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May 9, 2008

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 349** -- Global Signal Acquisitions II application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1919 Boston Post Road, Guilford, Connecticut.

As stated at the hearing in Guilford on January 15, 2008, after the Council issues its draft findings of fact, parties and intervenors may identify errors or inconsistencies between the Council's draft findings of fact and the record; however, no new information, evidence, argument, or reply briefs will be considered by the Council.

Parties and Intervenors may file written comments with the Connecticut Siting Council on the Draft Findings of Fact issued on this docket by May 16, 008.

SDP/cm

Enclosure

DOCKET NO. 349 – Global Signal Acquisitions II application } Connecticut
for a Certificate of Environmental Compatibility and Public Need }
for the construction, maintenance and operation of a } Siting
telecommunications facility located at 1919 Boston Post Road, }
Guilford, Connecticut. } Council

May 2, 2008

DRAFT

Findings of Fact

Introduction

1. Global Signal Acquisitions II (Applicant), in accordance with provisions of Connecticut General Statutes (CGS) § 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on October 23, 2007 for the re-location, re-construction, operation, and maintenance of a wireless telecommunications facility, including a 150-foot high steel monopole tower, that currently exists on property located at 1919 Boston Post Road in Guilford, Connecticut. (Applicant 1, p. 1)
2. The Applicant originally filed a petition (No. 792) with the Council seeking permission to relocate the existing tower. Instead of acting on the petition, the Council requested that the Applicant file a certificate application for the proposed re-location. (Transcript , January 15, 2008, 3:00 p.m. [Tr. 1], p. 17)
3. Global Signal Acquisitions II is a wireless infrastructure company that owns, operates, and maintains telecommunications towers throughout the country, including Connecticut. Its home office is located in Canonsburg, Pennsylvania. (Applicant 1, p. 4)
4. The parties in this proceeding are the Applicant and Anthony Poccia, William and Myung Arabolos, Margaret Rose Richard, and Sandra Wilson, whose party status was transferred from Petition 792. Heather Fernandes, Diane and Alan Sholomskas, Brian Denning, Daniel Capozziello, and Joel and Donna Zemke were given intervenor status, which was transferred from Petition 792. (Tr. 1, pp. 6-7)
5. The existing facility, which includes a 150-foot monopole tower, is used by T-Mobile, Nextel, Sprint, Verizon Wireless, Cingular and AT&T Wireless and is an integral component of these carriers' networks that provide personal wireless communications services in Connecticut and New Haven County. The re-located, re-constructed facility would allow these carriers to continue to provide service along Interstate I-95 and Boston Post Road, as well as adjacent areas, in Guilford. (Applicant 1, pp. 1-2)
6. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on January 15, 2008, beginning at 3:05 p.m. and continuing at 7:00 p.m. at the Guilford Fire Department, 390 Church Street, Guilford, Connecticut. (Tr. 1., p. 3)
7. The public hearing was continued on April 1, 2008 beginning at 1:00 p.m. in Hearing Room One of the Council's offices at Ten Franklin Square, New Britain, Connecticut. (Transcript, April 1, 2008, 1:00 p.m. [Tr. 3], p. 2 ff.)

8. The Council and its staff conducted an inspection of the proposed site on January 15, 2008, beginning at 2:00 p.m. The applicant flew a balloon from 7:30 a.m. until approximately 5:00 p.m. at the proposed site to simulate the height of the proposed tower. The sky was overcast most of the day, and there was little or no wind. Weather conditions allowed for good visibility. (Tr. 1, pp. 27-28)
9. Pursuant to CGS § 16-50l(b), public notice of the application was published in the New Haven Register on December 10, 2007 and in the Shoreline Times. (Applicant 1, p. 5; New Haven Register Proof dated December 19, 2007)
10. Pursuant to CGS § 16-50l(b), notice of the application was provided to all abutting property owners by certified mail. (Applicant 1, pp. 5-6)
11. The Applicant received return receipts from all abutting property owners except one. (Applicant 2, A1)
12. The Applicant sent a total of six certified mailings to this one abutting landowner. It did not receive any return receipts. The abutting landowner is the State of Connecticut. (Tr. 1, p. 46)
13. On March 25, 2008, the Applicant sent another notice to abutting property owners and to the Town of Guilford informing them of a change in plans for the site of the tower relocation. (Applicant 7, p. 9)
14. Pursuant to CGS § 16-50l (b), the Applicant provided notice to all federal, state and local officials and agencies listed therein. (Applicant 1, p. 5; Exhibit E)
15. On December 20, 2007, the Applicant posted a 4-foot by 6-foot sign notifying the public of the Council's pending public hearing on its application. (Applicant 3, Pre-filed testimony of James Grafmeyer, A5)

State Agency Comments

16. Pursuant to CGS § 16-50l, the Council solicited comments on Optasite's application from the following state departments and agencies: Department of Environmental Protection, Department of Public Health, Council on Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, and the Department of Transportation. The Council's letters requesting comments were sent on December 5, 2007 and on April 3, 2008. (CSC Hearing Package dated December 5, 2007 and Letter to State Agency heads dated April 3, 2008)
17. The Connecticut Department of Public Health (DPH) responded to the Council's solicitation with no comments. (DPH Memorandum dated November 29, 2007)
18. The Connecticut Department of Transportation (ConnDOT) responded to the Council's solicitation with no comments. (ConnDOT Correspondence received January 7, 2008)

