P.O. Box 1821  
Bridgeport, CT 06604

RE: Proposed Development of a Telecom Tower at 651 Paddock Avenue

Dear Ms. Kohler (Julie):

Thank you for faxing additional information today (12/1/06). I will forward appropriately.

Your office had mentioned that we could have a public hearing of our choice. As I noted in my 11/17/06 fax to you, our preference is for:

- 1) A Public Hearing at the Zoning Board of Appeals meeting. This can be done within the time frame you suggested as the next open agenda for a ZBA meeting is January 2<sup>nd</sup>, 2007. This is an appropriate forum for a public hearing to receive valuable and important testimony, and;
- 2) Project representatives to appear before the Inland Wetlands Watercourses Commission due to the close proximity of the proposal to the water resource. Again, this can be done within the time frame you suggested as the next open agenda for an IWWC meeting is January 3<sup>rd</sup>, 2007, and;
- 3) Project representatives to appear before the Planning Commission. The Commission fully considers development projects within the context of input and recommendations from the above noted boards. The January 10<sup>th</sup>, 2007, date you suggested appears appropriate.

Please confirm that project representatives will appear at these meetings.

Your proposal is inconsistent with City planning and development procedures, plans and laws put in place to protect the health, safety and welfare of our City. While you offer to hear public input, we are still awaiting all project information that we typically receive for any development project to enable full public input and to avoid or mitigate damaging

impacts to neighborhoods, the environment, etc. We do not want the public input process to be rendered inferior or inadequate.

Planning staff can meet to discuss your proposal and we would be glad to further discuss any alternative that may serve to protect the health, safety and welfare of our City. Director Caruso has very limited time this month. I suggest you contact him by phone next Tuesday afternoon. Otherwise, please call me to arrange a meeting that can be held well in advance of the board and commission meetings.

Sincerely,



Thomas Skoglund  
Assistant City Planner

Cc: Lawrence Kendzior, City Manager  
Dominick Caruso, Director of Planning  
James Anderson, Zoning Officer

# EXHIBIT C

From: Keith Coppins  
Sent: Thursday, January 18, 2007 10:04 AM  
To: 'tskoglund@ci.meriden.ct.us'  
Cc: Kohler, Julie D.  
Subject: Google Earth Image

Tom,

It was nice speaking with you again this morning. Per our conversation I have attached an aerial view of the area in which Optasite could place the tower along with the telecommunication ground equipment. I will forward under a separate email a design of the brown stick type tower with the flush mounted antennas.

Please feel free to contact me if you have any questions.

Keith Coppins  
Vice President  
Optasite Towers, LLC  
203-623-3287

Google Earth streams the world over wired and wireless networks enabling users to virtually go anywhere on the planet and see places in photographic detail. This is not like any map you have ever seen. This is a 3D model of the real world, based on real satellite images combined with maps, guides to restaurants, hotels, entertainment, businesses and more. You can zoom from space to street level instantly and then pan or jump from place to place, city to city, even country to country.

Get Google Earth. Put the world in perspective.

(<http://earth.google.com>)



