

Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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

E-Mail: siting.council@ct.gov

Internet: ct.gov/csc

March 28, 2008

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

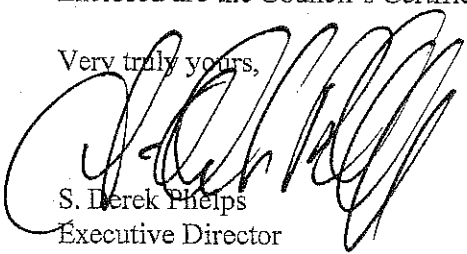
RE: **DOCKET NO. 343** - MCF Communications bg, Inc and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 237 Sandy Hollow Road, Groton, Connecticut.

Dear Attorneys Kohler and Larson:

By its Decision and Order dated March 26, 2008, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 237 Sandy Hollow Road, Groton, Connecticut.

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

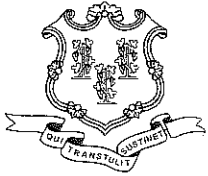
Very truly yours,



S. Derek Phelps
Executive Director

SDP/cm

Enclosures (4)



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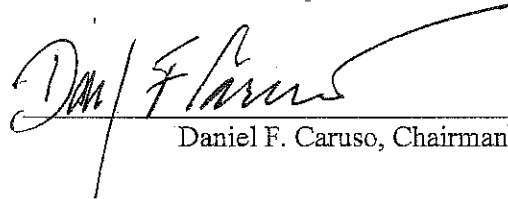
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**CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 343**

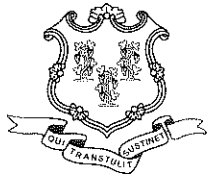
Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to MCF Communications bg, Inc and Omnipoint Communications, Inc. for the construction, maintenance and operation of a telecommunications facility located at 237 Sandy Hollow Road, Groton, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on March 26, 2008

By order of the Council,



Daniel F. Caruso, Chairman

March 26, 2008



Daniel F. Caruso
Chairman

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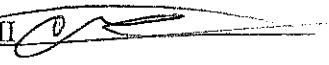
March 28, 2008

TO: Classified/Legal Supervisor
343070919
The Day
P.O. Box 1231
New London, CT 06320-1231

Classified/Legal Supervisor
343070919
Norwich Bulletin
66 Franklin Street
Norwich, CT 06360

Classified/Legal Supervisor
343070919

Shoreline Publishing - The Groton Times
1 Union Plaza
New London, CT 06320

FROM: Carriann Mulcahy, Secretary II 

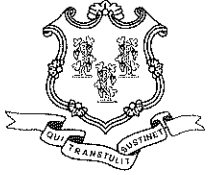
RE: **DOCKET NO. 343** - MCF Communications bg, Inc and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 237 Sandy Hollow Road, Groton, Connecticut.

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 March 26, 2008, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from MCF Communications bg, Inc and Omnipoint Communications, Inc. for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 237 Sandy Hollow Road, Groton, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.



Daniel F. Caruso
Chairman

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CONNECTICUT SITING COUNCIL

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March 28, 2008

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 343** - MCF Communications bg, Inc and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 237 Sandy Hollow Road, Groton, Connecticut.

By its Decision and Order dated March 26, 2008, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 237 Sandy Hollow Road, Groton, Connecticut.

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

SDP/cm

Enclosures (3)

c: Julie Kohler, Esq., Cohen and Wolf, P.C.
Carrie Larson, Esq., Cohen and Wolf, P.C.
State Documents Librarian

DOCKET NO. 343 - MCF Communications bg, Inc and }
Omnipoint Communications, Inc. application for a Certificate of }
Environmental Compatibility and Public Need for the }
construction, maintenance and operation of a }
telecommunications facility located at 237 Sandy Hollow Road, }
Groton, Connecticut.

Connecticut

Siting

Council

March 26, 2008

Findings of Fact

Introduction

1. MCF Communications bg, Inc. (MCF) and Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc. d/b/a T-Mobile (T-Mobile), collectively referred to as the "Applicants," in accordance with provisions of Connecticut General Statutes (CGS) § 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on July 13, 2007 for a Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of a wireless telecommunications facility at 237 Sandy Hollow Road in Groton, Connecticut. (Applicants 1, p. 1)
2. MCF is a subsidiary of MCF Communications, which is a stock corporation organized and existing under the laws of the Commonwealth of Massachusetts. MCF develops, owns, manages and markets communication sites in New England for wireless communication companies. (Applicants 1, p. 3)
3. T-Mobile is a Delaware Corporation and a federally licensed provider of wideband PCS services in the State of Connecticut. (Applicants 1, pp. 3,7)
4. The party in this proceeding is the Applicants. The intervenor is Charles E. Stevens, an adjacent property owner located to the south of the proposed site. (Applicants 1, Tab A; Transcript 1, 3:02 p.m. [Tr. 1], p. 6; Transcript 2, 7:10 p.m. [Tr. 2], p. 5)
5. The purpose of the proposed facility is to provide service to a coverage gap identified by T-Mobile in the Groton area, specifically along Interstate 95 (I-95). (Applicants 1, p. 6)
6. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on October 30, 2007, beginning at 3:00 p.m. and continuing at 7:00 p.m. in the Community Room of the Groton Town Hall Annex, 134 Groton Long Point Road, Groton, Connecticut. (Tr. 1, p. 3; Tr. 2, p. 3)
7. The Council and its staff conducted an inspection of the proposed site on October 30, 2007, beginning at 2:00 p.m. During the field inspection, the Applicants flew a balloon to simulate the height of the proposed tower. The balloon was aloft from 8:00 a.m. to 6 p.m. for the convenience of the public. (Applicants 5, Affidavit of Balloon float; Tr. 2, p. 8)
8. Pursuant to CGS § 16-50l (b), public notice of the application was published in The Day on June 20 and June 22, 2007 and in The Norwich Bulletin on June 23, 2007. (Applicants 2, R. 1, Affidavit of Publication)

9. Pursuant to CGS § 16-501(b), notice of the application was provided to all abutting property owners by certified mail, return receipt requested. The Applicants have received return receipts from all adjacent landowners. (Applicants 1, p. 5; Applicants 2, R. 2)
10. Pursuant to CGS § 16-501 (b), on July 11, 2007, the Applicants provided notice to all federal, state and local officials and agencies listed therein. (Applicants 1, p. 4, Tab C; Amended Certification of Service)

State Agency Comment

11. Pursuant to CGS § 16-50j (h), on September 20, 2007 and November 6, 2007, the following state agencies were solicited by the Council to submit written comments regarding the proposed facility; Department of Environmental Protection (DEP), Department of Public Health (DPH), Council on Environmental Quality (CEQ), Department of Public Utility Control (DPUC), Office of Policy and Management (OPM), Department of Economic and Community Development (DECD), and the Department of Transportation (DOT). (Record)
12. The Council received a letter from the DOT on October 25, 2007 and from the DPH on November 26, 2007. Both letters stated that the agencies had “no comment” on the proposed project. (Record)
13. The following agencies did not respond with comment on the application: CEQ, DPUC, OPM, DECD and DEP. (Record)

Municipal Consultation

14. On September 25, 2006, MCF hand-delivered a copy of the technical report to the Town of Groton. On December 11, 2006, an MCF representative met with Groton’s Planning Director Michael Murphy and Groton’s Environmental Planner Deborah Jones regarding the proposed project. On February 9, 2007, Deborah Jones submitted four requests via email including:
 - a. Shift the proposed monopole as far west as possible;
 - b. Provide evergreen landscaping on the southern fence line;
 - c. Maintain natural drainage to the west of the site; and
 - d. Relocate the existing handicap ramp.(Applicants 1, p. 18)
15. MCF has incorporated the town’s recommendations into the plans. The proposed compound was shifted as far west as possible while avoiding the 50-foot wetland buffer. The proposed monopole was moved as far west as possible within the compound to keep excavation for the foundation outside of the wetland buffer while maintaining natural drainage. MCF would relocate the handicap ramp to the north of the proposed compound. (Applicants 1, p. 18, Tab A; Applicants 2, R. 4)
16. The Town of Groton Office of Emergency Management submitted a letter to the Council dated October 22, 2007. The letter supports the proposed facility and states the need for emergency service antennas to be located on the proposed tower to provide coverage along I-95. (Town of Groton Office of Emergency Management letter dated October 22, 2007)

