

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 14, 2010

TO: Council Members

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.

Enclosed please find a copy of the Council's notice of public hearing.

SDP/laf

Enclosure (1)

c: Secretary of the State (via e-mail service)
Robert L. Marconi, Assistant Attorney General
Melanie A. Bachman, Staff Attorney
Parties and Intervenors
Application Service Recipients
Jeff Nelson, Director, Governor's Eastern Connecticut Office
Ginger Teubner, DPUC



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HEARING NOTICE

Pursuant to provisions of General Statutes § 16-50m and Section 16-50j-21 of the Regulations of Connecticut State Agencies, notice is hereby given that the Connecticut Siting Council (Council) will conduct a public hearing on Tuesday, February 23, 2010, beginning at 3:00 p.m., and continued at 7:00 p.m., at the Camp Rell Nett Hall, Smith Street, East Lyme, Connecticut, and thereafter as necessary. The hearing will be on an application from SBA Towers II, LLC 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 purpose of the hearing is to hear evidence on the applicant's contentions that the public need for the facility outweighs any adverse environmental effects that would result from the construction, operation, or maintenance of a tower, ground equipment, and access road. The 3:00 p.m. hearing session will provide the applicant, parties, and intervenors an opportunity to cross-examine positions. The applicant will be allowed a final rebuttal. Briefs will be entertained after the close of the last hearing session. The 7:00 p.m. hearing session will be reserved for the public to make brief statements into the record. Cross-examination of parties and intervenors will resume, if necessary, after all statements have been heard.

The Council will conduct a public field review of the proposed site on Tuesday, February 23, 2010, beginning at 2:00 p.m. The applicant will fly a balloon during the field review to simulate the height of the proposed facility.

Applicable law for this proceeding includes the Public Utility Environmental Standards Act, General Statutes § 16-50g, et seq., and Sections 16-50j-1 through 16-50v-1a of the Regulations of Connecticut State Agencies.

The Council will hold a pre-hearing conference on procedural matters on Tuesday, February 2, 2010, beginning at 10:00 a.m. at the Council's office, 10 Franklin Square, New Britain, Connecticut.

The Council directs that all testimony and exhibits be pre-filed with the Council and all parties and intervenors by February 16, 2010. In accordance with the State Solid Waste Management Plan, the Council requests that all filings be submitted on recyclable paper, primarily regular weight white office paper. Please avoid using heavy stock paper, colored paper, and metal or plastic binders and separators.



Individuals are encouraged to participate through their elected officials, and other party/intervenor groupings.

Any person seeking to be named or admitted as a party or intervenor to the proceeding may file a written request to be so designated at the office of the Connecticut Siting Council, 10 Franklin Square, New Britain, Connecticut 06051, on or before February 16, 2010.

Parties and intervenors will be allowed to submit briefs and proposed findings of fact within 30 days after the close of the hearing.

Any person who is not a party or intervenor to this proceeding may file a written statement with the Council at the hearing or any time up to 30 days thereafter. Such statements will become part of the record. No written statement or any other material, evidence, or other information will be accepted from any person not a party or intervenor to the proceeding after 30 days following the close of the hearing, except as otherwise prescribed by law or the Council.

A verbatim transcript of the hearing session(s) will be made and deposited with the Town Clerk's Office of the East Lyme Town Hall for the convenience of the public.

Requests for information in alternative formats or for sign-language interpreter services must be submitted in writing by February 16, 2010.

The applicant of this facility is represented by the following:

Applicant

SBA Towers II, LLC

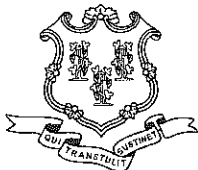
Its Representative

Carrie L. Larson, Esq.
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

A copy of the application is available for review at the Council's office during office hours at 10 Franklin Square, New Britain, Connecticut, (860) 827-2935. The Council has assigned this application docket no. 396.