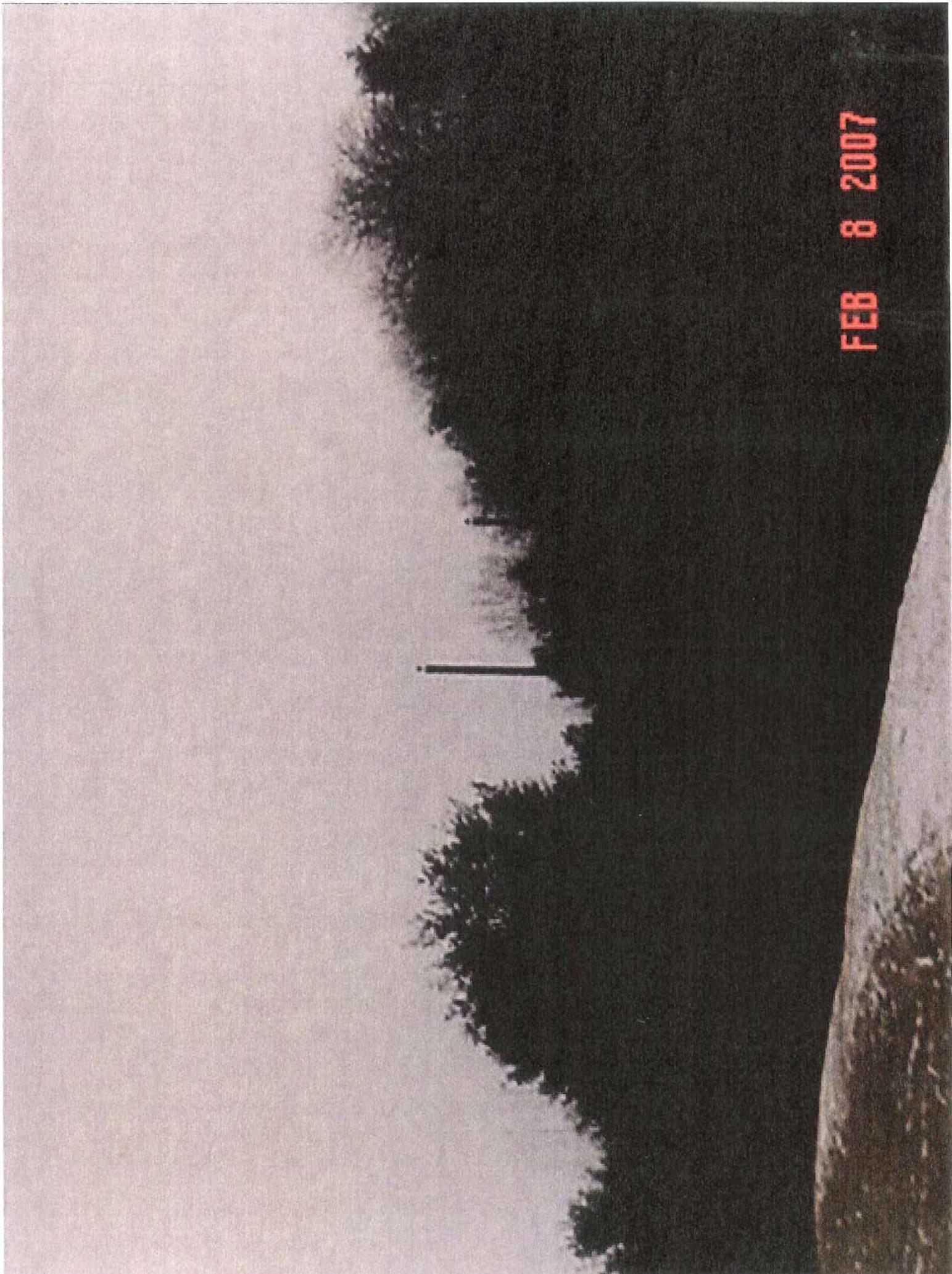
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