

**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 1 DEERFIELD LANE,  
ANSONIA, CONNECTICUT

DOCKET NO. 340

Date: OCTOBER 18, 2007

**PROPOSED FINDINGS OF FACT**

Pursuant to § 16-50j-31 of the Regulations of Connecticut State Agencies, Optasite Towers LLC and Omnipoint Communications, Inc. (the "Co-Applicants") submit these Proposed Findings of Fact ("Proposed Findings").

**Introduction**

1. The Co-Applicants, in accordance with provisions of Connecticut General Statutes ("C.G.S.") §§ 16-50g through 16-50aa and §§ 16-50j-1 through 16-50j-34 of the Regulations of Connecticut State Agencies ("R.C.S.A."), applied to the Connecticut Siting Council ("Council") on June 5, 2007 for a Certificate of Environmental Compatibility and Public Need ("Certificate") for the construction, operation and maintenance of a 140-foot monopole wireless telecommunications facility ("Facility") at 1 Deerfield Lane, Ansonia, Connecticut (the "Property"). (Co-Applicants' Exhibit 1 ("App.") at 1).
2. The site is located in the central portion of the Property and consists of a 43-foot by 73-foot equipment compound in a 45-foot by 75-foot leased area (the "Site"). (App. at 2).
3. The purpose of the proposed Facility is to provide wireless coverage service to this area for Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc. d/b/a T-Mobile (hereinafter "T-Mobile"). (App. at 1,

Exhibit G; T-Mobile Interrogatory Responses; Pre-Filed Testimony of Scott Heffernan "Heffernan Testimony").

4. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on Tuesday, September 18, 2007, beginning at 3:00 p.m. and continued at 7:00 p.m., at Ansonia City Hall, Aldermanic Chambers, 2<sup>nd</sup> Floor, 253 Main Street, Ansonia, Connecticut ("Hearing"). (Hearing Notice; 3:00 p.m. Transcript ["Tr."] at 3).
5. The Council and its staff made an inspection of the Site on September 18, 2007 at 2:00 p.m. (Hearing Notice).
6. The Applicants flew a balloon, four feet in diameter, at a height of 180 feet at the Site from 8 am to 6 pm on September 18, 2007. (7:00 p.m. Tr. at 8-9; Applicants' Exhibit 6).

#### Need

7. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services. Through the Federal Telecommunications Act of 1996 (the "Act"), Congress seeks to promote competition, reduce regulation to encourage technical innovation, and foster lower prices for wireless telecommunications services. The Act pre-empts any state or local determination of public need. (App. at 5-6; 3:00 p.m. Tr. at 3-4; Telecommunications Act of 1996).
8. A Facility at the Site will provide coverage for a significant coverage gap experienced by T-Mobile in Ansonia/Woodbridge specifically along Route 313, Peck Road and the surrounding area. (App. at 6, Exhibit G; Interrogatory Responses; Heffernan Testimony).
9. Cellco Partnership d/b/a Verizon Wireless has expressed a need for a facility in this area of Ansonia. (Pre-Field Testimony of Keith Coppins ("Coppins Testimony") at 5; Verizon Exhibit 1).
10. The City of Ansonia has expressed its interest in locating its emergency services on the proposed Facility. (Coppins Testimony at 5; 3:00 Tr. at 27-28; 7:00 Tr. at 17).

11. The Town of Woodbridge's Police Department has expressed its interest in locating its emergency services on the proposed Facility. (Coppins Testimony at 5; 3:00 Tr. at 27-28; 7:00 Tr. at 17).
12. The Mayor of Ansonia indicated that there are four schools in the area surrounding the Site and that reliable wireless and emergency communications were vital to the operation of those schools, particularly in the event of an emergency. (3:00 Tr. at 31).

### **Coverage**

13. T-Mobile testified that they need to locate at a minimum height of 167 feet on this Facility at the Site to minimize the number and height of future telecommunications towers in this area. (3:00 p.m. Tr. at 15-18).
14. T-Mobile testified that, at 157 feet AGL and below, T-Mobile's predicted coverage would break up along Peck Road, Route 313 and the surrounding areas. (Heffernan Testimony at 4).
15. T-Mobile testified that it could achieve its coverage objective by utilizing t-arm antenna mounts. (3:00 Tr. at 32).
16. Verizon Wireless testified that they need to locate a minimum height of 157 feet on this Facility at the Site to minimize the number and height of future telecommunications towers in this area. (3:00 Tr. at 78).
17. Verizon Wireless testified that, at a minimum height of 157 feet on this Facility, they would not be able to flush mount their antennas and still fill their existing coverage gap. (3:00 Tr. at 83).
18. Verizon Wireless testified that, at a minimum height of 157 feet on this Facility with either a full platform or t-arm antenna mounts, Verizon Wireless would achieve its coverage objective. (3:00 Tr. at 78).