January 14, 2010

Connecticut Siting Council



January 14, 2010

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TO: Commissioner Amey Marrella
Department of Environmental Protection

Commissioner F. Philip Prelli
Department of Agriculture

Commissioner J. Robert Galvin
Department of Public Health

Karl Wagener, Executive Director
Council on Environmental Quality

Commissioner Kevin M. DeGobbo, Chairman
Department of Public Utility Control

Robert Genuario, Secretary
Office of Policy and Management

Commissioner Joan McDonald
Department of Economic and Community Development

Thomas A. Harley, P.E., Chief Engineer
Bureau of Engineering and Construction
Department of Transportation

Commissioner James M. Thomas
Department of Emergency Management and Homeland Security

FROM: S. Derek Phelps, Executive Director

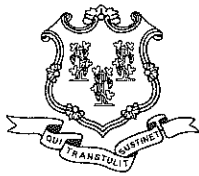
RE: **DOCKET NO. 396** – SBA Towers II, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 49 Brainerd Road, Niantic (East Lyme), Connecticut.

Pursuant to General Statutes § 16-50j(h), the Connecticut Siting Council hereby solicits your written comments and consultation. Your response by or before February 16, 2010 will be appreciated.

A copy of the application with location maps has previously been provided to you, pursuant to General Statutes § 16-50i.

SDP/laf

c: Parties & Intervenor
Council Members