17. On October 30, 2007, the Town of Groton Planning and Development Services submitted a letter to the Council regarding the proposed project. The town's recommendations regarding the proposed facility are:
 - a. The color of the tower should be a subdued, non-reflective color that blends in with the surroundings. The color should be stated on site plans.
 - b. Site plans should contain a note stating "Signal lights are not allowed unless required by FCC or FAA, and if required the lights should minimize impacts to affected residences with use of red night lighting. Any proposed lighting should be compatible with the requirements that the tower be a subdued – non-reflective color (i.e., not painted orange and white)."
 - c. The site plans and report should state, "There shall be no advertising or signs, other than warning signs, permitted on any tower."
 - d. The site plans and report should state, "The tower shall be removed from the site within 12 months of cessation of the use. In the event an unused tower is not removed within this time period, the tower and associated facilities may be removed by the Town and the cost of removal assessed against the property."
 - e. The report should confirm that the tower design meets the updated State Building code requirements.
 - f. The Town Planning Commission will require the submittal of a site plan modification application by the property owner prior to construction of the tower and its appurtenances. The application must meet all Zoning Regulations not preempted.
(Town of Groton Planning and Development Services letter dated October 30, 2007)
18. The Applicants are willing to comply with each of the recommendations listed in the town's October 30, 2007 letter. (Tr. 1, p. 27)
19. MCF would provide space on the tower for Groton's public safety communications antennas for no compensation. (Applicants 1, p. 9)

Public Need for Service

20. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 7)
21. In issuing cellular licenses, the federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. T-Mobile is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service to New London County, Connecticut. (Council Administrative Notice Item No. 7; Applicants 1, pp. 7, 8)
22. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)
23. The Telecommunications Act of 1996, a Federal law passed by the United States Congress, prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice Item No. 7)

24. 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. (Applicants 1, p. 7)
25. As an outgrowth of the 911 Act, the FCC mandated wireless carriers to provide enhanced 911 services (E911) as part of their communications networks. E911 allows public safety dispatchers to identify a wireless caller's geographical location within several hundred feet. The proposed site would become an integral component of T-Mobile's E911 network in this area of the state. (Applicants 1, p. 7)

Site Selection

26. In May of 2005, T-Mobile assigned the search ring in this area to MCF. (Applicants 2, R. 5)
27. MCF established a search area near the exit 89 off-ramp from I-95. The search area consisted of a rectangular area of approximately 480 feet by 240 feet encompassing the proposed site. (Applicants 2, R. 6, 7)
28. There are ten existing communications towers within approximately four miles of the site search area. T-Mobile is located on five of the existing towers. The locations of the towers are:

Address	Height	T-Mobile Antennas
68 Groton Long Point Rd., Groton	110 feet	None
741 Flanders Rd., Groton	150 feet	150 feet
1662 Gold Star Highway, Groton	130 feet	None
75 Roberts Rd., Groton	150 feet	128 feet
Welles Rd., Groton	120 feet	None
37-55 Taugwank Spur Rd., Stonington	190 feet	175 feet
72 Jerry Brown Rd., Stonington	160 feet	135 feet
40 Taugwank Spur Rd., Stonington	150 feet	None
107 Wilcox Rd., Stonington	100 feet	97 feet
41 Al Harvey Rd., Stonington	180 feet	None

(Applicants 1, Tab G; Applicants 2, R. 35; Tr. 1, p. 25)

29. MCF considered five existing structures near the target area:

Site	Reason for Rejection
Smokestack on Oral School Road	Too far east to connect the existing gap
Water Tank on Nantucket Avenue	Too far north
Steeple at the Church of God on Sandy Hollow Road	Too far west
Water Tank on Pequot Road	Too far south
Fire Department tower at 295 Cow Hill Road	Insufficient height and property owners declined lease offers from MCF

(Applicants 1, Tab H)

30. MCF investigated and rejected three locations for the construction of a telecommunications structure:

Site	Reason for Rejection
Church of God – 500 Sandy Hollow Road	Most of parcel is in or borders wetlands and too far west to provide adequate coverage
Precious Memories Daycare – 195 Sandy Hollow Road	Owner was not interested in leasing property
Sandy Hollow Professional Building – 200 Sandy Hollow Road	Not enough usable ground space for proposed facility, wetlands on property, and low ground elevation requiring a taller structure

(Applicants 1, Tab H; Applicants 2, R. 8)

31. Most of the site search area is residential and consists of smaller lots. MCF investigated the property of the proposed site, the Mystic River Ambulance Association, because it is larger than surrounding parcels and already dedicated to a commercial use. (Applicants 1, Tab H)
32. Due to terrain that exists between the Oral School and I-95, it would be difficult for a facility located at the Oral School to provide coverage to the interstate. In addition, the Oral School is located at the eastern side of the coverage gap and a telecommunications facility located in that area would have to project all coverage only to the west over the entire target area. (Tr. 1, pp. 75, 76)
33. Microcells, repeaters and distributed antenna systems (DAS) are not viable technological alternatives for providing coverage to the identified coverage gap. Terrain variations and tree cover in Groton and the surrounding area limit the use of alternative technologies. (Applicants 1, p. 8)
34. Repeaters require the ability to receive a signal and reproduce that signal to another area. In the area of the proposed site, the signal would have to project over terrain, which would require antennas to be located on a structure of the same height as the proposed tower. (Tr. 1, p. 67)
35. DAS requires existing utility poles with fiber optics or coaxial cables running between the poles to allow the antennas to provide feedback to an equipment location. DAS also requires a nearby site, with adequate available capacity, to provide coverage to the area. DAS would not be sufficient to provide adequate coverage to the gap along I-95 or to surrounding areas. (Tr. 1, pp. 67-69)

Site Description

36. The proposed site is located in the southeastern portion of a 3.35-acre parcel at 237 Sandy Hollow Road in Groton (refer to Figure 1 and Figure 2 of this document). The parcel, owned by Mystic River Ambulance Association, is occupied by a one-story building that is used as a headquarters and parking for an ambulance dispatch service. The proposed site would be adjacent to the existing building. (Applicants 1, pp. 2, 10, Tab A, Tab H)
37. Construction of the proposed compound would result in the relocation of the handicap access to the building as well as the removal of three parking spaces including one existing handicap parking space, which would be relocated. (Tr. 1, p. 12)
38. The host property is located southwest of the intersection of Allyn Street and Sandy Hollow Road, near the exit 89 off-ramp for I-95. (Applicants 3, Pre-filed testimony of Rodney Bascom, PE, p. 2)
39. The property is zoned RS-20 (residential). Telecommunications towers are not permitted in the RS-20 zone. However, Groton Zoning Regulations state that telecommunication towers are permitted in the RU, RMF and all commercial and industrial zoning districts subject to approval of a special permit. (Applicants 1, p. 15; Groton Zoning Regulations 7.1-41)
40. The Groton Plan of Conservation & Development acknowledges the increasing demand for wireless communications and a proliferation of towers and equipment. The Plan of Conservation and Development recommends the need for Groton to monitor technological changes in cellular communications and maintain reasonable regulations related to the siting of communications towers. (Groton Plan of Conservation and Development, p. 144)
41. The elevation at the base of the proposed tower is approximately 122 feet above mean sea level. Vegetation at the proposed site consists of maple and oak trees ranging in size from 15 to 30 feet tall and having 8 to 12 inch diameters. (Applicants 1, Tab L)
42. The proposed facility would consist of a 130-foot monopole within a 1,975 square foot leased area. The proposed site would be designed to accommodate up to four antenna platforms and equipment for wireless telecommunications carriers as well as Groton public safety communications antennas. Antenna platforms would be installed with a ten-foot center-to-center separation. (Applicants 1, pp. 9, 10, Tab A; Applicants 2, R. 9)
43. T-Mobile would install nine antennas with a centerline at the 127-foot level of the proposed tower. The total height of the proposed facility with antennas would be 130 feet above ground level (agl). (Applicants 1, Tab N)
44. The proposed tower would have an approximately five-foot diameter at the base and taper to approximately two feet at the top. Construction of the tower would be in accordance with the American National Standards Institute TIA/EIA-222-G "Structural Standards for Steel Antenna Towers and Antenna Support Structures." (Applicants 2, R. 11, 12)
45. A 35-foot by 50-foot equipment compound with an additional 15-foot by 15-foot area (for T-Mobile equipment) enclosed by an eight-foot tall security fence with privacy slats would be established at the base of the tower. (Applicants 1, p. 10; Tr. 1, pp. 21, 22)

