

**PULLMAN
& COMLEY** LLC
ATTORNEYS

CARRIE L. LARSON
90 State House Square
Hartford, CT 06103-3702
p (860) 424-4312
f (860) 424-4370
clarson@pullcom.com
www.pullcom.com

December 1, 2010

VIA ELECTRONIC AND U.S. MAIL

Ms. Linda Roberts
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

**Re: Docket 396, Certificate Application for Proposed Telecommunications Facility at 49
Brainerd Road, East Lyme, Connecticut**

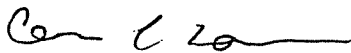
Dear Ms. Roberts:

SBA Towers II LLC, the applicant ("SBA") in the above-captioned docket, hereby submits the following:

1. Original and 20 copies of SBA's interrogatory responses to the Siting Council;
and
2. Original and 20 copies of SBA's interrogatories to the Town of East Lyme.

Please let me know if you have any questions.

Respectfully submitted,



Carrie L. Larson

cc: Service List

ACTIVE/72517.66/CLARSON/2312039v1

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

**RE: APPLICATION OF SBA TOWERS II LLC DOCKET NO. 396
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 49 BRAINERD ROAD,
NIANTIC (EAST LYME), CONNECTICUT**

Date: December 1, 2010

**APPLICANT'S RESPONSES TO INTERROGATORIES FROM THE SITING
COUNCIL**

Applicant SBA Towers II, LLC ("SBA") hereby submits the following responses to the Siting Council's interrogatories dated November 10, 2010:

Q1. Did SBA Towers II LLC (SBA) have a search ring along Rt. 156 between the intersection of Black Point Rd. and west to the vicinity of Park Place? Explain why or why not. Explain whether a hypothetical tower in this location would achieve coverage equal to or better than coverage from the proposed location on Brainerd Rd.

A1. SBA did not have a search ring along Rt. 156 between Black Point Rd and Park Place. The initial search ring was centered to the south of RT 156 in the area of Old Black Point Road. This initial search area was chosen as it was centrally located to fill in-building and in-vehicle coverage objectives to the south in Black Point and to the west in the Giants Neck neighborhood. The area between Black Point Road and Park Place was not considered a viable alternative as it is outside the coverage objective and is close to an existing cell tower located to the northwest at Roxbury Road. However, as discussed previously in this proceeding, SBA has explored all alternative locations proposed or discussed by participants in this proceeding. The area between Black Point Road and Park Place has a variety of established neighborhoods, apartments, condos, commercial uses and a school; all of which would be impacted by a tower located in this immediate area. SBA does not provide cellular service and cannot comment as to the specific coverage from this location.

Q2. Evaluate a hypothetical two-tower solution using two shorter towers, about 75' feet each, (assuming a tree canopy at 55'): one using town property in the middle of Black Point, the other using church property to northeast (Central Ave.) on Black Point.

A2. SBA has reviewed this proposed two-tower solution using the St Francis church on Central Avenue. A specific town parcel was not identified by the CSC, so a search of all town parcels was performed to identify possible locations in the Black Point area. In addition, SBA has also issued interrogatories to the Town of East Lyme, a party in this proceeding, to determine if the Town is amenable to leasing any parcels located in the Black Point area.

SBA identified 8 town parcels in Black Point, all were small lots ranging from .04 acres to the largest being .25 acres. Five of these parcels are currently being used as waste water facilities, with small wooden buildings and related equipment utilizing the majority of these small parcels and therefore lack sufficient ground space to accommodate a telecommunications facility. The 3 other parcels were all too small and/or located in marsh to allow them to be used for a telecommunications facility. Of all these parcels, only 1 had enough space to allow for the possibility of a small tower and compound. This is a .25 acre town parcel that currently houses a waste water facility and had some space to the east of this facility. The Parcel ID is 05.18.6 and is located at the corner of Cottage Rd & South Terrace.