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Screening Checklist

Connecticut Department of Transportation
Potential Transportation Infrastructure Impacts
Connecticut Siting Council Docket# 396

Location: 49 Brainerd Road, Niantic (East Lyme), Connecticut

1. Is the proposed facility abutting the right-of-way of a State maintained highway?
 No
 Yes – Specify the location and show location on a detail site plan.

2. Is access for construction or maintenance of the proposed facility needed directly from a State maintained highway?
 No
 Yes – Identify specific needs and access location.

3. Does the proposed construction or maintenance of the proposed facility impact any licensed aviation facility (L.A.F.)? Definition: L.A.F. is a facility licensed to operate by DOT, airport, heliport or parachute coop area.
 No
 Yes – Please provide an area and site plan.

4. Is the proposed facility within or abutting a State owned Railroad Right-of-Way?
 No
 Yes – Please provide an area and site plan.



Small Business Administration
 2000 BROADWAY
 BOCA RATON, FL 33433-2972
 (407) 238-2372



CHIA PROJECT NO.
 1583 - 104 - 181

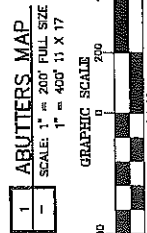
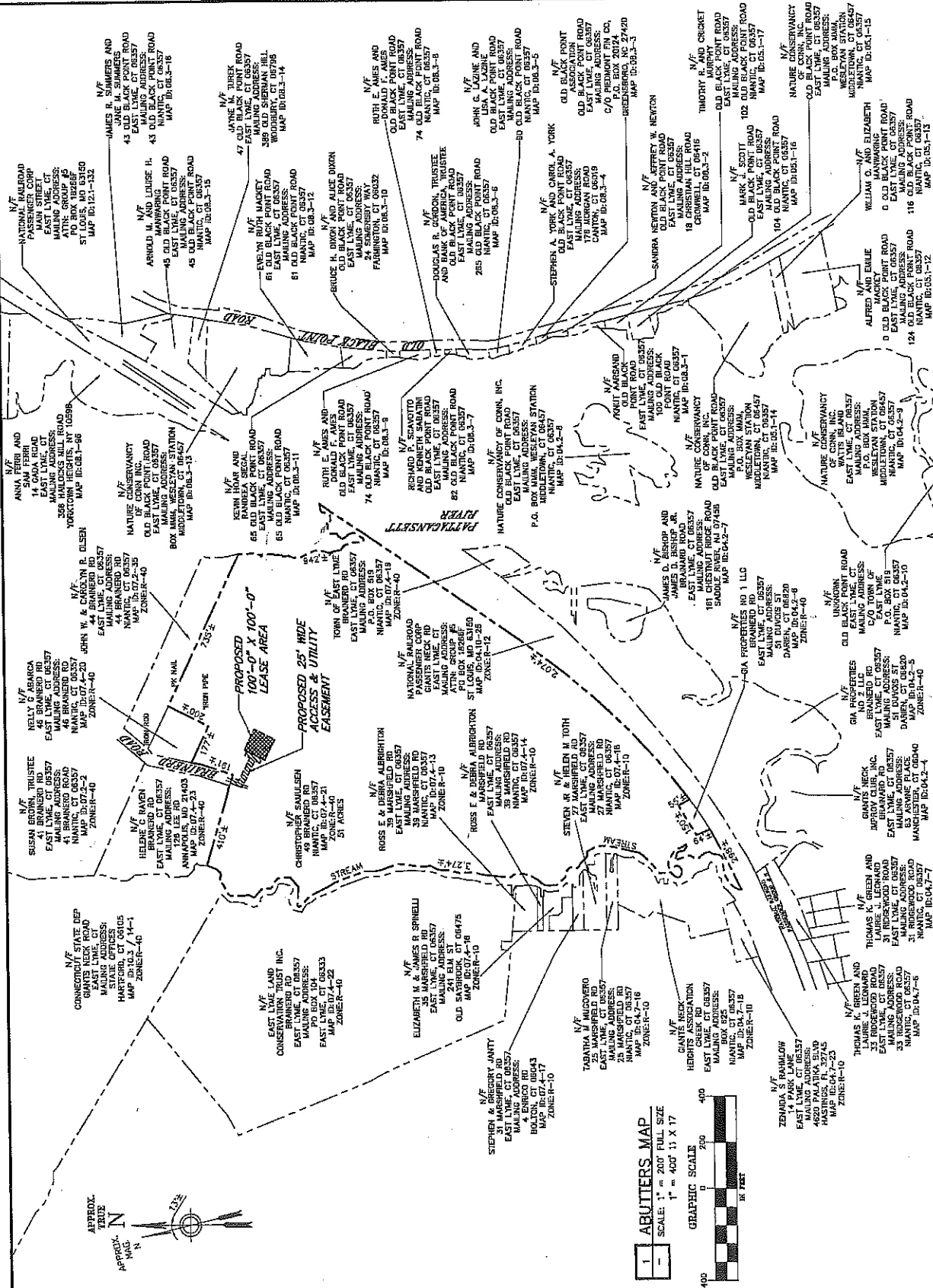
NO.	DATE	DESCRIPTION
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IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A F.A. TO REPRODUCE OR TRANSMIT THIS DOCUMENT IN ANY FORM OR BY ANY MEANS.