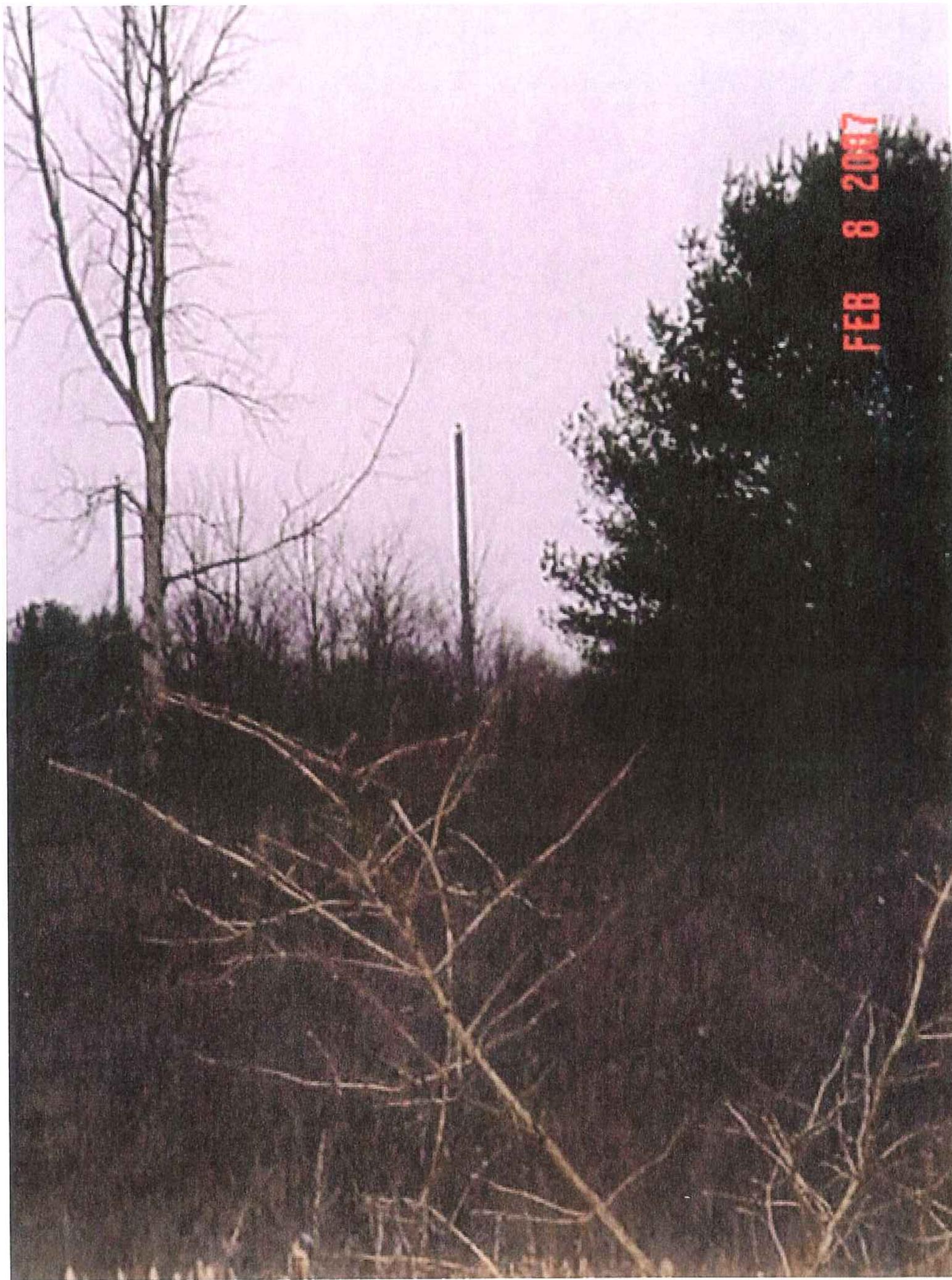
Pointer 41°30'21.01" N 72°46'37.03" W elev 361 ft Streaming 100%