SBA also contacted the St. Francis church to inquire if the church would lease space within or on the parcel where the church is located. SBA was told by the church office manager Dona Stankov that the church is not be interested in such a facility. The church is a small 100 year old church that has a small established 40-50 foot steeple that does not rise above the treeline and would most likely require substantial modification to allow for communications equipment. The parcel also has limited space for a tower and compound as the church and small parking area take up the majority of the .24 acre parcel. Photographs of the church property, demonstrating the limited space on the church parcel, are attached hereto as Exhibit 1. Based on all of this, the St. Francis church parcel is not a viable location for a telecommunications facility.

Therefore, based on the dense residential development and lack of viable locations, this proposed two tower solution is not a viable alternative to the proposed Facility. In addition, even if these parcels were available for development of facilities, both the identified parcels—St. Francis church and the one potentially viable town parcel on Black Point—are located in Black Point which is a heavily populated and congested residential area. In fact, the 2009 Town Plan of Conservation and Development describes Black Point as “high density” and also notes that residential development occupies virtually all buildable lots in this area. See Town Plan at 112. Towers, even at a 75’ height, at these locations will have a substantial visual impact to the homes within these beach communities of Black Point. SBA does not provide cellular coverage, and will work with the carriers involved in this docket to provide a coverage analysis of this proposed two-tower solution in Black Point.

Q3. Evaluate the approximate visual impacts of this two-tower solution.

A3. Vanasse Hangen Brustlin, Inc. (VHB) assessed likely year-round visibility associated with a potential “two-site” scenario that includes the installation of a 75-foot tall telecommunications facility located at St. Francis Chapel (off Central Avenue) and a second 75-foot tall facility located on a municipally-owned property within the Black Point area. In order to identify areas of potential year-round visibility, VHB utilized a predictive, GIS-based computer model that takes into account the height of the potential structures (75-feet AGL), the surrounding topography and the existing vegetative cover. The methodology is described in detail in VHB’s *Visual Resource Evaluation Report* (November 2009) (included in SBA’s application at Exhibit I). Based on reconnaissance previously conducted by VHB as part of our initial in-field activities, the tree canopy height was determined to be 50 feet. As such, an average tree height of 50 feet was incorporated into the model.

Based on this analysis, areas where at least one of the potential facilities would be visible above the surrounding tree canopy comprise approximately 5,643 acres within the Study Area (a two mile radius surrounding each site location). As depicted on the corresponding visibility mapping attached hereto as Exhibit 2, much of the year-round visibility associated with this two-site scenario would occur over open water on Long Island Sound and portions of the Pattagansett River. Portions of Long Island Sound east of Black Point would feature views of both facilities included in this analysis. Visibility would also extend to select portions of the shoreline of Long Island Sound and the Pattagansett River (including portions of Crescent Beach located to the east of St. Francis Chapel). The mapping also depicts areas of year-round visibility within the immediate vicinity of the two site locations. Land use within these areas is mainly comprised of high-density residential development. Typically, residential dwellings adjacent to the potential sites are situated on small parcels (generally \pm 0.10-acre) with minimal vegetative screening.

Comparatively, potential year-round visibility associated with SBA's currently proposed site at 49 Brainerd Road would comprise approximately 2,282 acres—which is less than half of the anticipated acreage of visibility of the two-site scenario. Similarly, much of the anticipated year-round visibility associated with SBA's proposal would occur over open water over Long Island Sound and the Pattagansett River. However, a review of available aerial photography suggests that near-views (1,000 feet away or less) of the two locations for the two-site scenario would be achieved from a number of residences located within the general vicinity of the two potential site locations. This two-site scenario would place two facilities much closer to more residential properties in comparison to the property located at 49 Brainerd Road, which includes approximately 51 acres of mostly wooded and undeveloped land. It is VHB's opinion that this particular development scenario would not represent an improvement in terms of the overall viewshed in comparison to SBA's current proposal.

Q4. If SBA were to use two shorter towers, comment on possible stealth designs: at the church, a bell tower or a cross; at the town property, a tall yacht-club type mast or faux lighthouse.