SITE NO.
 CT11794
 SITE NAME
 EAST LYME
 SITE ADDRESS
 49 BRANDED ROAD
 NANTIC (EAST LYME), CT
 NEW LONDON COUNTY

SHEET TITLE
 ABUTTERS
 MAP

SHEET NUMBER
 C01



APPROX. MAG. N

APPROX. TRUE N

SCALE: 1" = 200' FULL SIZE
 SCALE: 1" = 400' 1/2 X 1/2

GRAPHIC SCALE
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 FEET



SBA TRUSS & LLC
 400 BRANNEED ROAD
 EAST LYME, CONNECTICUT
 06424
 PHONE: (860) 222-8021
 FAX: (860) 222-5272



CHA PROJECT NO.
 1003 - 106 - 101

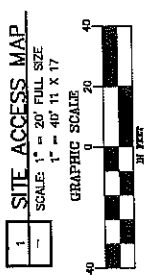
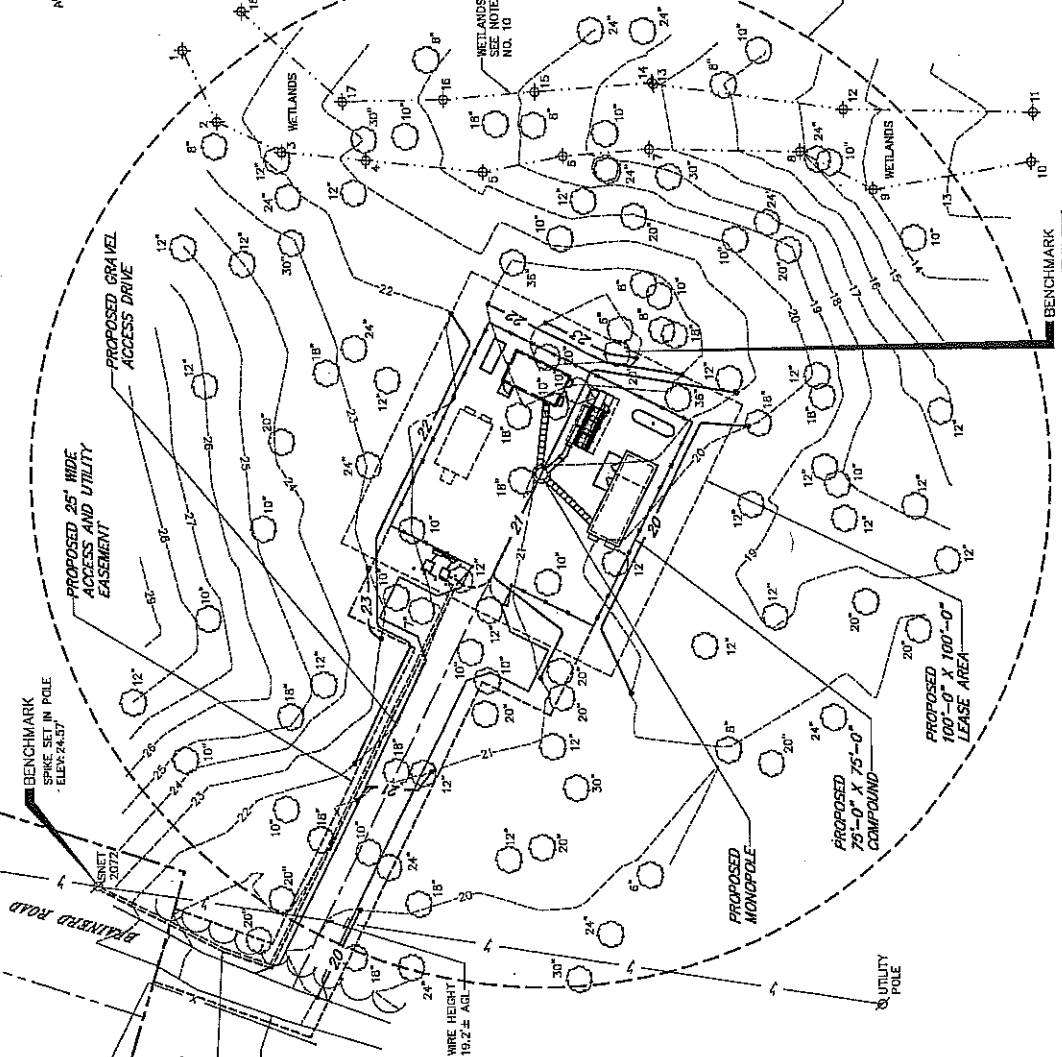
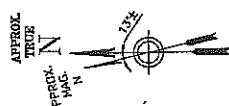
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IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL SURVEYOR, TO ALTER THIS DOCUMENT.

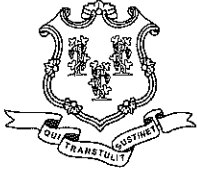
SITE ID: CT11794
 SITE NAME: EAST LYME
 SITE ADDRESS: 49 BRANNEED ROAD
 EAST LYME, CT 06424
 NEW LONDON COUNTY