46. T-Mobile could install equipment within the 35-foot by 50-foot area of the compound and construct the 15-foot by 15-foot area of the compound if needed in the future; however, since T-Mobile requires less space for equipment than other carriers, it would be more efficient to install its equipment in the 15-foot by 15-foot space and leave the remaining 35-foot by 50-foot area for future carriers. (Tr. 1, p. 22)
47. T-Mobile equipment would be installed on an approximately five-foot by ten-foot concrete slab. Equipment cabinets would be approximately 6 feet tall by approximately 4.5 feet wide by 2 feet deep. (Applicants 1, Tab A; Applicants 2, R. 40)
48. T-Mobile would use battery back up in the case of a power failure. (Applicants 2, R. 43)
49. The ambulance company located on the property has an existing back-up generator on-site. The ambulance company would be willing to share back-up generator with carriers or the Town of Groton as needed and if feasible. (Tr. 1, p. 27)
50. T-Mobile does not currently have any sites in Connecticut that use fuel cells as a back up power source and has no plans to install fuel cells at Connecticut sites in the future. T-Mobile is currently investigating the use of fuel cells as an alternate power source and is willing to use them once they are fully tested and approved. (Applicants 2, R. 44, 45)
51. The proposed facility could be constructed with camouflage design, such as a flagpole. A flagpole design would limit the future ability to allow co-location of additional carriers and emergency services equipment. T-Mobile anticipates needing more than three antennas at the proposed site to handle capacity needs along I-95. Flush mounted antennas would require T-Mobile to install additional antenna ports to accommodate future data and voice traffic above the initial antennas to achieve the added capacity, which would result in increased tower height. (Applicants 2, R. 14, 38; Tr. 1, p. 57)
52. T-Mobile could install t-bar antenna platforms at the proposed site. (Applicants 2, R. 39)
53. Evergreen landscaping would be installed along the southern edge of the proposed compound at the request of the Town of Groton. The proposed landscaping would be outside of the Applicants' leased area; however, the property owners agreed to allow the installation of landscaping to shield any potential views of the compound area. (Applicants 1, Tab A, Tab P; Applicants 3, R. 10)
54. Development of the proposed site would require minimal grading. (Applicants 1, p. 11)
55. Access to the proposed site would extend from Sandy Hollow Road via the existing paved access driveway for a distance of approximately 100 feet. Utilities would extend underground on the west side of the access road from a pole on Sandy Hollow Road. (Applicants 1, p. 10, Tab A)
56. Blasting would not be required for the development of the proposed site; however, ledge is visible near the proposed facility. If ledge were encountered during excavation for the tower foundation, chipping, rather than blasting, would be the preferred removal of the ledge. (Applicants 2, R. 18)

57. The tower setback radius would extend onto three properties to the south of the proposed site owned by Linda W. and Pamela C. Miller (by approximately 48 feet), Chad and Tina Copeland (by approximately 84 feet), and Charles E. and Marilyn H. Stevens (by approximately 78 feet). The proposed tower would be designed with an engineered yield point at 90 feet agl to allow the structure to remain on the host parcel in the event of a structure failure. (Applicants 1, Tab A; Applicants 2, R. 13; Tr. 1, p. 104; Applicant's Late-filed Exhibit dated March 4, 2008)
58. The nearest property boundary is approximately 40 feet south of the proposed monopole on property owned by Chad and Tina Copeland located at 20 Stony Hill Drive. (Applicants 1, Tab A)
59. There are 31 residences within a 1,000-foot radius of the proposed site. The nearest residence is 165 feet southeast on property owned by Charles E. and Marilyn H. Stevens located at 21 Stony Hill Drive. (Applicants 1, Tab A; Tr. 1, p. 79)
60. The area surrounding the host parcel consists of residential development. (Applicants 1, pp. 16, 17)
61. The estimated construction cost of the proposed facility, including antennas or radio equipment, is:

Tower and foundation costs including installation	\$62,895
Site development	\$14,638
Telecommunications equipment	\$128,708
Utility installation	\$60,825
Other fees	\$42,731
Total	\$309,797

(Applicants 1, p. 20; Applicants 2, R. 20)

Potential Monopole Relocation

62. The Applicants can construct the proposed monopole 30 feet north of the proposed compound (refer to Figure 3 of this document). The monopole would be enclosed by a 12-foot by 12-foot fenced area. Fencing would also be installed along the cable routing from the compound to the monopole. The relocation of the monopole would result in a distance of 71 feet to the southern property line and 204 feet to the nearest residence. (Applicant's late-filed exhibit, received December 3, 2007)
63. The Applicants can construct the proposed monopole 60 feet north of the proposed compound (refer to Figure 4 of this document). The monopole would be enclosed within a 12-foot by 12-foot fenced area. Fencing would also be installed along the cable routing from the compound to the monopole. The relocation of the monopole would result in a distance of 101 feet to the southern property boundary and 232 feet to the nearest residence. (Applicants' late-filed exhibit, received December 3, 2007)
64. Construction of the tower either 30 feet or 60 feet north of the compound would result in a tower location within the 50-foot wetland buffer; however, the tower would not be within the wetland. (Tr. 2, pp. 25-27, 31)
65. The monopole would require an approximately six foot by six-foot foundation, which would be located near the shoulder of the access road if separated from the compound. The area required for construction of the monopole would be approximately ten feet by ten feet. (Tr. 2, pp. 30, 31)

66. If the monopole is constructed north of the proposed compound, all equipment could be installed within the 35-foot by 50-foot area and the additional 15-foot by 15-foot area would not be needed. (Tr. 2, p. 40)
67. On December 27, 2007, the Town of Groton submitted a letter to the Council stating the town's preference for the monopole to be relocated 60 feet north of the proposed compound. (Town of Groton Planning and Development Services letter, dated December 21, 2007)

Environmental Considerations

68. The proposed facility would have no effect on historic, architectural or archeological resources listed on or eligible for the National Register of Historic Places. (Applicants 1, Tab M)
69. There are no known extant populations of State Endangered, Threatened or Special Concern Species at the proposed site. There are no federally listed or proposed, threatened or endangered species or critical habitat known to occur within the proposed project area. (Applicants 1, Tab M, Tab O)
70. Two trees with diameters of six inches or greater would be removed for the construction of the proposed site and access road. (Applicants 1, Tab A)
71. Construction activities associated with the proposed site and access road would not take place within wetlands. The nearest wetland is 51 feet west of the proposed site. Groton Wetland Regulations recommend a 50-foot or a 100-foot buffer from wetland boundaries, depending on the type of activity. The distance from the proposed site to the wetland boundary is sufficient to protect the wetland resources on the property. (Applicants 1, p. 17; Tr. 1, p. 16)
72. The wetland is dominated by red maple. The soil is glacial till with approximately 70 to 80 percent covered by surface stones and boulders. (Tr. 1, pp. 18, 19)
73. Proposed sediment and erosion controls would consist primarily of silt fencing. (Applicants 2, R. 21)
74. The closest airport to the proposed site is the Groton-New London Airport, which is approximately 3.5 miles southwest of the site. Obstruction marking and lighting of the proposed tower would not be required. (Applicants 1, p. 19; Applicants 2, R. 22, 28)
75. The maximum power density from the radio frequency emissions of T-Mobile's proposed antennas would be 0.046 mW/cm^2 or 4.6% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on 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. (Applicants 1, Tab N)

Visibility

76. The proposed tower would be visible year-round from approximately 20 acres within the study area, which consists of a two-mile radius around the site (refer to Figure 5 of this document). The tower would be visible seasonally from an additional 56 acres within the study area. (Applicants 1, Tab K)

77. Visibility of the proposed tower from roads within a two-mile radius of the proposed site is presented in the table below.