A4. Assuming that these two locations were viable locations (from leasing, construction and coverage perspectives), SBA is open and willing to reviewing possible stealth designs for the towers. From a technical design and construction standpoint, any of these options could be completed. Incorporating select stealth design options would provide context with the surrounding land uses, as exemplified by the suggestions above. However, any of these stealth options would result in a significantly larger diameter facility—when compared to a monopole—to accommodate the internal mounting of antennas and associated cables. The primary benefit to a stealth design would be to provide a perceived compatible structure on the subject properties. The major negative associated with these options would be its ultimate size and scale. It is also important to note, as the Council is aware, that these types of structures may limit co-location opportunities.

Q5. Explain why the relatively small (less than 2 miles square), concentrated, flat and linear area of Black Point couldn't be served by a distributed antenna system similar to the one installed by American Tower for AT&T at Chilmark and Aquinah on Martha's Vineyard in MA?

A5. SBA has reviewed the possibility of using a DAS system within the area of Black Point. As is clear from the record thus far in this proceeding, the coverage gaps experienced by both AT&T and Verizon are much larger than just the Black Point area. The goal of the proposed Facility is to cover a lack of service to the west in Giants Neck, to the east in Black Point, 2 miles of Amtrak rail line and much of the area south of Rt 156. The proposed Facility provides a one site solution to fulfill the coverage need in the area above. A DAS system within Black Point will have a limited impact to achieving the goal of coverage to such a large area, and most likely would have substantial gaps requiring additional towers to fill these gaps. The utility poles in this area of East Lyme are owned by CL&P. CL&P currently does not allow antennas to be located top of its distribution poles carrying primary voltage. As DAS systems primarily use existing utility poles to deploy these systems, this creates a substantial hardship to using such a system in this location.

In addition, SBA notes that AT&T has already testified concerning the viability (or lack thereof) of a DAS system to serve this area of East Lyme. See March 23, 2010 Transcript at 155-159, 171-172.

Q6. Please explain why these gaps couldn't be covered by the two-tower solution described in Q 2.

A6. SBA does not provide cellular service and therefore cannot comment on coverage gaps. However, as discussed in response to interrogatory #2, the two-tower solution proposed is not a viable alternative.

Q7. Could two towers (at least 20 to 30 feet shorter than the proposed tower) be used in the following configuration: one in the vicinity of Giant's Neck and one at Black Point to adequately achieve the coverage objectives of the single tower proposed on Brainerd Road?

A7. SBA does not provide cellular service and therefore cannot comment on whether this proposed two tower configuration could adequately achieve the coverage objectives of the proposed Facility.

SBA did investigate whether any suitable locations for a telecommunications facility exist in the Giant's Neck neighborhood. Similar to Black Point, the Giant's Neck neighborhood consists of very dense residential development. In fact, the Town's 2009 Plan of Conservation and Development notes that both of these neighborhoods are very dense and states that the "population density within the coastal area is more than double the townwide average" and also describes Giant's Neck as "dense development on small lots." See 2009 Plan at 110, 113. SBA did identify one parcel as being potentially viable for siting a telecommunications facility. This

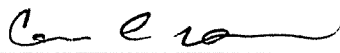
parcel is located at 36 Giant's Neck Road. SBA contacted the owner of this parcel and the owner was not interested in leasing the property for a telecommunications facility.

Q8. Evaluate the approximate visual impacts of this two-tower solution.

A8. VHB assessed likely year-round visibility associated with a second "two-site" scenario in addition to the one discussed in Question 3. This scenario includes the installation of a 140-foot tall telecommunications facility on property located at 36 Giants Neck Road and a second 140-foot tall facility located on a municipally-owned property within the Black Point area. In order to identify areas of potential year-round visibility, VHB utilized a predictive, GIS-based computer model that takes into account the height of the potential structures (140-feet AGL), the surrounding topography and the existing vegetative cover. As mentioned in response to interrogatory #3, this methodology is described in detail in VHB's *Visual Resource Evaluation Report* contained in SBA's application at Exhibit I. Based on reconnaissance previously conducted by VHB as part of our initial in-field activities, the tree canopy height was determined to be 50 feet. As such, an average tree height of 50 feet was incorporated into the model.