19. With the exception of DPH and ConnDOT, no comments were received from any state agency. (Record)

Municipal Consultation

20. On July 24, 2006, the Applicant submitted a letter and a technical report to the Town of Guilford informing it of its plans to re-locate and re-construct the existing facility. (Applicant 1, p. 21; Exhibit Q)
21. On August 3, 2006, attorneys for the Applicant and Developers Diversified Realty (DDR), the developer of the retail development that would necessitate moving the existing facility, met with town officials, including the Guilford First Selectman and the town's Tower Committee to discuss its proposal. During this meeting, the First Selectman indicated that he did not have any concerns about the Applicant's proposal since it involved re-locating an existing facility on the same property. (Applicant 1, p. 22)
22. The First Selectman of Guilford, Cal Balestracci, submitted a letter to the Council expressing support for Global Signal's application to relocate the existing tower. (Letter from Carl Balestracci, Guilford First Selectman, dated April 29, 2008)

Public Need for Service

23. The United States Congress, through adoption of the Telecommunications Act of 1996 (Act), recognized the important public need for high quality telecommunication services throughout the United States. The purpose of this Act, which was a comprehensive overhaul of the Communications Act of 1934, was to "provide for a competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies to all Americans." (Applicant 1, p. 6)
24. The Act prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Administrative Notice, Telecommunications Act of 1996)
25. The Act prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with the Federal Communications Commission's (FCC) regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice, Telecommunications Act of 1996)

26. In an effort to ensure the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999 (the 911 Act). The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. As an outgrowth of this act, the FCC mandated wireless carriers to provide enhanced 911 services (E911) that would enable public safety dispatchers to identify a wireless caller's geographical location within several hundred feet. (Applicants 1, pp. 7-8)
27. The re-located, re-constructed facility would be an integral component of the respective E911 networks of the different carriers using this facility. (Applicant 1, p. 8)

Site Selection

28. On May 22, 1997, the Guilford Planning and Zoning Commission approved a special permit application for Sprint Spectrum, LP to construct a facility, which included a 130-foot monopole tower, at the 1919 Boston Post Road location. The height of the tower was subsequently raised to 150 feet upon the Council's approval of Petition 613 on April 9, 2003, in which Sprint Sites USA sought permission for a twenty foot extension. (Applicant 1, p. 2)
29. The parcel on which the existing facility is located is owned by Roger Stone and is adjacent to two parcels that are owned by DDR, which has a long term lease for the Stone property. DDR is planning to construct a "lifestyle retail development" that would encompass the three parcels. The existing facility is within the footprint of what will be one of the buildings of the proposed development. For this reason, the applicant would dismantle the existing facility and re-construct it in the northeast corner of the proposed development. The height of the new tower would be the same as the existing tower, and the size of the new compound would be the same as the existing compound. (Applicant 1, pp. 2-3)
30. Following the January 15, 2008 public hearing, Joseph J. Russo, the owner of property at 1575 Boston Post Road, wrote a letter to the Council in which he offered his property as a potential location for the re-located tower. (Council Administrative Notice No. 19)
31. The conditions of Global Signal's lease for its telecommunications facility, and its additional agreement with DDR, do not allow it to move its facility to another property, at least until the year 2021. (Applicant 6, Responses A1 & A2)
32. Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means to provide service within the area the existing carriers are currently serving. Significant terrain variations and tree cover in the surrounding area limit the potential use of these technologies. (Applicants 1, p. 8)

Site Description

33. The existing facility consists of a 150-foot monopole tower within 50-foot by 61-foot enclosed compound. It is located on a parcel at 1919 Boston Post Road (Route 1) owned by Roger Stone. The Stone parcel and two adjacent parcels owned by DDR comprise a total area of 28.22 acres. This property is located approximately 740 feet to the northwest of Exit 57 on Interstate 95. (Applicant 1, pp. 2-3; Exhibit C)
34. The property on which the existing facility is located and would be re-located is within a Service Center West zoning district. Telecommunications towers are allowed in commercial zoning districts with the approval of a special permit. (Applicant 1, p. 3; Bulk filed Guilford zoning regulations)
35. The re-located facility would be moved approximately 750 feet to the northeastern corner of the 28.22 acre property on which the proposed shopping center would be developed. The replacement facility would include a 150-foot tall steel monopole tower within a 50-foot by 61-foot (3,050 square feet) enclosed compound. (Applicant 1, p. 3; Exhibit C, Sheet SC-1)
36. The existing tower is at the limit of its structural capability to accommodate additional or new antennas. (Tr. 3, p. 52)
37. The carriers on the existing tower have agreed to re-locate their antennas onto the new tower. (Tr. 3, p. 53)
38. The re-located tower would be located at 41° 17' 57.48"N latitude and 72° 42' 19.16"W longitude. Its elevation at ground level would be approximately 99.4 feet above mean sea level, which is approximately one foot lower than the existing tower site. (Applicant 1, Exhibit C – Sheet T-1)
39. The tower would be designed in accordance with the standards of the State of Connecticut Building Code that includes the International Building Code 2005 with the Connecticut Supplements and the specifications of the Electronic Industries Association Standard ANSI/EIA/TIA-222-F, "Structural Standards for Steel Antenna Towers and Antenna Support Structures." (Applicant 2, A3)
40. The existing tower accommodates the antennas of six carriers: T-Mobile at 150 feet, Nextel at 140 feet, Sprint at 130 feet, Verizon Wireless at 120 feet, New Cingular Wireless at 110 feet, and AT&T Wireless at 100 feet. All of these carriers would move to the new tower and remain at the same heights, except that due to the merger of Cingular and AT&T Wireless into New Cingular, only one set of antennas for what used to be two carriers will be needed on the new tower. These antennas would be located at the 110-foot height. (Applicant 1, pp. 6, 10, 11)
41. The replacement tower would have the same antenna arrays as the existing tower. (Tr. 1, p. 48)