Eye alt 2321 ft

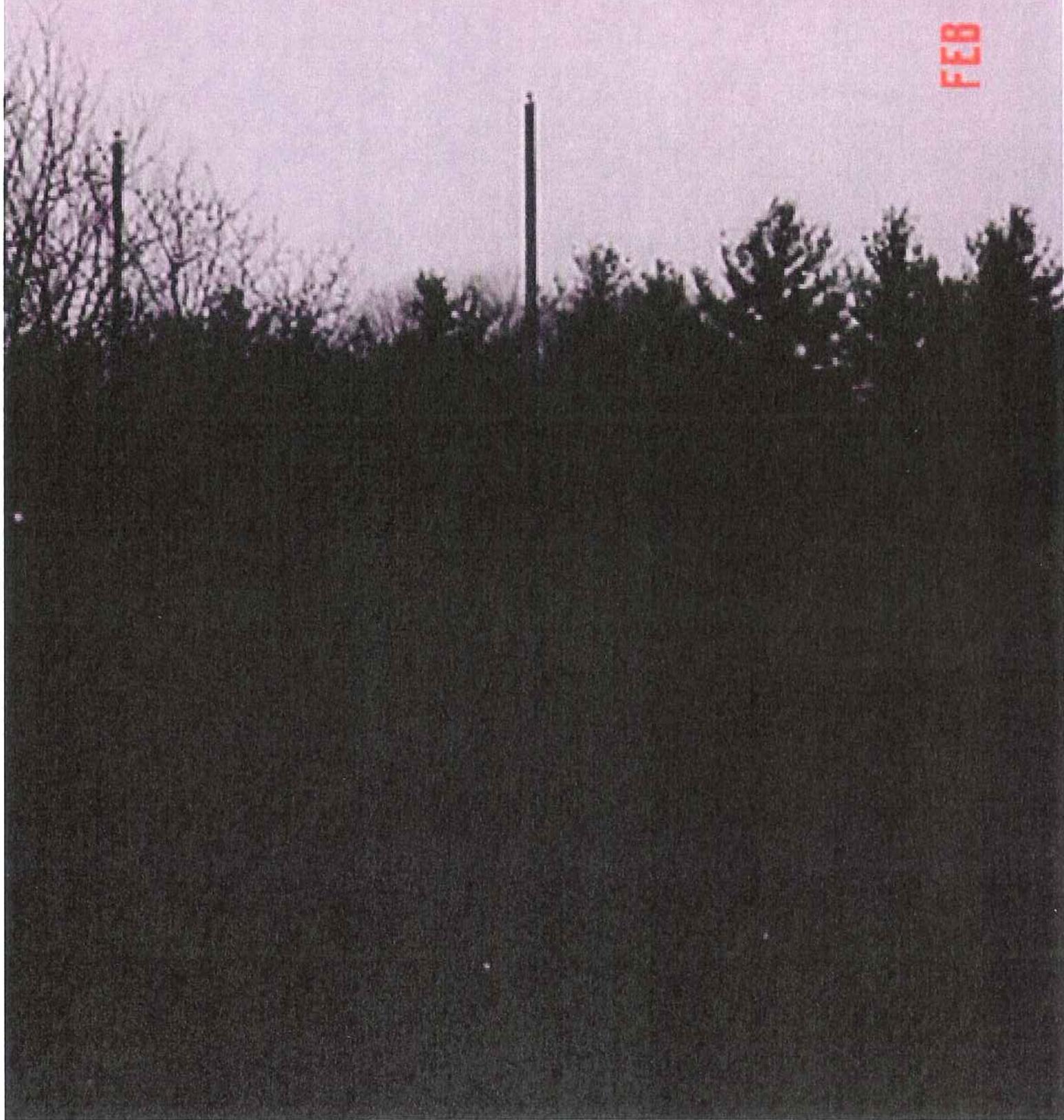
FEB 8 2007



FEB 8 2017



FEB 8 2007



**From:** Keith Coppins  
**Sent:** Monday, January 22, 2007 10:52 AM  
**To:** 'tskoglund@ci.meriden.ct.us'  
**Cc:** 'Kohler, Julie D.'  
**Subject:** Photo sims of a Brown Stick design

Tom,

Per my email to you last week, I am attaching a few photo designs of what a brown stick flush mounted tower could look like.