Based on this analysis, areas where at least one of the potential facilities would be visible above the surrounding tree canopy comprise approximately 5,782 acres within the Study Area (a two mile radius surrounding each site location). As depicted on the corresponding visibility map, attached hereto as Exhibit 3, much of the year-round visibility associated with this two-site scenario would occur over open water on Long Island Sound and portions of the Pattagansett River (and portions of their immediate shorelines). Additional areas of potential year-round visibility depicted on the mapping include portions of Giants Neck, Black Point and Rocky Neck State Park. This development scenario, involving two 140-foot towers, would represent a significant (more than double) increase in overall visibility in comparison to SBA's currently proposed site located at 49 Brainerd Road. Moreover, both of these sites are located within close proximity to residential development where near views (1,000 feet away or less) of the facilities would be achieved.

Respectfully Submitted,

By: 
Attorney For SBA Towers II LLC
Carrie L. Larson, Esq.
clarson@pullcom.com
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
Ph. (860) 424-4312
Fax (860) 424-4370

Certification

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

Kenneth Baldwin
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103

Russell L. Brown
41 Brainerd Road
Niantic, CT 06357

Edward B. O'Connell
Tracy Collins
Waller, Smith & Palmer, P.C.
52 Eugene O'Neill Drive
P.O. Box 88
New London, CT 06320

Daniel M. Laub
Christopher B. Fisher
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

Keith Ainsworth
Evans Feldman & Ainsworth, LLC
261 Bradley Street
P. O. Box 1694
New Haven, CT 06505

Joseph Raia
97 West Main Street, Unit 9
Niantic, CT 06357



Carrie L. Larson

EXHIBIT 1







EXHIBIT 2





























Viewshed Analysis
Potential Two-Site Solution
Municipal Property and St. Francis Chapel
East Lyme, Connecticut