42. Each carrier using the tower would occupy a 12-foot by 20-foot equipment shelter, except for Verizon Wireless which would occupy a 12-foot by 30-foot shelter. Sprint and Nextel, although maintaining antennas at different heights, would share one equipment shelter. (Applicant 1, p. 11)
43. Cingular and Verizon would share a generator for emergency back-up power as they do at the existing site. The other carriers would utilize batteries for back-up power. (Tr. 1, pp. 48-49)
44. The proposed compound would be enclosed by an eight-foot fence that would be designed to match the architecture of the commercial development on the same property. (Applicant 2, A7)
45. Minimal grading would be needed for the proposed compound area and access drive. All grading needed for the re-located facility would be required as part of the grading for the retail development proposed for the property. (Applicant 1, p. 12)
46. Vehicular access to the re-located facility from Boston Post Road would be over the paved driveways of the proposed retail development. (Applicant 1, p. 11)
47. Utilities would be extended underground approximately 400 feet from Boston Post Road to the re-located facility along its southwest corner to avoid interfering with the development of the shopping center. (Applicant 1, p. 3; Tr. 1, pp. 41-42)
48. The relocated tower would likely require blasting to install the tower foundation and utility lines. (Tr. 1, p. 48)
49. The tower's setback radius would extend approximately 60 feet onto the adjacent property located to the southeast of the proposed compound. This property is currently used as a parking lot. (Applicant 2, A4)
50. There are 31 residences within 1,000 feet of the proposed facility. (Applicant 2, A5)
51. The closest residence to the proposed facility is located 560 feet to the east of the compound and is owned by William and Myung Arabolos. (Applicant 2, A6)
52. The nearest areas along Boston Post Road are characterized by commercial development. Residential development is found in the surrounding area beyond the Boston Post Road. (Applicant 1, p. 20)
53. The estimated cost of the facility, including antennas and radio equipment, is approximately \$850,000. This figure includes new shelters for the carriers' equipment, new antennas, coax cables, connectors, and the site work. (Tr. 1, pp. 42-43)
54. The cost of relocating the existing facility would be borne by DDR. (Tr. 1, p. 45)

Alternate Site

55. Following the public hearing on January 15, 2008, Global Signal proposed an alternate site on the DDR property to which the tower would be relocated. This alternate location would be approximately 120 feet to the northwest of the existing site. At this location, Global Signal would erect a 150-foot monopole within a 3,403 square foot base compound. Within the base compound, each of the carriers would occupy equipment shelters that would be approximately 12 feet by 20 feet, except Verizon whose equipment shelter would measure 12 feet by 30 feet. (Applicant 7, pp. 3-4; Tr. 3, p. 46)
56. Global Signal would use a stockade type of fence that would complement the color of the retail development to enclose the equipment compound at the alternate site. (Tr. 3, pp. 51-52)
57. Landscaping would be used to mitigate the appearance of the equipment compound. (Tr. 3, p. 55)
58. The ground elevation of the tower at the alternate site would be 98 feet amsl. (Tr. 3, p. 51)
59. Locating a tower at the alternate site would require placing structural backfill in order to reach the proposed grades. It may also require removing some fractured rock. Approximately 21 feet of backfill would be required to bring the area where the tower would be located to the necessary grade. (Tr. 3, p. 49; Tr. 3, p. 62)
60. The setback radius of the tower at this location would encroach approximately 70 feet onto the right-of-way of Route 1 (Boston Post Road). (Tr. 3, pp. 49-50)
61. The tower could be designed with a pre-engineered yield point to effectively minimize the setback radius. (Tr. 3, pp. 49-50)
62. Vehicular access to the alternate site would extend from Boston Post Road over paved driveways that would be part of the retail development proposed for the property. (Applicant 7, p. 5)
63. Utility connections would extend underground from existing service on Boston Post Road to the equipment compound. (Applicant 7, p. 5)
64. The nearest residence to the alternate site is 293 feet to the northwest. (Tr. 3, p. 50)
65. The estimated cost of the proposed alternate site would be \$518,640, including antennas and radio equipment. (Applicant 8)

Environmental Considerations

66. The re-located facility is expected to have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Applicant 1, Exhibit N – Letter from State Historic Preservation Officer)

67. No extant populations of Federal or State Endangered, Threatened or Special Concern Species are known to occur at the proposed site. (Applicant 1, Exhibit N – Letter from DEP)
68. The existing vegetation in the vicinity of the re-located facility is generally mature, mixed deciduous hardwood species with an average estimated height of 65 feet. (Applicant 1, p. 14)
69. No tree with a diameter at breast height of six inches or more would be removed to develop the re-located facility or its vehicular access. (Applicant 1, Exhibit C – Letter from URS Corporation)
70. The closest wetland to the replacement facility is located approximately 128 feet to the east of the proposed facility's eastern corner. (Applicant 2, A8)
71. DDR has agreed to grant a conservation easement to the town or to the Guilford Land Trust that would encompass the portion of its property through which Spinning Mill Brook runs. (Tr. 1, p. 51)
72. The Applicant would establish and maintain soil erosion control measures, in accordance with the Council of Soil and Water Conservation's guidelines, throughout the construction of the re-located facility. (Applicant 1, p. 21)
73. The tower at the proposed re-location site would not constitute a potential air navigation obstruction or hazard and would not require lighting or marking. (Applicant 1, p. 22; Exhibit R)
74. The maximum power density from the radio frequency emissions of the carriers' antennas at the re-located facility was calculated to be 36.43% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously. (Applicant 1, Exhibit O)

Alternate Site

75. The closest wetlands to the alternate site are located approximately 437 feet and 679 feet away. (Applicant 7, p. 2)

Visibility

76. The re-located 150-foot monopole tower would be visible on a year-round basis from approximately 51 acres in the surrounding area. Of this total, approximately 16 acres occur on the DDR property on which the new shopping center would be located. In comparison, the existing tower is visible year-round from approximately 54 acres. (Applicant 1, Exhibit L, p. 4)

77. The re-located tower would be visible on a seasonal basis from an additional 45 acres that lie mainly to the northeast and southwest of the host property. (Applicant 1, Exhibit L, p. 5)
78. Two residences in the nearby area would have year-round views of the re-located tower. These properties are located along Route 1 adjacent to the host property and are closer to the re-located site than the existing site. (Applicant 1, Exhibit L, p. 5)
79. An additional ten residences would have limited seasonal views of the re-located tower. These properties are located along Peddlers Road, Copper Hill Drive, and Dowd Court within approximately ¼ mile of the re-located tower. (Applicant 1, Exhibit L, p. 5)
80. The visibility of the proposed site from different vantage points in the surrounding vicinity is summarized in the following table. The locations of the vantage points listed are identified by their corresponding number in the Visual Resource Evaluation Report contained in the Applicant's Exhibit L.