Road	Length of road visibility (Year-round)	Length of road visibility (Seasonal)
Sandy Hollow Road	1,300 feet	800 feet
Allyn Road/Rt. 614	1,400 feet	1,100 feet
I-95	300 feet	2,600 feet
Pequot Road	500 feet	450 feet

(Applicants 1, Tab K)

78. Visibility of the proposed tower from specific locations within a two-mile radius of the site:

Location	Visible	Approx. Portion of Tower Visible	Approx. Distance from Tower
1. Sandy Hollow Road (in front of site)	Yes	Entire tower	300 feet north
2. Intersection of Sandy Hollow Road & Allyn Street/Rt. 614	Yes	60 feet above trees	490 feet northeast
3. Intersection of Sandy Hollow Road & Pequot Road	Yes	75 feet – behind residential structures	860 feet east
4. 492 Pequot Road	Yes	50 feet – behind residential structures	940 feet east
5. Allyn Street/Rt. 614 at I-95 South bridge	Yes	30 feet – above trees	960 feet north
6. Allyn Street/Rt. 614	No (leaf on conditions)	Seasonally visible	1,160 feet south
7. Sandy Hollow Road	No (leaf on conditions)	Seasonally visible	660 feet northwest
8. Olde Mystick Village/Mystic Aquarium	No	-	8,500 feet east
9. Elm Grove Cemetery	No	-	5,800 feet east
10. Whitehall Mansion	No	-	7,600 feet northeast
11. Mystic Bridge Historic District	No	-	7,500 feet southeast
12. Mystic River Historic District	No	-	6,200 feet southeast
13. Bel Aire Playground	No	-	7,200 feet southwest
14. Chesbro Cemetery	No	-	7,400 feet southwest
15. Northeast School	No	-	8,800 feet northwest
16. Williams Beach	No	-	10,200 feet southeast
17. Charles W. Morgan Whaling Vessel	No	-	6,000 feet southeast
18. Avon Place/Fieldcrest Play Area	No	-	5,500 feet north
19. Old Mystic Playground	No	-	10,200 feet northeast
20. Avalonia Land Conservancy	No	-	6,200 feet northeast

(Applicants 1, Tab K)

79. The area with year-round visibility of the proposed monopole consists of the I-95 corridor near exit 89 and the adjacent area. (Applicants 3, Testimony of Rodney Bascom, PE, p. 6)
80. The proposed site would be visible year-round from approximately 17 residences including approximately ten residences on Pequot Avenue, four residences on Sandy Hollow Road, and three residences on Oxford Court. The proposed site would be seasonally visible from approximately 22 residences, including six residences on Pequot Avenue, two residences on Sandy Hollow Road, nine residences on Stony Hill Road and five from Oxford Court. (Tr. 1, pp. 10, 11)
81. The nearest boundary of Pequot Woods Park is approximately 965 feet to the west of the proposed site. The proposed tower is not expected to be visible from within the Pequot Woods Park. (Applicants 1, Tab K; Applicants 2, R. 26)
82. The property of the nearest residence, owned by Mr. and Mrs. Stevens, would have seasonal views of the proposed tower and may have year-round views of the structure due to proximity. (Tr. 1, pp. 79, 80)
83. The proposed site would be visible from about 2,100 feet of Sandy Hollow Road, which is locally designated as a scenic road. (Applicants 1, Tab K; Tr. 1, p. 12, 36)
84. Most of the area with year-round visibility consists of residential uses. In addition, there are several commercial uses and undeveloped parcels. (Applicants 2, R. 24)
85. Construction of the proposed monopole to the north of the proposed site is not expected to change the visual impact of the monopole. (Tr. 2, p. 42)

Existing and Proposed Wireless Coverage – T-Mobile

86. T-Mobile operates in the 1935 - 1945 MHz and 1983 - 1984 MHz frequency bands and at a signal level service design of -84 dBm for this area, sufficient for in-vehicle coverage. The signal level threshold for in-building coverage is -76 dBm. (Applicants 2, R. 42)
87. T-Mobile has a 1.37-mile existing coverage gap along I-95 between T-Mobile's existing sites at 725 Flanders Road in Groton and 72 Jerry Brown Road in Stonington. The signal level in the gap area currently ranges between -84 dBm and -105 dBm, resulting in a greater than 2% dropped call rate. Coverage from surrounding sites is depicted on Figure 6 of this document. (Applicants 2, R. 46, 49, 50; Tr. 1, p. 26)
88. The proposed site would provide approximately 3.1 miles of adequate coverage along I-95. The total footprint area of T-Mobile coverage provided by the proposed site is 2.87 square miles. Figure 7 depicts coverage from the existing surrounding sites and the proposed site at a height of 127 feet agl. (Applicants 2, R. 37, 47, 48, 51)

89. Adjacent T-Mobile wireless facilities that would interact with the proposed facility are:

Location	Antenna Height agl	Approximate Distance from Site
741 Flanders Road, Groton	150 feet – monopole	1.3 miles west
37-55 Taugwank Spur Road, Stonington	175 feet – monopole	4.3 miles east
72 Jerry Brown Road, Stonington	135 feet – monopole	1.57 miles northeast

(Applicants 2, R. 33, 36)

90. Terrain to the west and east of the proposed site, along I-95, constricts the ability to propagate a signal from the 117-foot level of the proposed tower. At the 117-foot level, a gap in T-Mobile coverage would exist along I-95 to the west of the proposed site. Figure 8 depicts coverage from the existing surrounding sites and the proposed site at a height of 117 feet agl. (Applicants 2, R. 51; Tr. 1, pp. 48, 49)
91. Construction of the proposed monopole and antennas to the north of the compound would not affect radio frequency propagation from T-Mobile antennas. (Tr. 2, pp. 42, 43)



Figure 1. Aerial photograph of proposed site. (Applicants 1, Tab A)

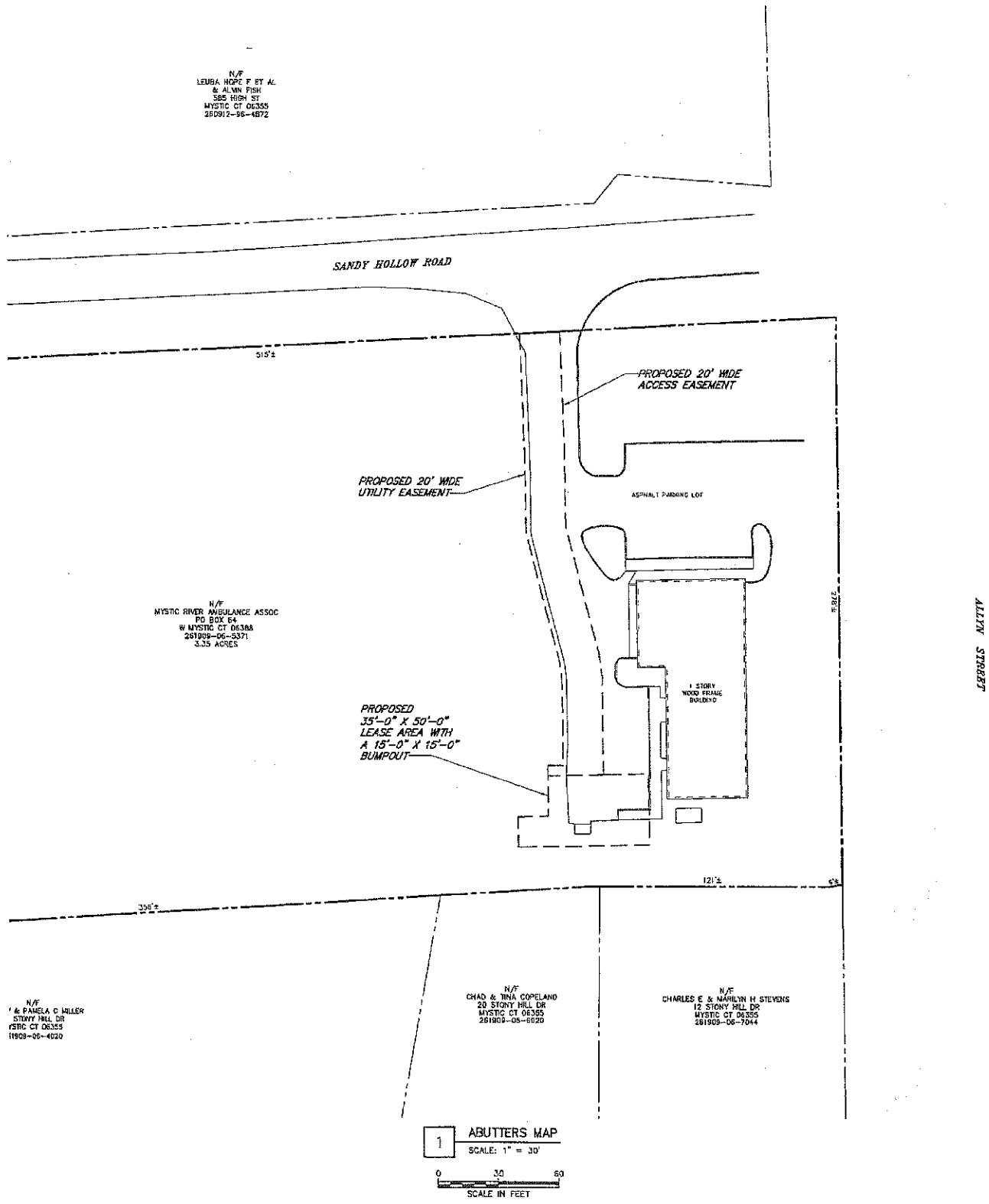


Figure 2. Site Plan of proposed site. (Applicants 1, Tab A)