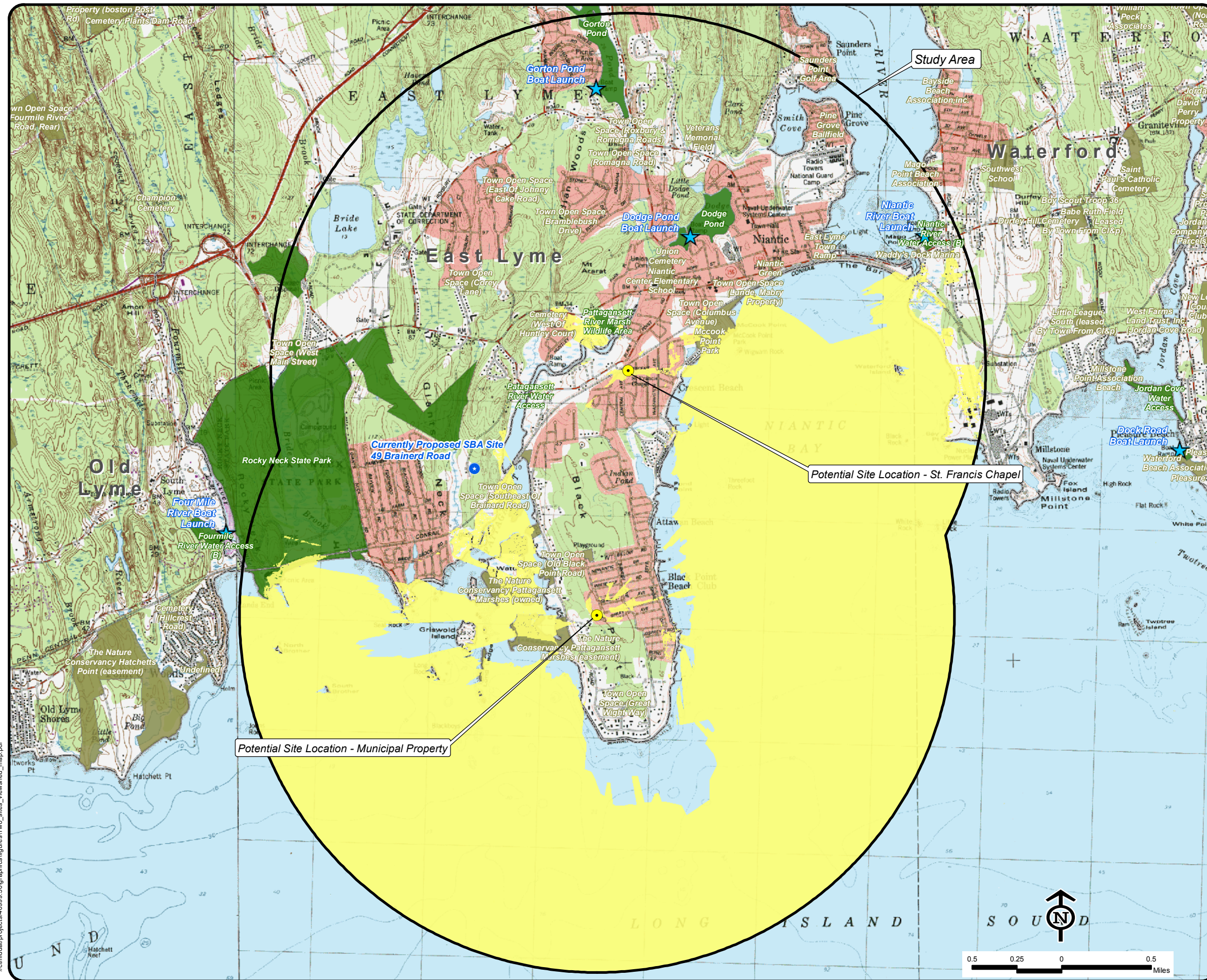
NOTE:
 - Viewshed analysis conducted using ESRI's Spatial Analyst.
 - 75-foot heights analyzed.
 - Existing tree canopy height estimated at 50-feet.
 - Study Area is comprised of a two-mile radius surrounding the potential site locations.

DATA SOURCES:
 - Digital elevation model (DEM) derived from Connecticut LiDAR-based Digital Elevation Data (collected in 2000) with a 10-foot spatial resolution produced by the University of Connecticut and the Center for Land Use Education and Research (CLEAR); 2007
 - Forest areas derived from 2006 digital orthophotos with 1-foot pixel resolution; digitized by VHB, 2009
 - Base map comprised of Niantic (1983) and Old Lyme (1970) USGS Quadrangle Maps
 - Protected municipal and private open space properties and federal protected properties and data layers provided by CT DEP, 1997
 - Protected CT DEP properties data layer provided by CTDEP, May 2007
 - CT DEP boat launches data layer provided by CT DEP, 1994
 - Scenic Roads layer derived from available State and Local listings.

Map Compiled December, 2010

Legend

-  Potential Site Locations For Two-Site Solution
-  Currently Proposed SBA Site At 49 Brainerd Road
-  Total Combined Year-Round Visibility At 75 Feet AGL (Approximately +/- 5,643 acres)
-  Protected Municipal and Private Open Space Properties (1997)
-  Cemetery
-  Preservation
-  Conservation
-  Existing Preserved Open Space
-  Recreation
-  General Recreation
-  School
-  Uncategorized
-  CT DEP Protected Properties (2007)
-  State Forest
-  State Park
-  DEP Owned Waterbody
-  State Park Scenic Reserve
-  Historic Preserve
-  Natural Area Preserve
-  Fish Hatchery
-  Flood Control
-  Other
-  State Park Trail
-  Water Access
-  Wildlife Area
-  Wildlife Sanctuary
-  Federal Protected Properties (1997)
-  CT DEP Boat Launches (1994)
-  Scenic Road (State and Local)
-  Town Line



c:\mxd\projects\40999_30\graphics\figures\two_sites_viewshed_map.pdf

EXHIBIT 3

Viewshed Analysis
Potential Two-Site Solution
Municipal Property and 36 Giants Neck Road
East Lyme, Connecticut