### **Site Search**

19. Optasite determined that there were no existing structures of a suitable height or location from which the existing lack of coverage experienced by

licensed telecommunications carriers in this area of Ansonia could be remedied. (App. at 8-9, Exhibit I; 7; Coppins Testimony at 3).

20. Only after determining that there were no existing structures available for co-location did Optasite search for an appropriate location for a new telecommunications facility. (App. at 8-9; Coppins Testimony at 3).
21. Optasite conducted a survey of property within the area to identify the best possible location to serve the needs of T-Mobile and other wireless carriers. Optasite's site search was limited by the existing residential development in the area. (Coppins Testimony at 3-4).
22. The Property was uniquely suited for the development of a Facility due to its large size and the extensive, existing vegetation that is present at the Property. (App. at 8-9, Exhibit I; Coppins Testimony at 4).
23. Optasite located the Site on the Property in order to balance and minimize any potential visual impact both to neighboring properties and also to the Ansonia Nature Center. (3:00 Tr. at 25-26).

#### The Site

24. Optasite proposes to construct the Facility at the Site located in the north-central portion of a 16 acre parcel of land owned by the Macabee Properties, LLC known as 1 Deerfield Lane, Assessors Id Map 100, Block 2 of the Ansonia Tax Assessor's Records. (App. at 2, Exhibit B).
25. The Property is located within the AA residential zone. The Ansonia Zoning Regulations (the "Regulations") do not prohibit facilities in the AA zone. (App. at 2, 16; Regulations).
26. The Property is currently utilized as a horse boarding and riding facility with associated accessory structures. The Property also contains a building with four residential apartments. (App. at 2; 09/18/07 Field Review).
27. The area surrounding the Property is primarily composed of residential uses and undeveloped land. (App. at Exhibit K).
28. The proposed Facility has been designed to accommodate T-Mobile, Verizon Wireless and the equipment of four (4) other telecommunications

carriers as well as the City of Ansonia and Town of Woodbridge emergency services equipment, if requested. (App. at 2, Exhibit B; 3:00 Tr. at 27-28; 7:00 p.m. Tr. at 17).

29. The proposed Facility will accommodate the antennas and equipment of T-Mobile at an antenna centerline of 167 feet AGL, Verizon Wireless at 157 feet AGL and four (4) other wireless carriers at antenna centerline heights of 147 feet AGL, 137 feet, 127 feet AGL and 117 feet AGL. (App. at 2, Exhibit B; 7:00 Tr. at 17)
30. The compound area at the base of the Facility will include locations for T-Mobile, Verizon Wireless and the equipment of four (4) other telecommunications carriers. The compound will be enclosed by a new eight-foot security fence. (App. at 2, Exhibit B; 7:00 Tr. at 17).
31. Cellco Partnership d/b/a Verizon Wireless has expressed its need to co-locate on the proposed facility and reserved its location at an antenna centerline of 157 feet AGL with either a full platform or t-arm antenna array. (Coppins Testimony at 5; 3:00 Tr. at 78).
32. The City of Ansonia's emergency services has expressed its interest to locate its emergency service equipment on the proposed Facility. (Coppins Testimony at 5; 3:00 Tr. at 27-28; 7:00 Tr. at 17).
33. The Town of Woodbridge's Police Department has expressed its interest in locating its emergency service equipment on the proposed Facility. (Coppins Testimony at 5; 3:00 Tr. at 27-28; 7:00 Tr. at 17).
34. Vehicular access is proposed from Osbourne Lane partially over the existing driveway to the Site. (App. at 2, 10, Exhibit B).
35. Utility service will run aboveground from existing utility service currently located on Osbourne Lane. No water or sanitary facilities are required and, once built, the Facility will generate minimal traffic because each of the co-locating entities will only need to visit the Site about once a month to perform routine maintenance and inspection. (App. at 9-12, Exhibit B).
36. Optasite has indicated that it is willing to locate utility service underground from existing service currently located on Osbourne Lane. (3:00 Tr. at 36).

37. The total estimated cost of the proposed Facility is approximately \$186,000.00. The total duration of the construction would be approximately eight weeks. (App. at 20).

### **Municipal Consultation**

38. Optasite first met with the City of Ansonia on April 3, 2007. (App. at 18).

39. The City of Ansonia has indicated that it supports the approval of the proposed Facility. (App. at Exhibit O; 3:00 Tr. at 30).

40. In additional follow-up with the City of Ansonia, the Town's emergency services has indicated that it has a need to locate its emergency equipment on the Facility and is reserving its right to do so. (Coppins Testimony at 4; 3:00 Tr. at 27-28; 7:00 Tr. at 17).