<u>Location</u>	<u>Site Visible</u>	<u>Approx. Portion of (150') Tower Visible (ft.)</u>	<u>Approx. Distance and Direction to Tower</u>
1 – Boston Post Road at Joan Drive	Yes	Upper 110'	1500 feet; SE
2 – Boston Post Road (Route 1)	Yes	Upper 50'	3000 feet; NW
3 – Boston Post Road, south of I-95	Yes	Upper 50'	1600 feet; NW
4 – Boston Post Road, north of I-95	Yes	Upper 120'	580 feet; NE
5 – River Road at Guilford Land Trust car pull-off area	Yes	Upper 30'	7200 feet; NW

(Applicant 1, Exhibit L - Photographic Simulations)

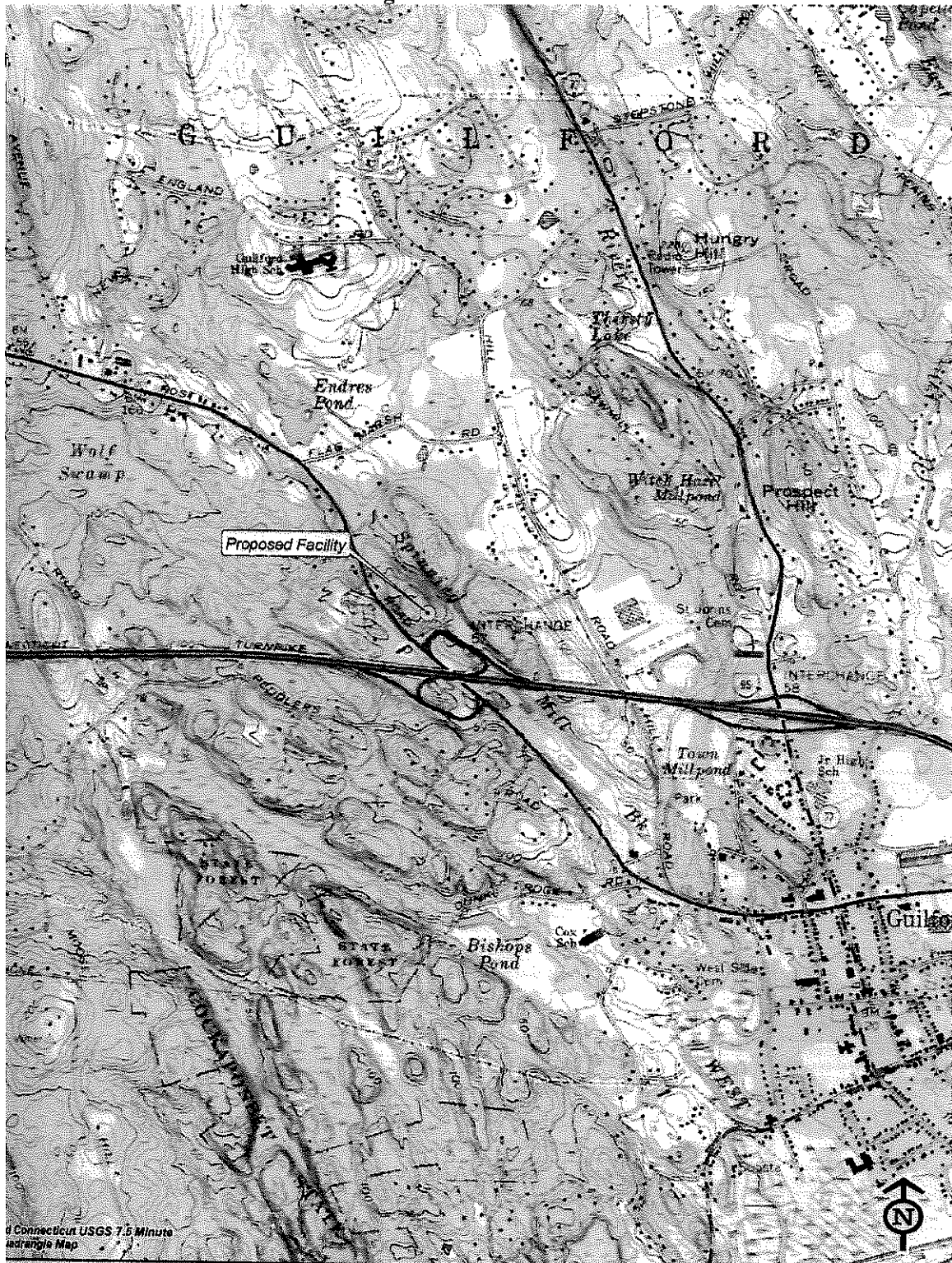
Alternate Site

81. The tower at the alternate site would be visible from approximately 43 acres. It would also be less visible from residential areas on Joan Drive and Russett Drive. (Applicant 7, p. 6)