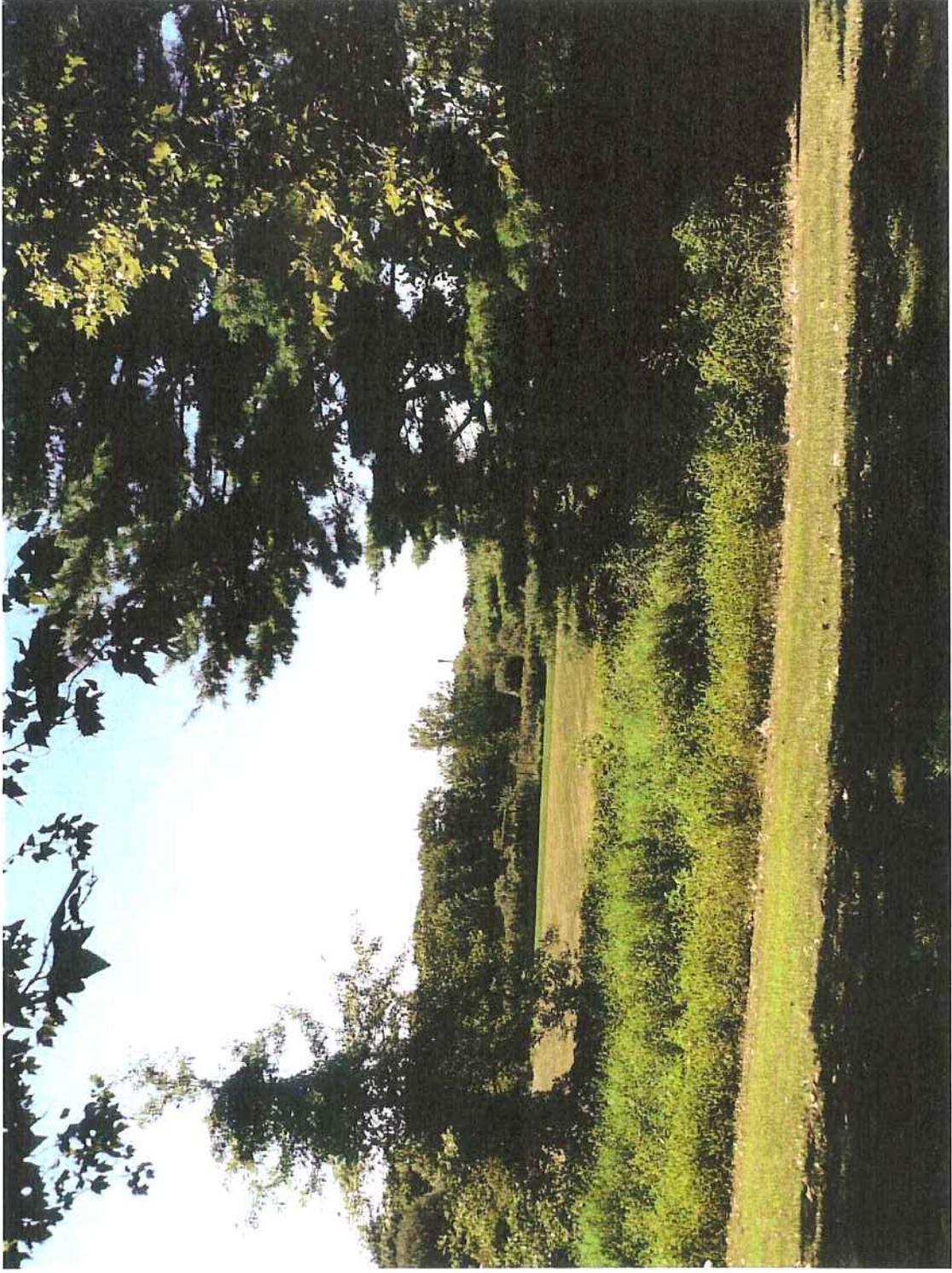
Please feel free to contact me with any questions.

Keith Coppins  
Vice President Development  
Optasite, Inc.  
One Research Drive, Suite 200C  
Westborough, MA 01581  
Office: 508-799-2460, Ext 314  
Facsimile: 508-471-1399  
Mobile: 203-623-3287

Photographic Simulation • Flush-Mounted Monopole



Photographic Simulation • Flush-Mounted Monopole



Photographic Simulation • Flush-Mounted Monopole



# EXHIBIT D

(((•)))  
**Optasite Towers LLC**

**PROPOSAL FOR TOWER SITE  
MERIDEN, CONNECTICUT  
January 16, 2007**

Mayor Mark Benigni  
City of Meriden  
City Hall  
142 East Main Street  
Meriden, CT 06450

**RE: Proposed Development of a Telecommunications Facility, Meriden, Connecticut**

Dear Mayor Benigni:

Thank you for giving Optasite Towers LLC (Optasite) the opportunity to submit a proposal for the construction and ownership of a tower site on municipal land in Meriden, Connecticut. This site was suggested to Optasite by Tom Skogland in the Meriden Planning Department during our municipal consultation for a site at 651 Paddock Avenue, Meriden. The Paddock Avenue site is still an excellent, location for such a facility, however if at all possible we would like to locate this facility at a location acceptable to the City and on municipal land. We therefore submit this proposal.