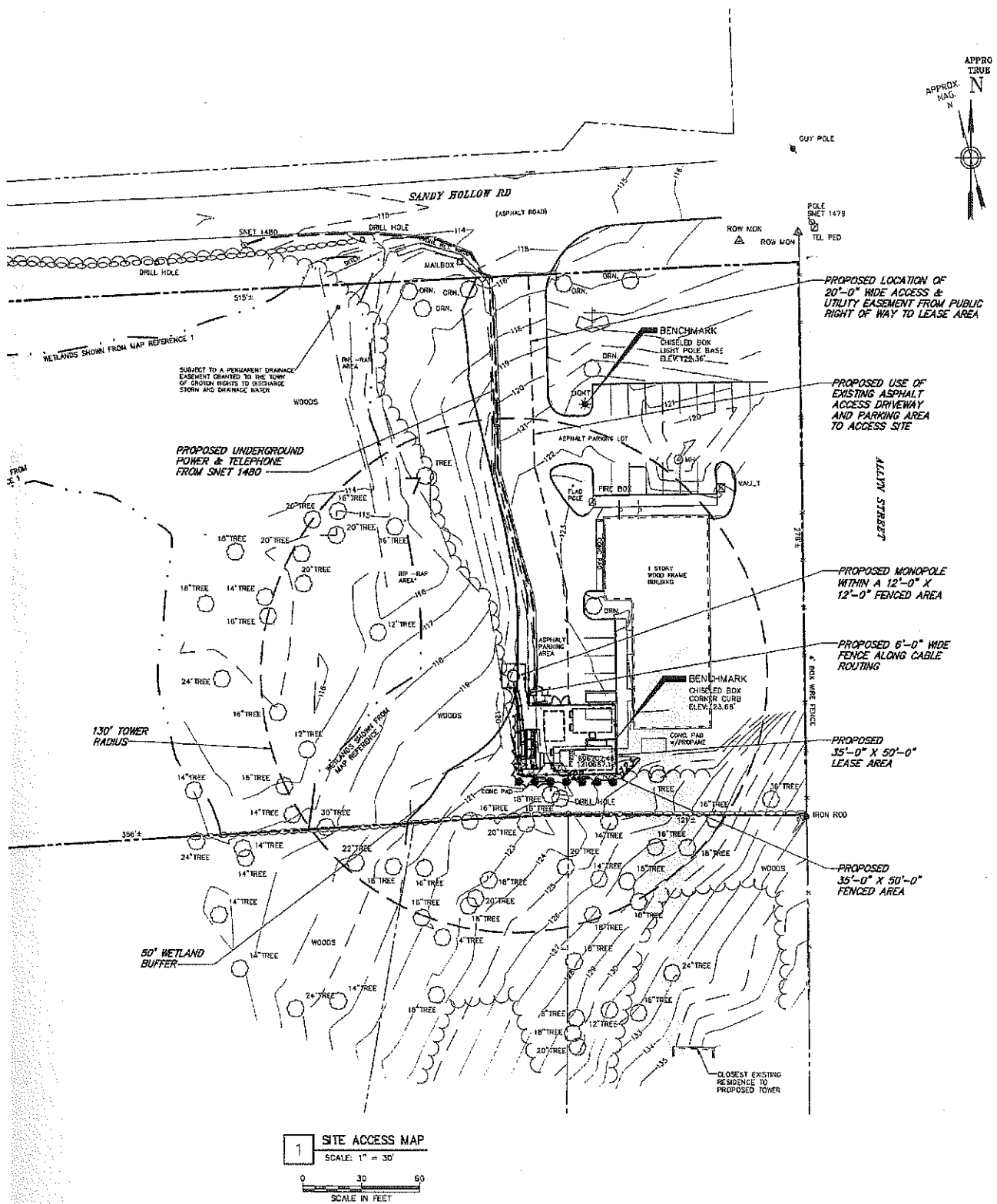


Figure 3. Site Plan with proposed monopole located 30 feet to the north of the compound. (Applicants' late-filed exhibit, received December 3, 2007)

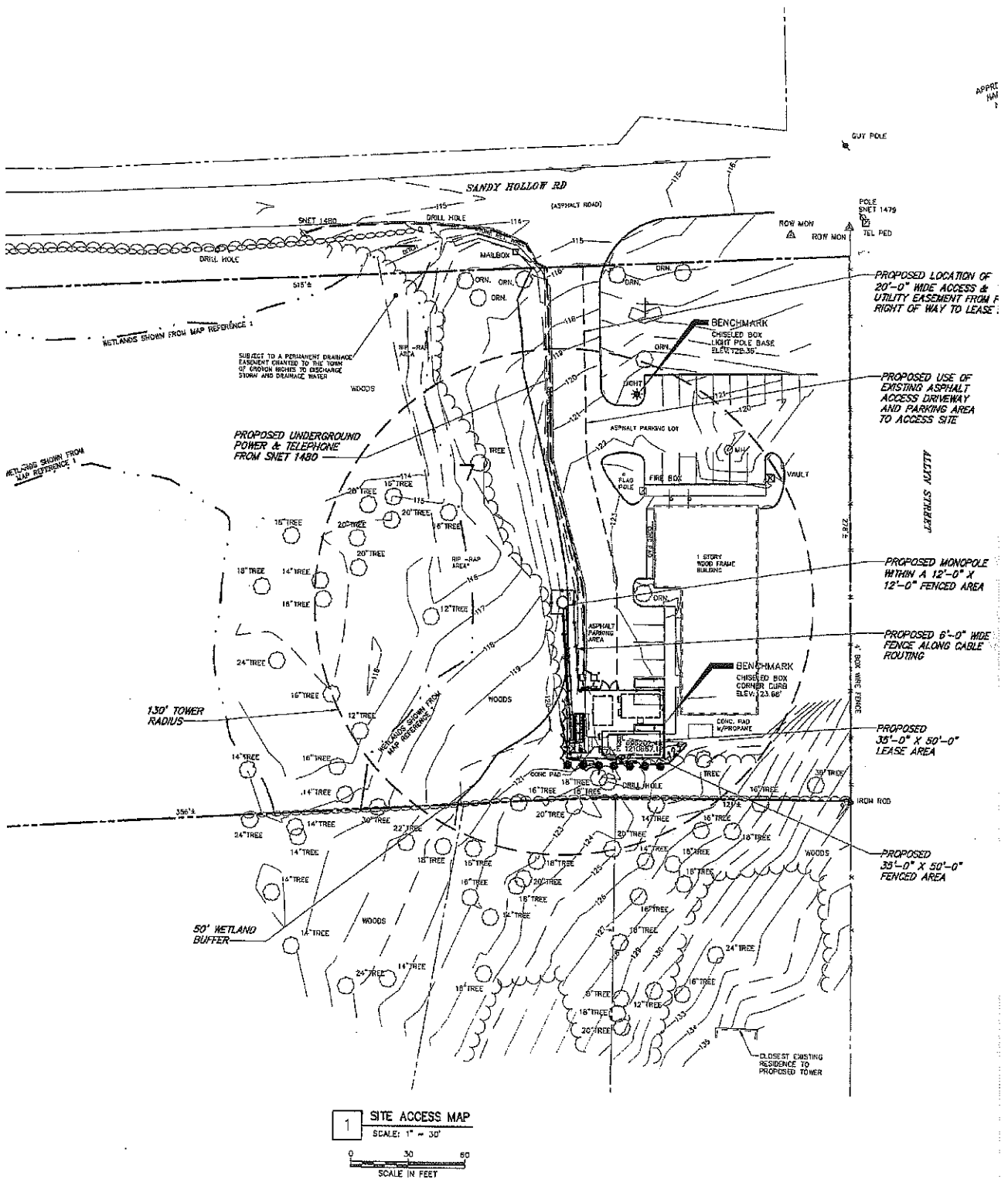
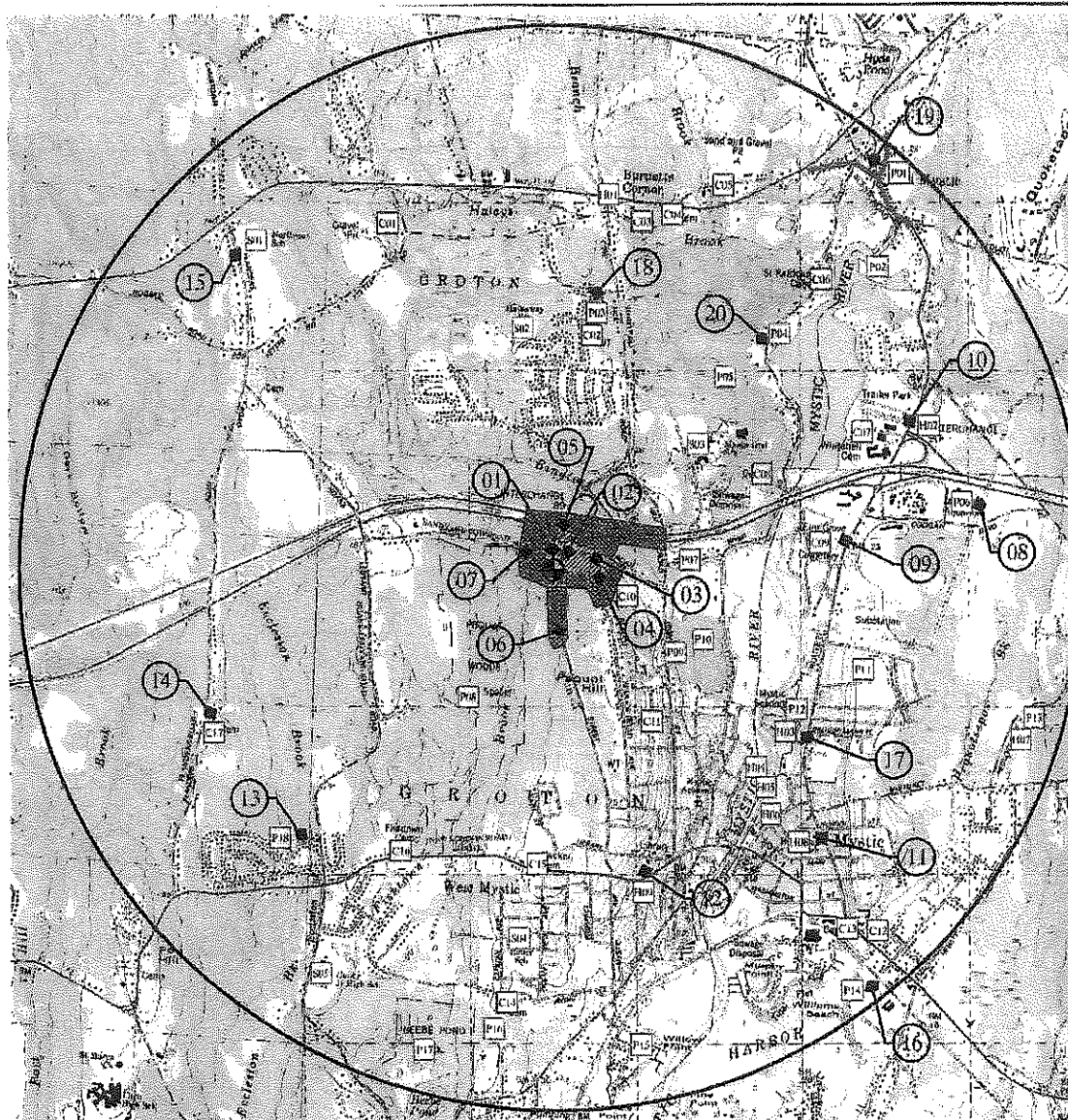