Existing and Proposed Wireless Coverage

82. The existing (and proposed) facility is an integral component of the wireless networks of T-Mobile, Nextel, Sprint, Verizon Wireless, and New Cingular Wireless. It enables all of these carriers to cover areas along Interstate I-95 and Route 1 (Boston Post Road) in the Guilford area. (Applicant 1, pp. 6-7)
83. The carriers on the existing tower would require the same respective heights on the proposed relocated tower. (Tr. 1, p. 66)

Figure 1: Site Location



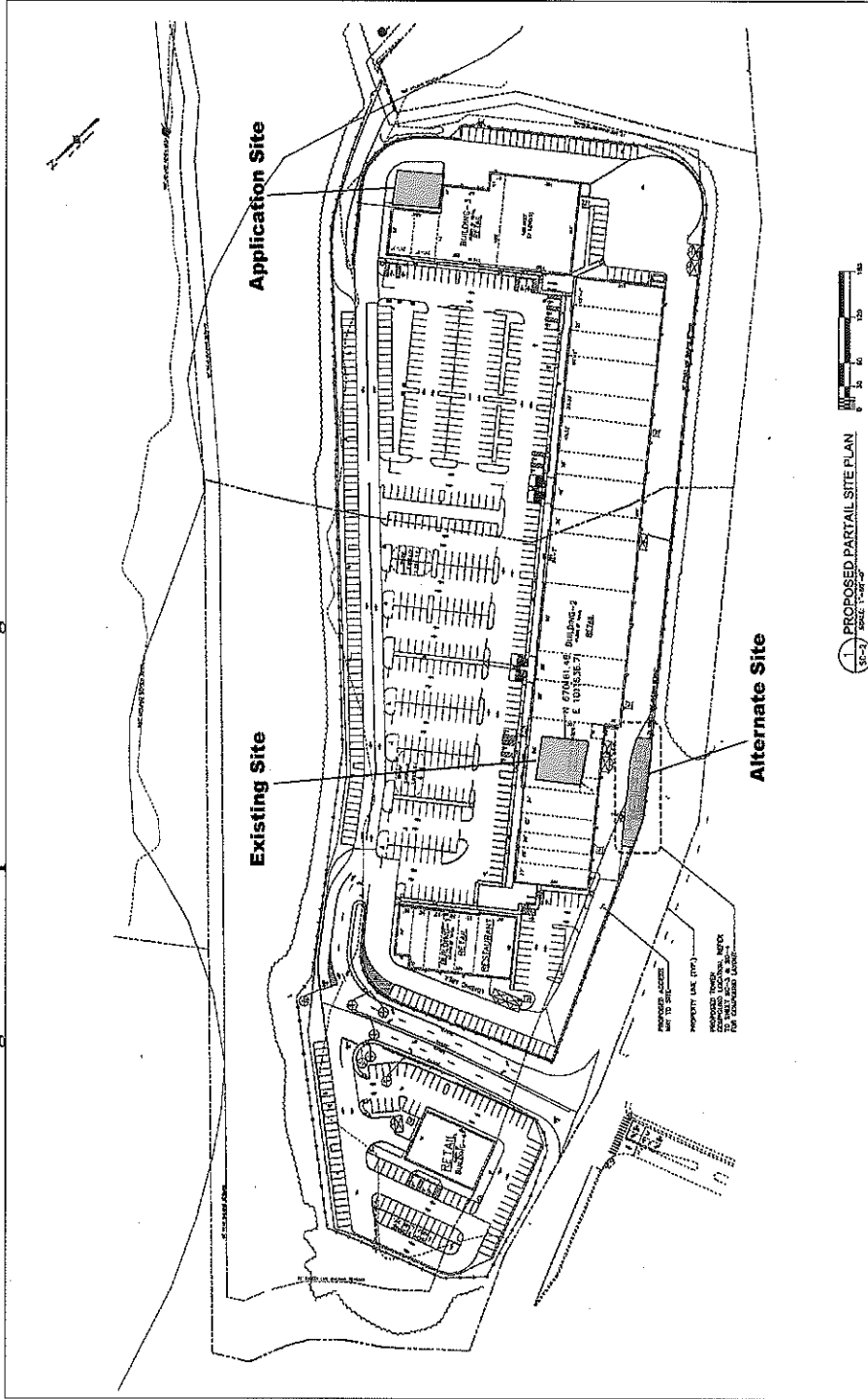
(Applicant 1, Exhibit C)