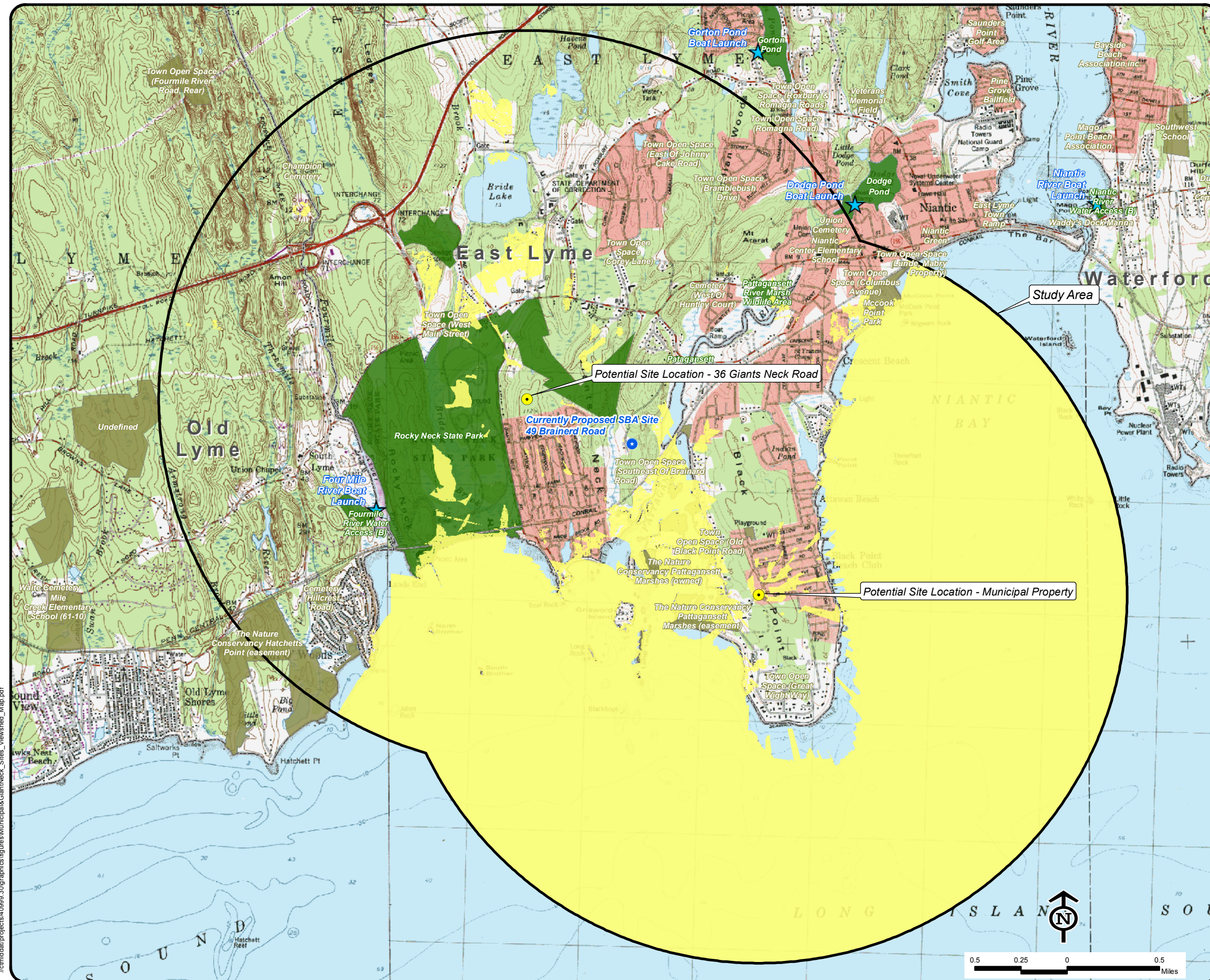
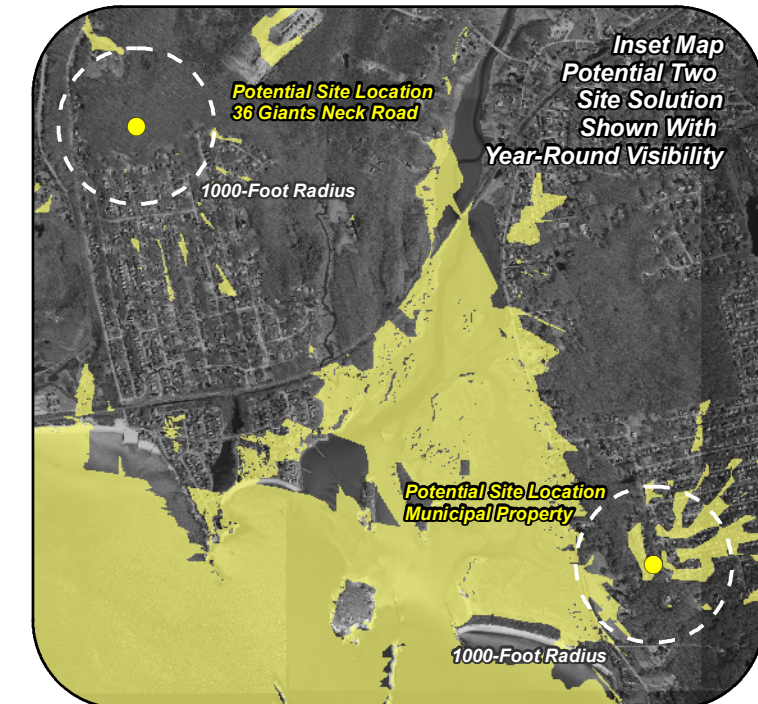
NOTE:
 - Viewshed analysis conducted using ESRI's Spatial Analyst.
 - 140-foot heights analyzed.
 - Existing tree canopy height estimated at 50-feet.
 - Study Area is comprised of a two-mile radius surrounding the potential site locations.