SHEET TITLE: SITE ACCESS MAP

SHEET NUMBER: C02



- SURVEY NOTES:**
1. THIS SURVEY HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300a-1, THROUGH 20-300b-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE STATE OF CONNECTICUT. THIS PLAN WAS COMPILED FROM OTHER MAPS, RECORD RESEARCH OR OTHER SOURCES OF INFORMATION. IT IS NOT TO BE CONSTRUED AS HAVING BEEN OBTAINED AS THE RESULT OF A FIELD SURVEY, AND IS SUBJECT TO SUCH CHANGE AS AN ACCURATE FIELD SURVEY MAY DISCLOSE.
 2. PROPERTY LINE SHOWN HEREON ARE FROM RECORD DEEDS PLOTS AND TAX MAPS AS OVERLAIN ON ANY MONUMENTATION OR OTHER EVIDENCE THAT MAY HAVE BEEN OBTAINED DURING THE TOPOGRAPHIC SURVEY. A PROPERTY SURVEY WAS NOT PERFORMED BY CHA AND AS A RESULT THE PROPERTY BOUNDARIES ARE APPROXIMATE AND DO NOT PRESENT A PROPERTY/BOUNDARY OPINION.
 3. BASE MAPPING PREPARED BY CHA FROM AN AUGUST 2008 FIELD SURVEY.
 4. NORTH ORIENTATION IS TRUE NORTH BASED ON GPS OBSERVATIONS TAKEN AT THE TIME OF THE FIELD SURVEY.
 5. UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES HAVE BEEN SHOWN FROM SURFACE LOCATIONS AND MEASUREMENTS OBTAINED FROM PREVIOUS SURVEYS. THERE MAY BE OTHER UTILITIES WHICH THE EXISTENCE OF ARE NOT KNOWN. SIZE, TYPE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED BY PROPER AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION. CALL DIG SAFE PRIOR.
 6. SUBJECT TO ANY STATEMENT OF FACTS THAT AN UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.
 7. SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.
 8. LATITUDE/LONGITUDE/ELEVATIONS WERE OBTAINED FROM GPS OBSERVATION. COORDINATES SHOWN, IF ANY, ARE BASED ON THE NAD 83 DATUM. ELEVATIONS SHOWN ARE DETERMINED BY VERTICAL ANGLE OR BY ACTUAL LOCATION. INFORMATION SHOWN BASED ON FAA 2C CERTIFICATION ACCURACY LEVEL. DEFINED AS:
 HORIZONTAL: ±50 FEET / 15 METERS
 VERTICAL: ±20 FEET / 6 METERS
 9. SITE FALLS WITHIN ZONE "C" DEFINED AS AREAS OF MINIMAL FLOODING AS SHOWN ON FLOOD INSURANCE RATE MAP, TOWN OF EAST LYME, CONNECTICUT, NEW LONDON COUNTY, PANEL 11 OF 15, COMMUNITY PANEL NUMBER 05096 0011 C, REVISED JUNE 25, 1984.
 10. WETLANDS SHOWN AS DELINEATED BY VANASSE HANGEN BRUSTLIN, INC. ON 7/29/09 AND LOCATED BY CHA DURING THE TIME OF THE FIELD SURVEY.
- MAP REFERENCES:**
1. MAP ENTITLED "PROPERTY SURVEY OF A PORTION OF PROPERTY NOW OR FORMERLY OF ELSIE B. HANSEN AND HER L.S. DATED 08/21/09 AND IN THE OFFICE OF THE TOWN CLERK OF EAST LYME IN DRAWER NO. 1 AS MAP NO. 27.
 2. MAP ENTITLED "MAP OF THE PRELIMINARY AND FINAL PLAN OF A SUBDIVISION TO BE KNOWN AS MINER SUBDIVISION BRANNEED ROAD" AND DATED MARCH 31, 1967.



STATE OF CONNECTICUT

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January 14, 2010

TO: Classified/Legal Supervisor
396100223
Day, The (Daily)
47 Eugene O'Neill Drive, P. O, Box 1231
New London, CT 06320-1231

FROM: Lisa A. Fontaine, Administrative Assistant

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.

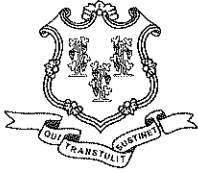
Please publish the attached legal notice for one day on the first day possible from receipt of this notice, except on Saturday, Sunday, or holiday.

Pursuant to General Statutes § 16-50m(c), the general notice to be public shall be published in its entirety in not less than **TEN POINT BOLDFACE TYPE**. If you have any questions concerning the ten point type, please contact me. If your newspaper does not have ten point type, please so state and also state the size type actually used in the legal notice in your affidavit.

Please send affidavit of publication and invoice to: Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

laf

Enclosure (1)



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January 14, 2010

TO: Thomas J. Regan, Esq.
Brown Rudnick Berlack Israels LP

Hans Fiedler
T-Mobile

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.

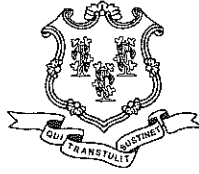
The Connecticut Siting Council has received an application for a proposed telecommunications facility in East Lyme.

If you would like to participate in this proceeding, your response by or before February 16, 2010, will be appreciated. Moreover, in furtherance of the spirit of C.G.S. 16-50aa, we ask that each carrier affirmatively state whether that carrier would likely seek to be located on this proposed facility any time within the foreseeable future.

SDP/laf

Enclosure: Hearing Notice

c: Parties & Intervenors
Council Members



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 14, 2010

Richard Morris
Fire Marshal
Town of East Lyme
P.O. Box 519
Niantic, CT 06357

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.

Dear Mr. Morris:

Confirming our telephone conversation of January 13, 2010, I appreciate the reservation of Nett Hall at Camp Rell, Smith Street, East Lyme for a public hearing on Tuesday, February 23, 2010 from 1:00 p.m. to 10:00 p.m.

Although I am aware the Council is responsible for setting up for the event, for your information I have attached a general plan for seating arrangements.

If any other information is needed, please contact me at my office. Thank you for your assistance.