Figure 2: Aerial Photograph of Site



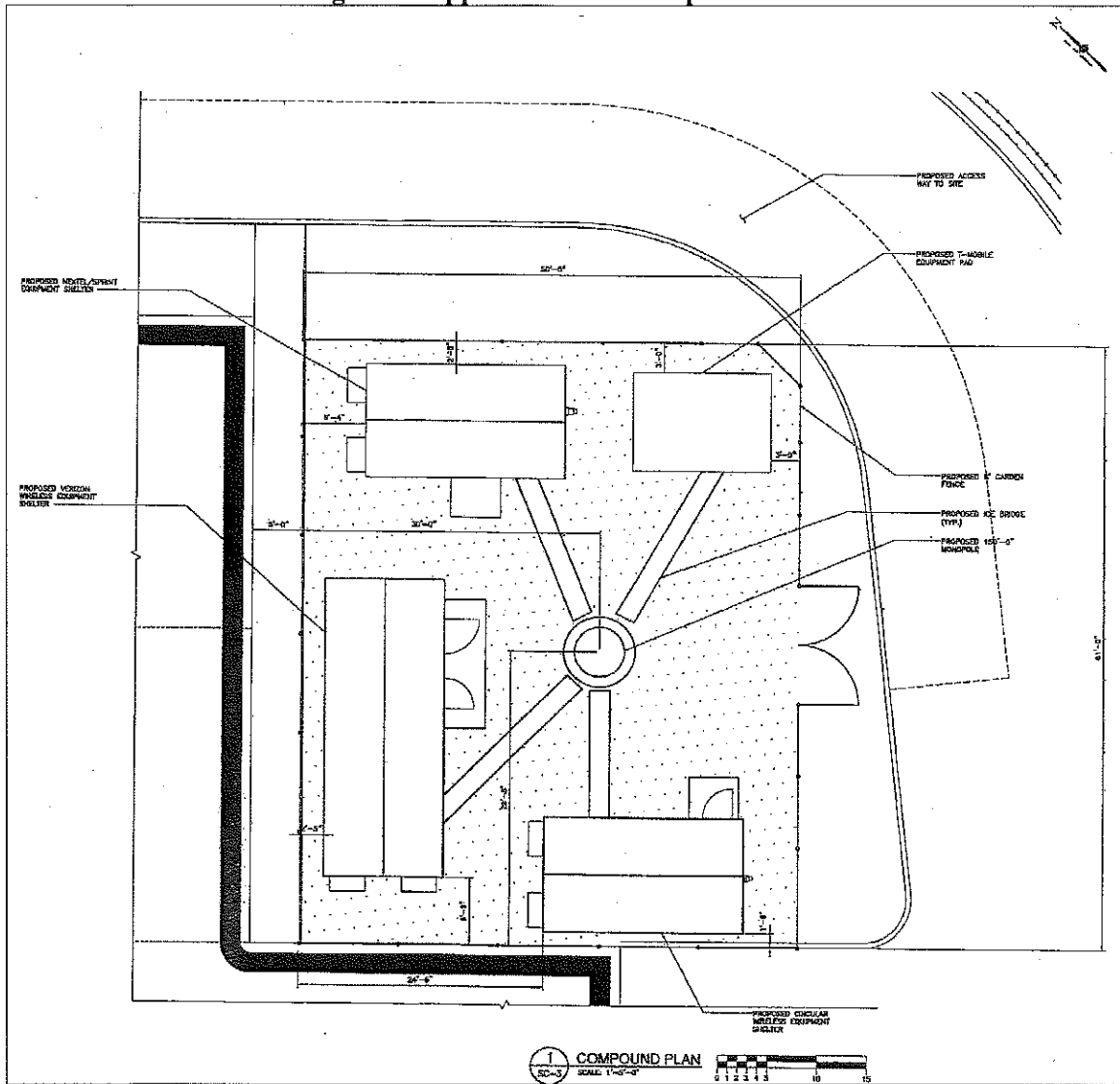
(Applicant 1, Exhibit C)

Figure 3: Development Plan Showing Different Site Locations



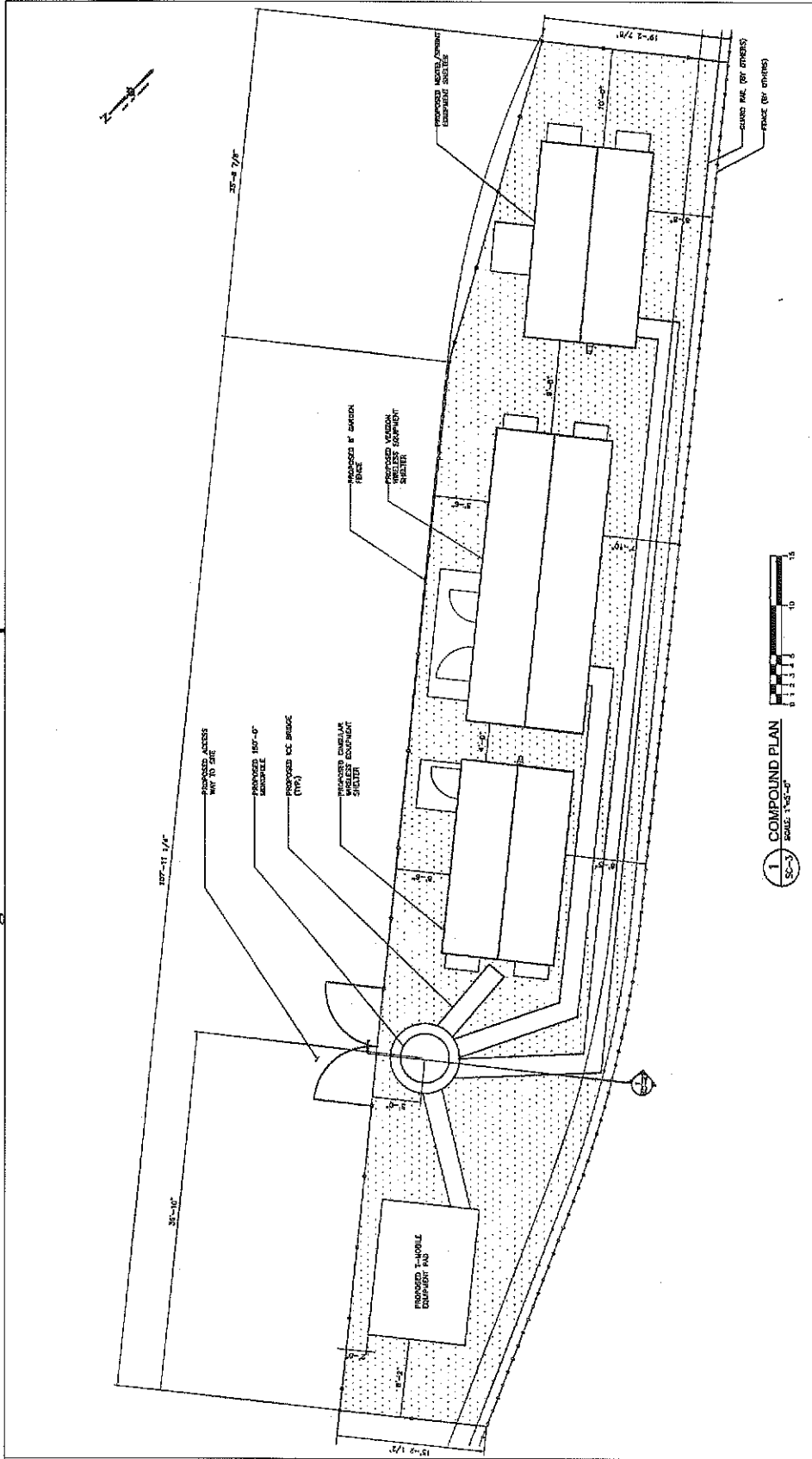
(Applicant 1, Exhibit C, Sheet SC-2; Applicant 7, Exhibit 7, Exhibit A, Sheet SC-2)