Figure 4. Site plan with proposed monopole located 60 feet north of compound. (Applicants' late-filed exhibit, received December 3, 2007)



Parks / Playgrounds / Recreational Areas:

- | | | | | |
|--|---|--|---|--------------------------------|
| P01 Old Mystic Playground | P05 Mystic Community Center Open Space | P09 Akeley Nature Preserve | P13 Denison Pequotsepos Nature Center | P17 Beube Pond Park |
| P02 The Nature Conservancy Group Salt Marsh | P06 Mystic Aquarium | P10 Peace Sanctuary Trust, Inc. | P14 Williams Beach (Mystic Community Center) | P18 Est Ains Playground |
| P03 Anna Place / Fieldcrest Play Area | P07 Bloodless Sanctuary | P11 Mystic Little League Field | P15 Mystic Shipyard | |
| P04 Avalonia Land Conservancy | P08 Pequot Woods Park | P12 Mystic Seaport | P16 Avalonia Land Conservancy | |

Visibility by Residence

STREET	RESIDENCES
PEQUOT ROAD	6 (S)
SANDY HOLLOW ROAD	2 (S)

(S) = SEASONAL VIEW
 (Y) = YEAR ROUND VIEW

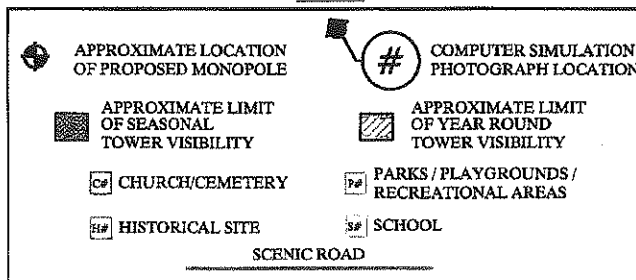


Figure 5. Viewshed analysis map. (Applicants 1, Tab K)

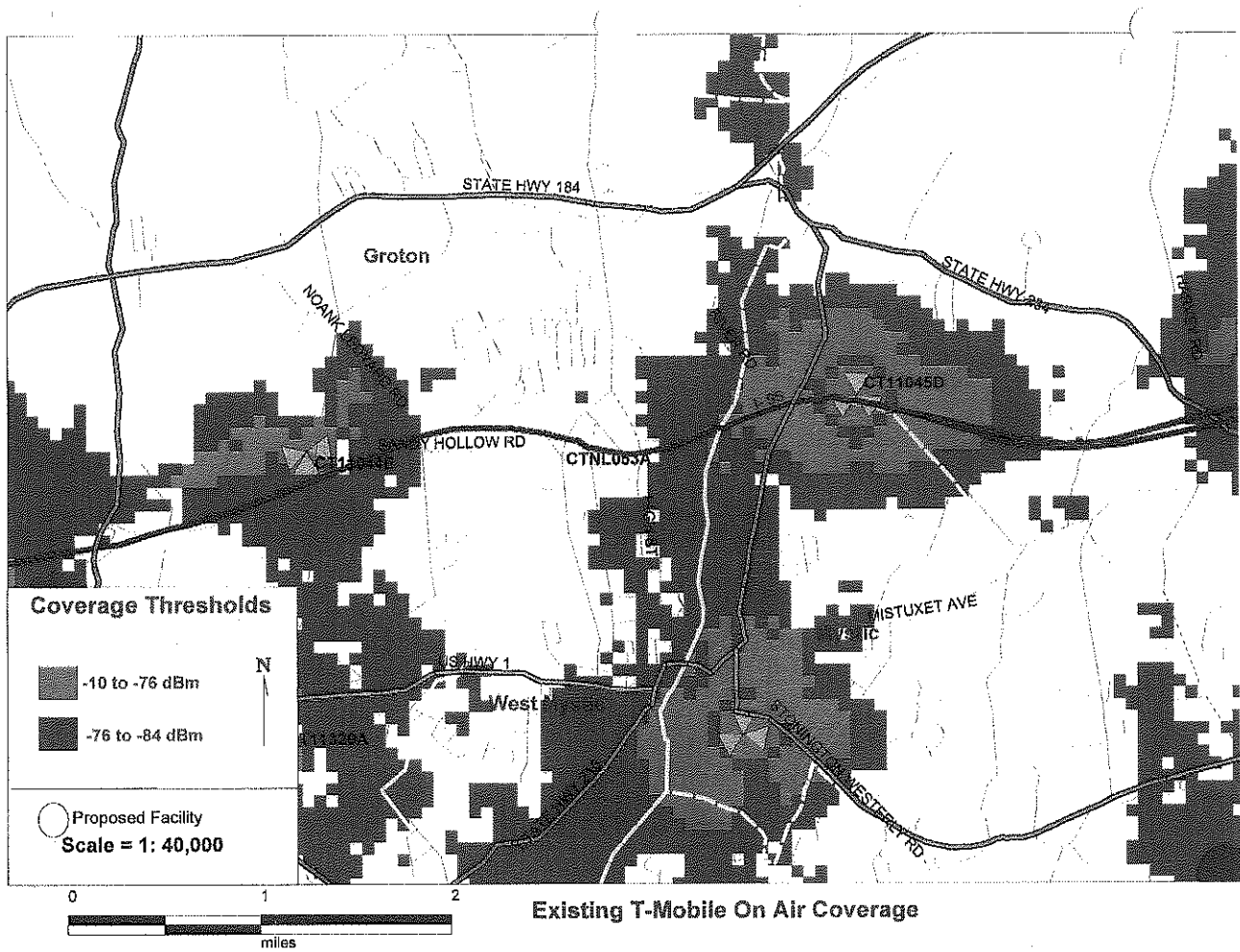


Figure 6. Existing T-Mobile Coverage near the proposed site. (Applicants 2, R. 50)