Very truly yours,

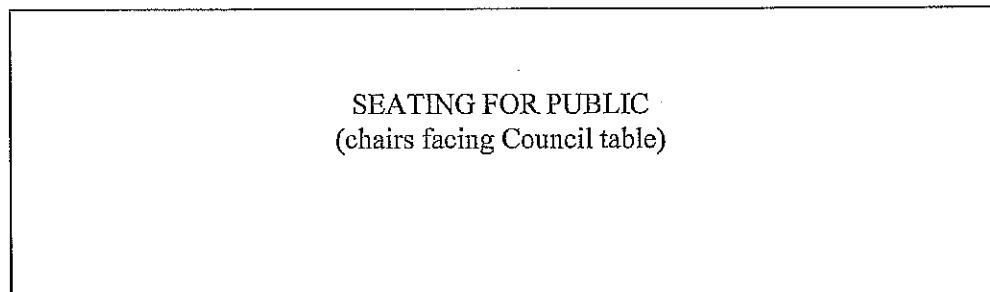
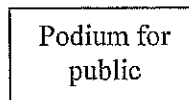
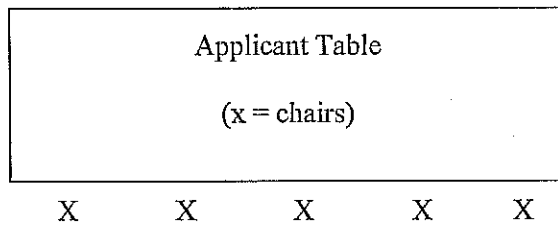
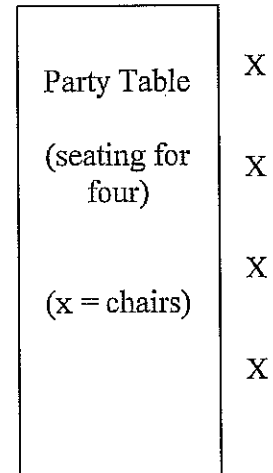
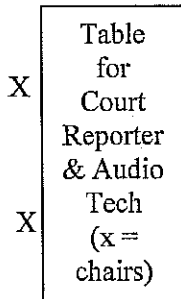
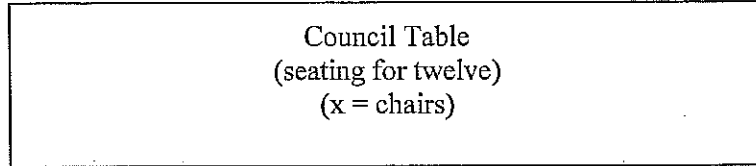
Lisa A. Fontaine
Administrative Assistant

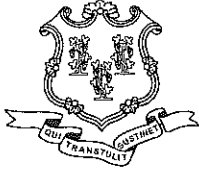
laf

Enclosure (2)

Seating Arrangements:

X X X X X X X X X X X X





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 14, 2010

Ruth Girolomo
Post Reporting Service, Inc.
2015 Dixwell Avenue
Hamden, CT 06514

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.

Dear Ms. Girolomo:

Your attendance will be required at a hearing of the Connecticut Siting Council (Council) regarding the subject docket on:

Tuesday, February 23, 2010
3-5:00 p.m./7:00 p.m. to conclusion
Camp Rell Nett Hall
Smith Street, East Lyme

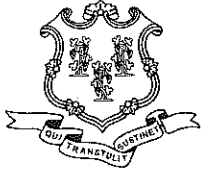
The Council will require delivery of the complete transcript, an original and one copy, within one week of the hearing. I am enclosing a copy of the application filing and our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

Lisa A. Fontaine
Fiscal Administrative Officer

laf

Enclosure (2)



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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www.ct.gov/csc

January 14, 2010

Joseph Reese
Tech Theatrical Services, LLC
98 Knight Street
Watertown, CT 06795

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.

Dear Mr. Reese:

Your attendance will be required at a hearing of the Connecticut Siting Council regarding the subject docket on:

Tuesday, February 23, 2010
3-5:00 p.m./7:00 p.m. to conclusion
Camp Rell Nett Hall
Smith Street, East Lyme

I am enclosing a copy of our hearing notice for your convenience. If you have any questions concerning this matter, please call me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lisa A. Fontaine".

Lisa A. Fontaine
Fiscal Administrative Officer

laf

Enclosure

**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
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

**LIST OF PARTIES AND INTERVENORS
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"/> U.S. 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>