Figure 4: Application Site Compound Plan



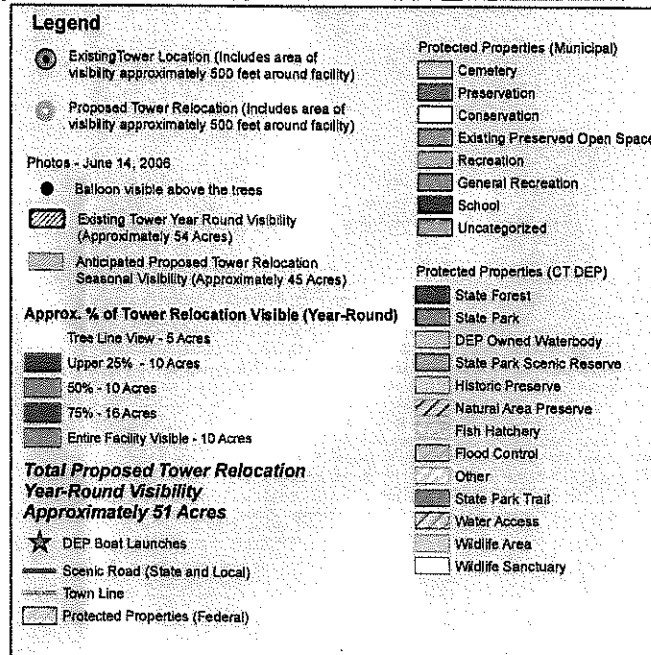
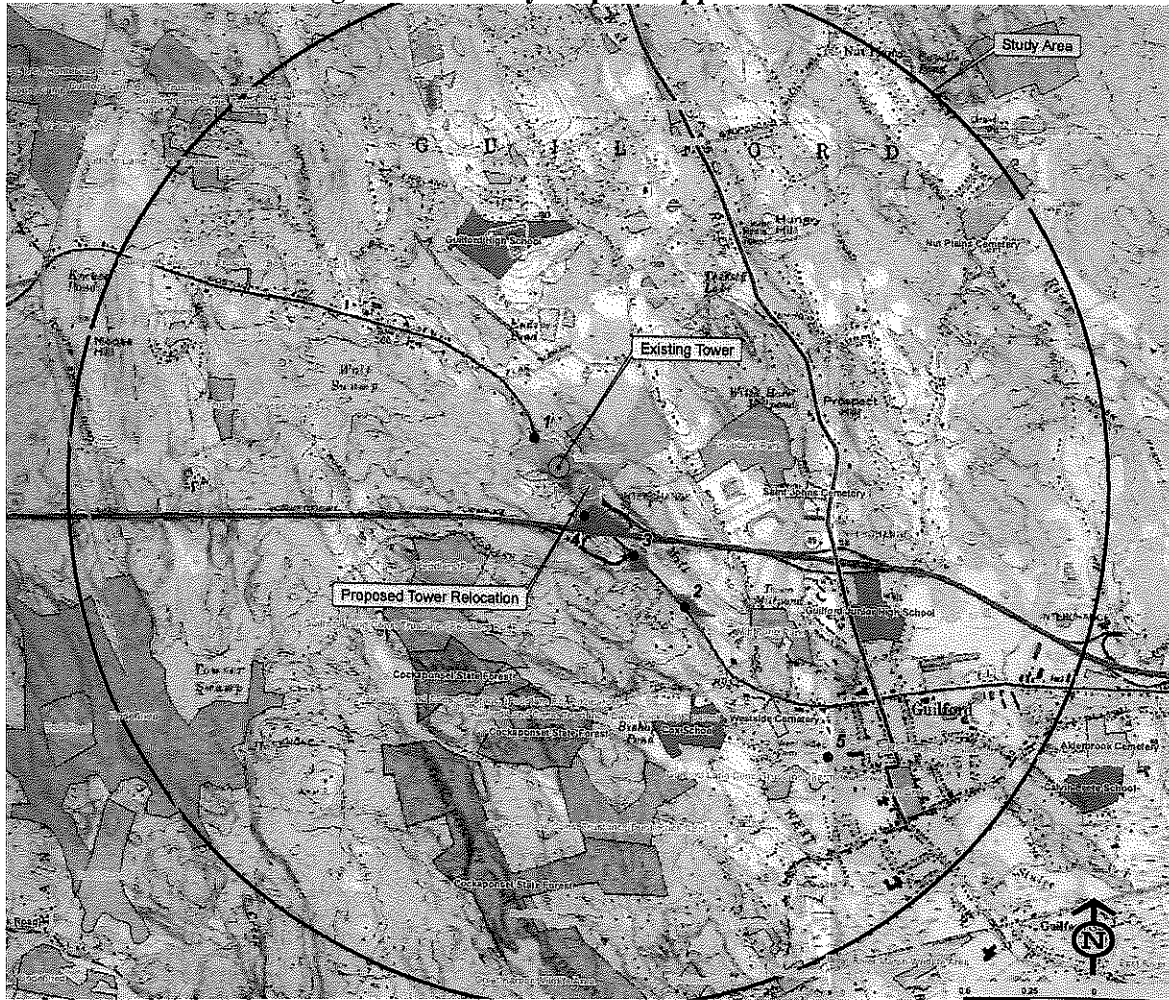
(Applicant 1, Exhibit 3, Sheet SC-3)