41. Optasite first met with the Town of Woodbridge on April 3, 2007. (App. at 18).

42. In additional follow-up with the Town of Woodbridge, the Town's Police Department has indicated that it has a need to locate its emergency equipment on the Facility. (Coppins Testimony at 4; 3:00 Tr. at 27-28; 7:00 Tr. at 17).

### **Environmental Considerations**

43. The Property contains no known existing populations of Federal or State Endangered, Threatened or Special Concern Species, according to the Connecticut Department of Environmental Protection Diversity Database. (Pre-Filed Testimony of Michael Libertine ("Libertine Testimony") at Exhibit 1).

44. The proposed development will not directly or indirectly affect any wetlands or watercourses. (App. at 11, Exhibit J).

45. The proposed Facility is not located in a floodplain or a floodway. (Libertine Testimony at Exhibit 1).

46. The State Historic Preservation Officer (SHPO) has determined that the construction of the Facility will have no adverse effect on historic,

- architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Libertine Testimony at Exhibit 1).
47. According to an aeronautical study conducted by the Federal Aviation Administration (FAA), the proposed Facility would not require marking or lighting. (App. at 19, Exhibit P).
48. There would be no impact on any known scenic, historic or recreational areas. (Libertine Testimony at Exhibit 1).
49. A study prepared by T-Mobile indicates that maximum emissions levels from the proposed Facility would be less than 2% of the safety criteria adopted by the FCC. (App. at 14, Exhibit N).
50. The proposed Facility is not the type of facility that would be associated with bird collisions. Typically, towers that are in excess of 300 feet and have guy wires are the types of towers associated with bird collisions. (Libertine Testimony at 6-7; 3:00 Tr. at 42-44).

#### Visibility

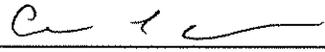
51. The Facility is proposed to be located at the Property in order to minimize impact to residential receptors; the Facility will be located as low as it can be while still providing the necessary coverage to the area. The topography and the mature vegetation at the Property will significantly limit the visual impact of the Facility. (App. at 12-13; Exhibit K).
52. The proposed Facility at the Site will be visible from only 14 acres within a two-mile radius of the tower, which is less than one percent of the study area. The majority of the visibility will occur on the subject property. (App. at 13, Exhibit K).
53. Views from the Facility are expected to be limited primarily to the Property itself, area within .5 miles of the Facility. (App. at 12; Exhibit K).
54. The compound area will have a de minimis visual impact because of the location of the Site on the Property, which is over 16 acres in size. (App. at 13; Exhibit K).
55. The proposed Facility will have minimal visual impact on the Ansonia Nature and Recreation Center. (3:00 Tr. at 25-26).

56. If the proposed Facility was re-located to the southwest corner of the Property, it would have more of a visual impact on the Ansonia Nature and Recreation Center. (3:00 Tr. at 25).
57. Re-locating the proposed Facility to the southwest corner of the Property would not have an effect on any potential visibility from the property owned by Osbourne Lane Associates, LLC. (3:00 Tr. at 26-27).
58. The proposed Facility would not be visible from the portions of the property located at 128 Ford Road located near Ford Road. (3:00 Tr. at 28).
59. The ten foot reduction in proposed tower height, from 180 feet to 170 feet will serve to reduce the overall visual impact of the proposed Facility even further. (3:00 Tr. at 27).

#### **Towersharing**

60. This Facility will provide co-location opportunities for public safety communications systems and six (6) wireless carriers, thus avoiding the proliferation of towers. (App. at Exhibit B; 7:00 Tr. at 17).
61. Cellco Partnership d/b/a Verizon Wireless has expressed its need to co-locate on the proposed Facility at 157 feet AGL with either a full platform or t-arm antenna array. (Coppins Testimony at 5; 3:00 Tr. at 78).
62. The City of Ansonia's emergency services has expressed its interest in locating its emergency service equipment on the proposed Facility. (Coppins Testimony at 4; 3:00 Tr. at 27-28; 7:00 Tr. at 17).
63. The Town of Woodbridge's Police Department has expressed its interest in locating its emergency services equipment on the proposed Facility. (Coppins Testimony at 4; 3:00 Tr. at 27-28; 7:00 Tr. at 17).

**OPTASITE TOWERS LLC AND  
OMNIPOINT COMMUNICATIONS, INC.**

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**CERTIFICATE OF SERVICE**

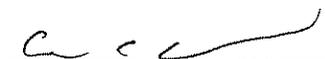
I hereby certify that on this day a copy of the foregoing was delivered by regular mail, postage prepaid, to all parties and intervenors of record.

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