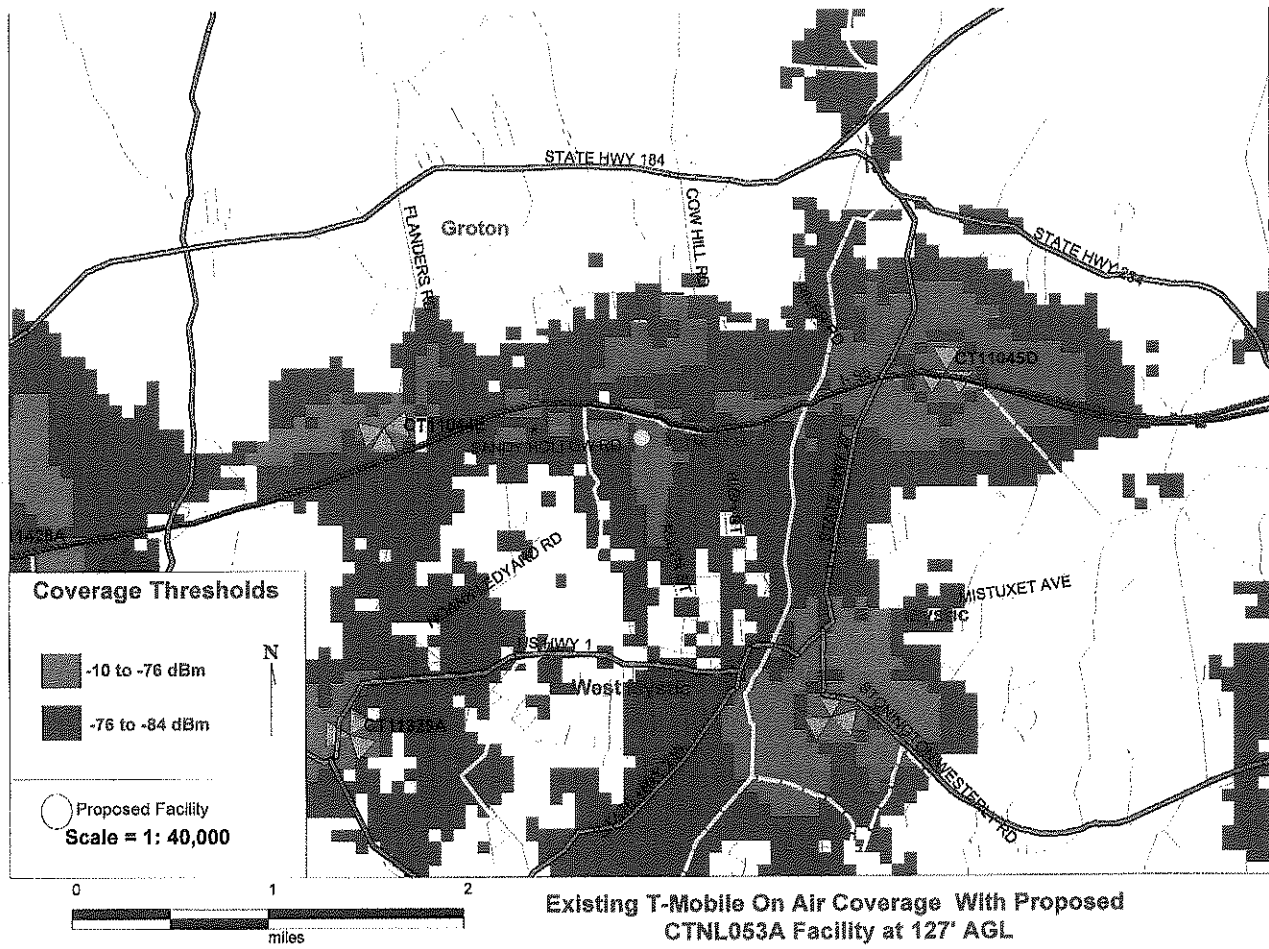


Figure 7. Existing T-Mobile coverage and coverage from the proposed facility at 127 feet agl.
(Applicants 2, R. 51)

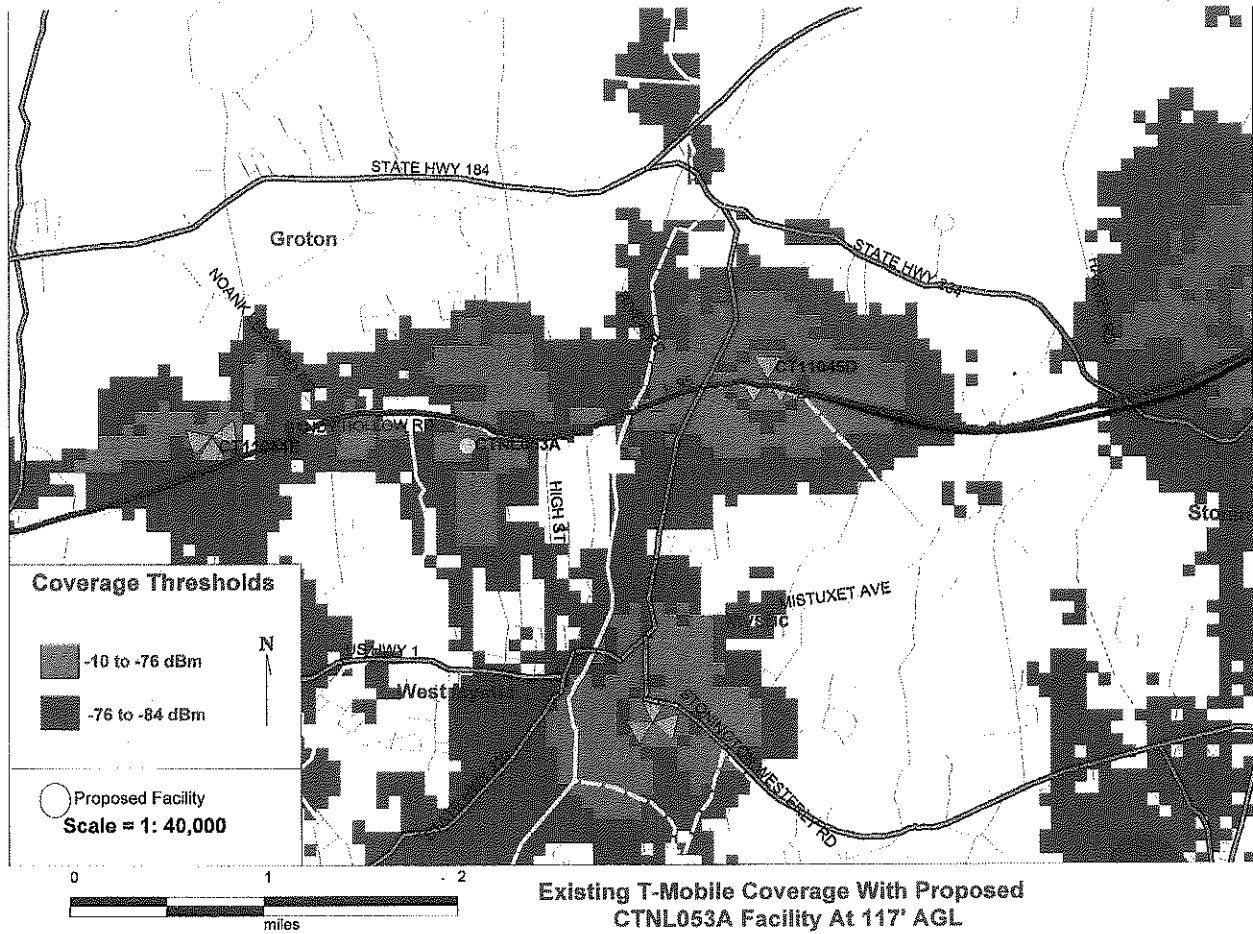


Figure 8. Existing T-Mobile coverage and coverage from the proposed site at 117 feet agl.
(Applicants 2, R. 51)

<p>DOCKET NO. 343 - MCF Communications bg, Inc and } Omnipoint Communications, Inc. application for a } Certificate of Environmental Compatibility and Public Need } for the construction, maintenance and operation of a } telecommunications facility located at 237 Sandy Hollow } Road, Groton, Connecticut.</p>	<p>Connecticut Siting Council March 26, 2008</p>
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Opinion

On July 13, 2007, MCF Communications bg, Inc. (MCF) and Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc. d/b/a T-Mobile (T-Mobile), collectively referred to as the "Applicants," applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a wireless telecommunications facility to be located at 237 Sandy Hollow Road in the Town of Groton, Connecticut. The Applicants are seeking to develop a facility on property owned by the Mystic River Ambulance Association (MRAA), which is used as a headquarters and an ambulance dispatch service. The intervenor in the proceeding is Charles E. Stevens, an adjacent property owner with property to the south of the proposed site.