Optasite is a Northeast-based owner, developer and operator of wireless communications towers and has been serving the wireless industry since 1995. In growing its business, Optasite has developed exceptional relationships with each of the wireless carriers currently licensed to provide services in your market area. In fact, the company has personnel actively staffing the offices of Verizon, T-Mobile and Nextel and enjoys an active landlord/tenant relationship with each of these carriers.

In addition to its experience and strong reputation within the wireless industry, Optasite also has significant financial capacity. Centennial Ventures, Columbia Capital and Highland Capital Partners, three of the nation's premier investment firms which collectively manage over \$5 billion in private equity, back Optasite. The Company also maintains a banking relationship with Comerica Bank, one of the country's largest and most prestigious commercial banks. Collectively, these sources have provided Optasite with over \$50 million to execute its business plan.

Given the above, Optasite is well qualified to partner with the City of Meriden for the development of a wireless communication facility on City owned land and is pleased to submit the following proposal for your consideration. The site and location are as follows:

### Site Location

- Former Hospital  
883 Paddock Avenue

### Lease Agreement

- Mutually acceptable lease agreement, in the form attached hereto, to be executed by the parties upon the acceptance of this proposal by the City of Meriden
- The site will be owned and operated by Optasite Towers LLC

### Optasite Obligations

- Diligently seek all governmental approvals, zoning documents, construction drawings, NEPA reports, SHPO filings and ground leases at its sole cost and expense
- Construct the towers and compounds, including access roads to the sites
- Diligently pursue and market the sites with the wireless carriers
- Manage the operation of the tower site during the term of the lease agreement

### City of Meriden Obligations

- The City of Meriden will support Optasite in obtaining all governmental approvals, including but not limited to intervening with the Connecticut Siting Council in support of its Docket filing
- Lease a portion of 883 Paddock Avenue property to Optasite (100X100) parcel (rear near the existing basketball court)

### Financial Proposal

- Optasite will pay the City of Meriden One Thousand Two Hundred (\$1200.00) per month once all governmental approvals have been obtained
- The Lease Agreement will be for a period of ten (10) years initially and have four (4) ten (10) year options to extend
- The Lease will escalate yearly by 3%
- Optasite will provide space on the tower at no charge for the City's public safety antennas

Thank you for your time and consideration of this proposal. As you're aware, we have already begun the Certificate process for the 651 Paddock Road site, but would be willing to pursue a facility on the municipal property if the City was interested. Please let us know by January 31, 2007 whether the City wishes the facility to be located at the municipal site. Please feel free to contact me if you have any questions or comments.

Sincerely,



Keith Coppins  
Vice President, Development

Cc: Tom Skoglund, Assistant City Planner, City of Meriden

(( (• )) )  
**Optasite Towers LLC**

January 16, 2007

Mr. Tom Skoglund  
Assistant City Planner  
City of Meriden  
City Hall  
142 East Main Street  
Meriden, CT 06450

Dear Mr. Skoglund:

Thank you for your insight on the hospital site on Padduck Avenue. Optasite has reviewed the location that you've suggested and we have sent the enclosed proposal to Mayor Benigni. We have copied you on the proposal and would like to get an answer as soon as possible from the City. We would appreciate your input by January 31, 2007 so that we can move forward.

Thank you for your time and consideration and please feel free to contact me if you have any questions or comments.

Sincerely,



Keith Coppins  
Vice President, Development

enclosure

## OPTION AND LEASE AGREEMENT

THIS OPTION AND LEASE AGREEMENT ("Agreement") is made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_ ("Effective Date"), between \_\_\_\_\_, a <entity type>, with a principal address of \_\_\_\_\_, Tax ID # \_\_\_\_\_ ("LANDLORD"), and Optasite Towers LLC, a Delaware limited liability company with a principal address of One Research Dr., Suite 200C, Westborough, MA 01581 ("TENANT"). LANDLORD and TENANT are sometimes referred to in this Agreement as the "Parties".

