



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

www.ct.gov/csc

January 22, 2010

TO: Parties and Intervenors

FROM: S. Derek Phelps
Executive Director

RE: **DOCKET NO. 396** - SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 49 Brainerd Road, Niantic (East Lyme), Connecticut.

The Connecticut Siting Council (Council) is in receipt of correspondence from Honorable Ed Jutila, dated January 6, 2010, concerning the above-referenced application.

Pursuant to Connecticut General Statutes §16-50i(b), a copy of the application was submitted to State Representative Ed Jutila's office for review. In the event that State Representative Ed Jutila does not avail himself of the opportunity to attain party or intervenor status under Connecticut General Statutes §16-50n, this correspondence shall become part of the record in this proceeding in the form of a limited appearance.

Therefore, copies of this correspondence is being distributed to all participants in this proceeding and will also be administratively noticed in the record.

SDP/MP/laf



State of Connecticut
HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE ED JUTILA
 37TH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
 ROOM 4046
 HARTFORD, CT 06106-1591
 HOME: (860) 739-7730
 CAPITOL: (800) 842-8267
 E-MAIL: Ed.Jutila@cga.ct.gov

ASSISTANT MAJORITY LEADER

VICE CHAIRMAN
 PUBLIC SAFETY AND SECURITY COMMITTEE

MEMBER
 ENVIRONMENT COMMITTEE
 TRANSPORTATION COMMITTEE

RECEIVED
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 CONNECTICUT
 SITING COUNCIL

January 6, 2009

Connecticut Siting Council
 Chairman Daniel F. Caruso
 10 Franklin Square
 New Britain, CT 06051

Re: Docket No. 396 - SBA's Proposed Development of a Telecommunications Facility – 49 Brainerd Road, Niantic

Dear Chairman Caruso:

I am writing in opposition to SBA's proposed development of a telecommunications facility in East Lyme at 49 Brainerd Road, Niantic. I am writing in my capacity not only as State Representative, but also as a resident and property owner on Brainerd Road. The purpose of this letter is to state my clear opposition at this early stage of the process, and outline, in general terms, my rationale. I intend to testify in greater detail at the public hearing to be conducted by the Siting Council.

As someone who has lived in the town of East Lyme my entire life, I am very knowledgeable about the character of the community, its topography and its natural habitats. Based on my intimate knowledge of the area, I can state categorically that Brainerd Road is not an appropriate location for a cell tower.

Brainerd Road is a very rural country road with no outlet. It is so narrow at certain points that vehicles must pull to the side in order to allow passage, one vehicle at a time. It is bordered on one side by the Pattagansett River, a sensitive estuary of Long Island Sound, and on the other by woodlands. Situated at the end of Brainerd Road, and directly adjacent to the developer's proposed site location, lies Raven's Wood, a twenty-six acre nature preserve owned by the East Lyme Land Trust. The Land Trust has preserved this land for open space and passive recreation. A telecommunications tower, or any other type of commercial or industrial development for that matter, would not be in harmony with this area. It would, in fact, be extremely out of character and detrimental.

The proposed development would threaten the sensitive habitat of the Pattagansett River and adjacent marshland. It would also be damaging to the fragile plant and animal habitats in the nearby woodlands. It simply does not fit the character, and would be counter to the Siting Council's mandate pursuant to C.G.S. 16-50g "to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values." The town, state and the local land trust have worked together to protect and preserve sensitive areas of the town, particularly where development would be damaging to the local ecology. Clearly, this area is in that category, as evidenced by the successful effort to preserve Raven's Wood.

After witnessing a presentation by representatives of the developer at an informal, informational hearing, the local Board of Selectmen voted unanimously to oppose the Brainerd Road location. Town officials are currently analyzing other potential sites within the town that would be more appropriate for this type of development and less damaging to the environment. I would strongly urge the Siting Council to consider more suitable alternatives, and reject this application.

I appreciate the Siting Council's attention to the concerns expressed in this letter, and I look forward to the opportunity to express these concerns publicly and in greater detail at the upcoming public hearing. I note that the sentiments expressed herein are shared by many other residents who I represent.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Jutila', with a long, sweeping horizontal stroke extending to the right.

Ed Jutila
State Representative
East Lyme & Salem

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	SBA Towers II LLC	Carrie L. Larson, Esq. Pullman & Comley, LLC 90 State House Square Hartford, CT 06103-3702 (860) 424-4312 (860) 424-4370 fax clarson@pullcom.com
Intervenor (granted 01/07/2010)	<input checked="" type="checkbox"/> E-mail	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax kbaldwin@rc.com
Intervenor (granted 01/07/2010)	<input checked="" type="checkbox"/> E-mail	Russell L. Brown 41 Brainerd Road Niantic, CT 06357 (860) 739-5984 (860) 691-1145 fax rds@businessbookpress.com	
Party (granted 01/07/2010)	<input checked="" type="checkbox"/> U.S. Mail	Town of East Lyme	Edward B. O'Connell, Esq. Waller, Smith & Palmer, P.C. 52 Eugene O'Neill Drive P.O. Box 88 New London, CT 06320 (860) 442-0367 (860) 447-9915 fax eboconnell@wallersmithpalmer.com tncollins@wallersmithpalmer.com
Intervenor (if granted 02/11/2010)	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC	Daniel M. Laub, Esq. Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 th floor White Plain, NY 10601 (914) 761-1300 (914) 761-5372 fax cfisher@cuddyfeder.com dlaub@cuddyfeder.com

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SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<p align="center">Party (if granted 02/11/2010)</p>	<p align="center"><input checked="" type="checkbox"/> E-mail</p>	<p align="center">Friends of the Pattagansett Trust</p>	<p>Keith R. Ainsworth, Esq. Evans Feldman & Ainsworth, LLC 261 Bradley Street P.O. Box 1694 New Haven, CT 06507-1594 (203) 772-4900 (203) 782-1356 fax krainsworth@snet.net</p>
<p align="center">Intervenor (if granted 02/11/2010)</p>	<p align="center"><input checked="" type="checkbox"/> U.S. Mail</p>	<p>Joseph Raia 97 West Main Street, Unit 9 Niantic, CT 06357 (860) 691-1005 (860) 739-0036 Raia.joseph@sbcglobal.net</p>	