The Applicants propose to construct a 130-foot monopole and associated compound on a 3.35-acre parcel. The site currently consists of a one-story building and parking lot. The proposed facility would be located adjacent to the building on a paved area. The proposed compound would be 35 feet by 50 feet with an additional 15-foot by 15-foot area (for T-Mobile's equipment).

T-Mobile proposed to locate antennas with a 127-foot centerline on the tower. The structure would be designed to accommodate up to four carriers as well as Groton public safety communications antennas.

Access to the proposed site would extend from Sandy Hollow Road via the existing paved access driveway for a distance of approximately 100 feet. Utilities would be installed underground on the west side of the access road.

The tower setback radius would extend onto three properties to the south of the site owned by Linda W. and Pamela C. Miller, Chad and Tina Copeland, and Charles E. and Marilyn H. Stevens. The tower would be designed with an engineered yield point at 90 feet above ground level to allow the structure to remain on the host parcel in the event of a structure failure.

The proposed tower would be visible year-round from approximately 20 acres and seasonally visible from an additional 56 acres within a two-mile radius of the site. Much of this area includes the Interstate-95 corridor surrounding the exit 89 area. The tower would be visible year-round from approximately 17 residences and seasonally visible from an additional approximately 22 residences. The Council recognizes the proposed tower would impact the residential properties south of the site, particularly Mr. Stevens' property, which would have a direct view of the tower. Most views of the tower would be seasonal; however, year-round views could be expected due to proximity. To aid in reducing the presence of the tower to properties south of the site, the Applicants could construct the proposed monopole approximately 30 feet or 60 feet north of the proposed compound. The Town of Groton stated its preference for the monopole to be relocated 60 feet north of the proposed compound.

A monopole located at either distance from the proposed compound would be enclosed within a 12-foot by 12-foot fenced area. Fencing would also be installed along the cable routing from the compound to the monopole. Thus the Council will order the tower to be 60 feet north of its proposed location. Such site details shall be submitted in the Development and Management Plan.

The relocated monopole would require an approximately six foot by six foot foundation located near the shoulder of the access road, and within the 50-foot wetland buffer but not within the wetland.

The proposed facility would have no effect on historic, architectural or archeological resources listed on or eligible for the National Register of Historic Places. There are no known extant populations of State Endangered, Threatened or Special Concern Species at the proposed site. Nor are there federally listed or proposed, threatened or endangered species or critical habitat known to occur within the proposed project area.

Typically, T-Mobile relies on a battery system as a backup power source in the event of a power outage. In this proceeding the MRAA does maintain a backup generator and expressed a willingness to share such backup power with the carriers and the town. Thus the Council will encourage continued dialogue regarding the sharing of such resources based on need and feasibility.

The proposed facility would provide coverage to an existing gap along Interstate 95 between existing T-Mobile sites at 725 Flanders Road in Groton and 72 Jerry Brown Road in Stonington.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated by Council staff to amount to 4.6% 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.

Based on the record in this proceeding, the Council finds that the proposed site is needed to provide coverage to a gap along Interstate 95 in Groton. To reduce the visual impact of the proposed tower, the Council will order that the monopole be constructed 60 feet north of the compound and that the compound be constructed within a 35-foot by 50-foot fenced area.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the telecommunications facility at proposed site, 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 130-foot monopole telecommunications facility at the proposed site, 237 Sandy Hollow Road, Groton, Connecticut.

DOCKET NO. 343 - MCF Communications bg, Inc and }
Omnipoint Communications, Inc. application for a Certificate of }
Environmental Compatibility and Public Need for the }
construction, maintenance and operation of a telecommunications }
facility located at 237 Sandy Hollow Road, Groton, Connecticut. }

Connecticut

Siting

Council

March 26, 2008

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 MCF Communications bg, Inc and Omnipoint Communications, Inc., hereinafter referred to as the Certificate Holders, for a telecommunications facility at 237 Sandy Hollow Road, Groton, Connecticut.

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

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of T-Mobile and other entities, both public and private, but such tower shall not exceed a height of 130 feet above ground level. The height at the top of the antennas shall not exceed 130 feet above ground level.
2. The tower shall be installed 60 feet north of the proposed compound.
3. The equipment compound shall be located within a 35-foot by 50-foot fenced area.
4. 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 Town of Groton for comment, 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, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; and
 - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

5. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of the 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 the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order. 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 Town of Groton 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 Town of Groton. 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, the Council hereby directs 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 Day, the Norwich Bulletin and The Groton Times.

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 to this proceeding are:

Applicant

MCF Communications bj, Inc and Omnipoint
Communications, Inc

Its Representative

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

Intervenor

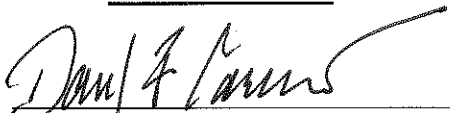
Charles E. Stevens
12 Stony Hill Drive
Mystic, CT 06355-1636

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. 343** - MCF Communications bg, Inc and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 237 Sandy Hollow Road, Groton, Connecticut:

Council Members

Vote Cast




Daniel F. Caruso, Chairman

Yes



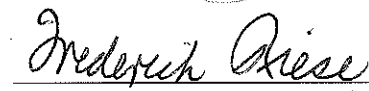
Colin C. Tait, Vice Chairman

Yes



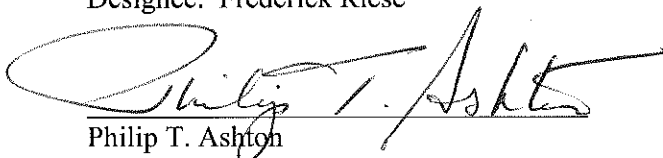
Commissioner Donald W. Downes
Designee: Gerald J. Heffernan

Yes



Commissioner Gina McCarthy
Designee: Frederick Riese

Abstain

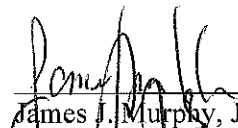


Philip T. Ashton

Yes

Daniel P. Lynch, Jr.

Absent



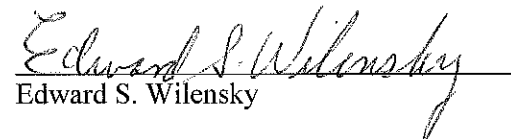
James J. Murphy, Jr.

Yes



Dr. Barbara Currier Bell

Yes



Edward S. Wilensky

Yes

Dated at New Britain, Connecticut, March 26, 2008.

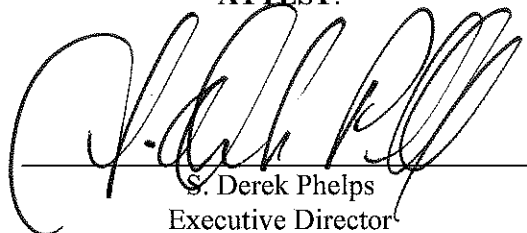
STATE OF CONNECTICUT)

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. 343 has been forwarded by Certified First Class Return Receipt Requested mail on March 28, 2008, to all parties and intervenors of record as listed on the attached service list, dated October 31, 2007.

ATTEST:



Carriann Mulcahy
Secretary II
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	MCF Communications bj, Inc and Omnipoint Communications, Inc	Julie Kohler, Esq. Carrie Larson, Esq. Cohen and Wolf, P.C 1115 Broad Street Bridgeport, CT 06604 Tel: 203-368-0211 Fax: 203-394-9901 JKohler@cohenandwolf.com Clarson@cohenandwolf.com
Intervenor (Approved October 30, 2007)	Charles E. Stevens 12 Stony Hill Drive Mystic, CT 06355-1636 860-536-6813 cesscruff@sbcglobal.net	