### PROPERTY

LANDLORD is the owner of certain real property located in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, ("Parent Parcel") and TENANT desires to obtain an option to lease a portion of such real property, containing approximately \_\_\_\_\_ square feet together with any easements thereto more particularly described and substantially shown on Exhibit A attached hereto and made a part hereof (such portion of real property and such easements being hereinafter called the ("Property"))

### OPTION

**NOW THEREFORE**, in consideration of the sum of \_\_\_\_\_ and 00/100 Dollars (\$ \_\_\_\_\_ 00) (the "Option Money"), to be paid by TENANT to LANDLORD within thirty (30) days of TENANT's execution of this Agreement, LANDLORD hereby grants to TENANT the exclusive right and option (the "Option") to lease the Leased Premises in accordance with the terms and conditions set forth herein.

A. **Option Period.** The Option may be exercised at any time within one year of execution of this Agreement by all parties (the "Option Period"). At TENANT's election and upon TENANT's written notice to LANDLORD prior to expiration of the Option Period, the Option Period may be further extended for one additional period of twelve (12) months with an additional payment of \_\_\_\_\_ and 00/100 Dollars (\$ \_\_\_\_\_ 00), by TENANT to LANDLORD for the extension of the Option Period. The Option Period may be further extended by mutual written agreement. If TENANT fails to exercise the Option within the Option Period as it may be extended as provided herein, the Option shall terminate, all rights and privileges granted hereunder shall be deemed completely surrendered, LANDLORD shall retain all money paid for the Option, and no additional money shall be payable by either party to the other.

This option may be sold, assigned or transferred by the TENANT without any approval or consent of the LANDLORD to any third party agreeing to be subject to the terms hereof, or to TENANT's principal, affiliates, or subsidiaries of its principal.

B. **Title.** LANDLORD warrants that LANDLORD is seized of good and marketable title to the Property and has the full power and authority to enter into and execute this Agreement. LANDLORD further warrants that there are no deeds to secure debt, mortgages, liens or judgments encumbering the Property except as set forth in Exhibit B, and that there are no other encumbrances on the title to the Property that would prevent TENANT from using the Property for the uses intended by TENANT as hereinafter set forth in this Agreement, except as set forth in Exhibit B. LANDLORD agrees to execute a memorandum or short form of this Option in recordable form, in the form attached hereto as Exhibit E

# EXHIBIT E

# PLANNING COMMISSION-DIVISION



CITY OF MERIDEN

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

January 31, 2006

Keith Coppins, Vice President, Development  
Optasite Towers LLC  
One Research Drive, Suite 200C  
Westborough, MA 01581

RE: Telecom Tower at 883 Paddock Avenue (former Hospital)  
Alternative proposal to 651 Paddock Avenue Tower

Dear Mr. Coppins:

Thank you for considering an alternative (proposal dated January 16<sup>th</sup>). Per your request to provide feedback by January 31, I can provide only a partial response at this time. In summary, there is insufficient information to fully evaluate this alternative and even the concept, as proposed, can not be recommended by Planning staff at this time.

- 1) General concerns relayed previously remain:
  - a. the site is near residential uses and in a residential district;
  - b. any tower of the height mentioned by you in follow-up to your proposal could create an incompatible out-of-scale affect;
  - c. the site has a current principal (institutional) use; a long term lease of a portion of the site could diminish the ability to sell or redevelop the site.
- 2) Compatibility can sometimes be addressed by lowering and/or disguising the tower. Staff generally recommends a flag pole design be considered. A flag pole might work at this site (particularly in the front or front side of the building, rather than the rear). However, a flag pole at the height mentioned could very well be out-of-scale. Example photos of a "brown stick" design sent to us lacked visual clarity and were of an unknown distance/height. There is no clear advantage to the City of such design at this location.
- 3) Planning has not considered the financial agreement information provided as we do not negotiate such things; said agreement would be appropriate only if the use and siting were approved by our officials

Has your tower company, or the communications company, considered options such as several lower telecommunication facilities when the company wants to provide better coverage within a large residential area with no tall structures? For instance, have you considered shorter, in-scale flag poles and/or siting on one or more light poles at recreation facilities? Such a proposal could more easily be supported by Planning.