Figure 5: Alternate Site Compound Plan



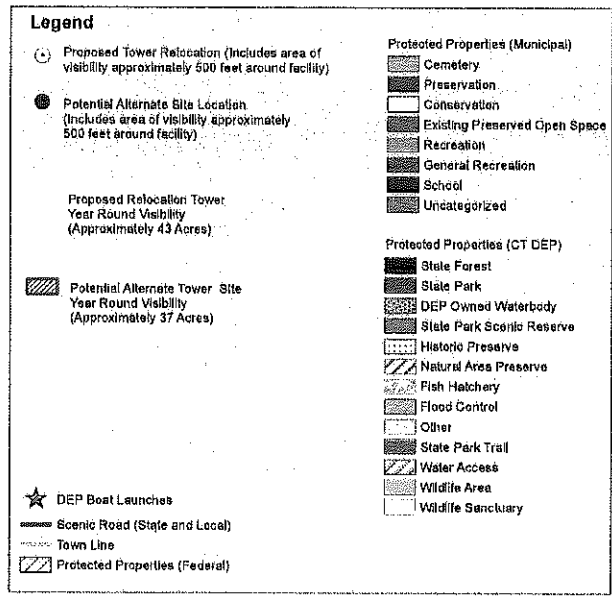
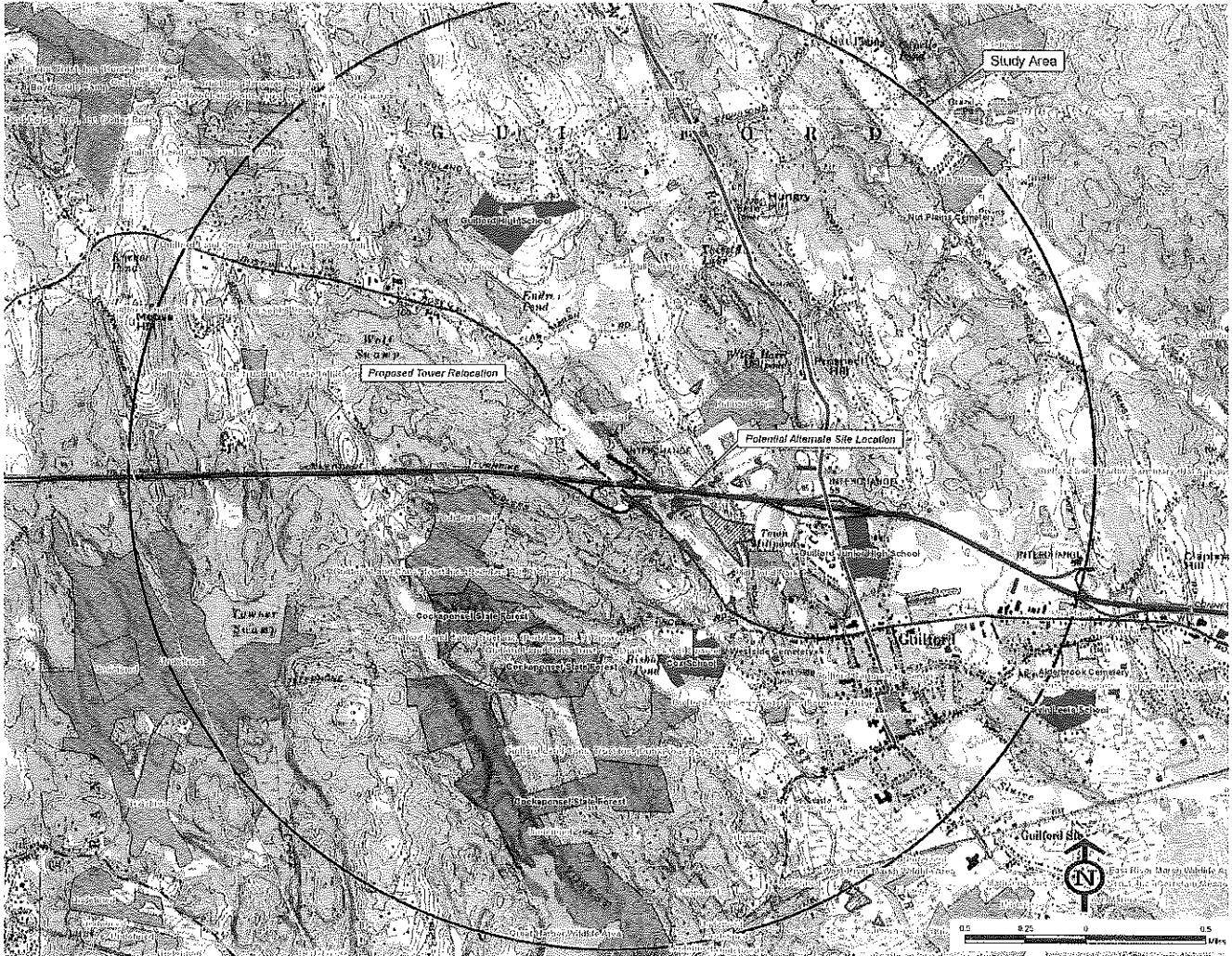
(Applicant 7, Exhibit A, Sheet SC-3)

Figure 6: Visibility Map for Application Site



(Applicant 1, Exhibit L)

**Figure 7:
 Visibility of Alternate Site and Potential Site on Russo Property at 1575 Boston Post Road**



(Applicant's Late File, received April 9, 2008)