Sincerely,

Thomas Skoglund  
Assistant City Planner

Cc: Honorable Mark Benigni, Mayor  
Lawrence Kendzior, City Manager  
Dominick Caruso, Director of Planning

(((•)))  
**Optasite Towers LLC**

VIA FACSIMILE (203-630-5883) AND U.S. POSTAL SERVICE

February 6, 2007

Mr. Thomas Skoglund  
Assistant City Planner  
City of Meriden, City Hall  
142 East Main Street  
Meriden, CT 06450

**Re: Proposed Development of a Telecommunications Facility  
651 Paddock Avenue, Meriden, Connecticut**

Dear Mr. Skoglund:

I am writing in response to your letter dated January 31, 2007. I appreciate you reviewing the materials we forward to you and your prompt response to those materials. I have several comments in response to your letter.

- 1) Concerns about proximity to residential use and ability to redevelop the proposed site

As you are aware, Optasite and T-Mobile investigated the viability of a telecommunications facility at 883 Paddock Avenue (municipal-owned property) at the request of the City. Therefore, we are unable to address the issues regarding the surrounding use and the City's ability to redevelop the proposed site other than provide the information that we have already provided you. Specifically, we have provided you with the propagation plots indicating where T-Mobile is currently lacking coverage, which is primarily a residential area and along areas of Route 15. In addition, the sole reason for investigating this site was, as we stated, at the request of the town so we cannot comment on the City's desire to redevelop the site. If the City is simply not interested in locating a tower at this location because of the potential of site redevelopment, then that should be made clear.

- 2) The height of the proposed tower and possible use of several, shorter towers

As demonstrated in the propagation maps we have provided you, the proposed height of the tower is the minimum height necessary to permit T-Mobile to provide adequate coverage to this area. In addition, we will forward you information regarding the possibility of using several, shorter towers in lieu of the proposed 120 foot tower.

3) Design of the tower

We will forward you a clearer photo of the proposed brown stick. In addition, we will forward you a photo of a flagpole.

4) Financial terms

We have investigated this site at 883 Paddock Avenue, property owned by the City, at the request of the City and at your request. Therefore, we are somewhat frustrated that the only response we have received is that you cannot comment on the financial terms proposed. If you do not have the authority to do so, then I would request that you set up a meeting between the applicants and the individual(s) at the City who do have the authority to address the proposed financial terms. We will make ourselves available as soon as possible for such meeting.

Based upon the information contained in your letter, it appears as though the City is not interested in locating a facility at 883 Paddock Avenue. Therefore, I would like to let you know that we are going to file the certificate application with the Connecticut Siting Council in the next two weeks for the site located at 651 Paddock Avenue. However, assuming that the City has not foreclosed the possibility of locating the facility at 883 Paddock Avenue, we will continue to pursue this as an alternative. Please let me know if you have any questions.

Very truly yours,



Keith Coppins  
Vice President of Development

cc: Chuck Regulbuto, Optasite Towers LLC  
Christine Farrell, T-Mobile  
Julie D. Kohler, Esq., Cohen and Wolf, P.C.  
Carrie L. Larson, Esq., Cohen and Wolf, P.C.

**Larson, Carrie L.**

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**From:** Keith Coppins [KCoppins@optasite.com]  
**Sent:** Friday, February 09, 2007 10:18 AM  
**To:** tskoglund@ci.meriden.ct.us  
**Cc:** Larson, Carrie L.  
**Subject:** Meriden Tower Filing  
**Attachments:** Brown stick 3.jpg; Brown stick 1.jpg; Brown Stick 2.jpg

Tom,

Per your request please find attached some different photos representing a "brown stick" stealth design tower. Optasite will file the application for the property at 651 Paddock Avenue with the Connecticut Siting Council today and your office will received a copy of the application on Monday February 12, 2007. A copy will also be sent to the Mayors office. Optasite will continue to cooperate with the City of Meriden regarding the property at 883 Paddock Avenue as stated in our letter to you on February 2, 2007. Please feel free to contact me with any questions or concerns.

Keith Coppins  
Vice President Development  
Optasite, Inc.  
One Research Drive, Suite 200C  
Westborough, MA 01581  
Office: 508-799-2460, Ext 314  
Facsimile: 508-471-1399  
Mobile: 203-623-3287

4/26/2007

The statements above are true and complete to the best of my knowledge.

4/26/07  
Date

  
Keith Coppins

Subscribed and sworn before me this 26<sup>th</sup> day of April, 2007.

By:   
Notary