DATA SOURCES:
 - Digital elevation model (DEM) derived from Connecticut LiDAR-based Digital Elevation Data (collected in 2000) with a 10-foot spatial resolution produced by the University of Connecticut and the Center for Land Use Education and Research (CLEAR); 2007
 - Forest areas derived from 2006 digital orthophotos with 1-foot pixel resolution; digitized by VHB, 2009
 - Base map comprised of Niantic (1983) and Old Lyme (1970) USGS Quadrangle Maps
 - Protected municipal and private open space properties and federal protected properties and data layers provided by CT DEP, 1997
 - Protected CT DEP properties data layer provided by CTDEP, May 2007
 - CT DEP boat launches data layer provided by CT DEP, 1994
 - Scenic Roads layer derived from available State and Local listings.

Map Compiled December, 2010

Legend

- | | |
|--|------------------------------------|
| Potential Site Locations For Two-Site Solution | CT DEP Protected Properties (2007) |
| Currently Proposed SBA Site At 49 Brainerd Road | State Forest |
| Total Combined Year-Round Visibility At 140 Feet AGL (Approximately +/- 5,782 acres) | State Park |
| Protected Municipal and Private Open Space Properties (1997) | DEP Owned Waterbody |
| Cemetery | State Park Scenic Reserve |
| Preservation | Historic Preserve |
| Conservation | Natural Area Preserve |
| Existing Preserved Open Space | Fish Hatchery |
| Recreation | Flood Control |
| General Recreation | Other |
| School | State Park Trail |
| Uncategorized | Water Access |
| Federal Protected Properties (1997) | Wildlife Area |
| CT DEP Boat Launches (1994) | Wildlife Sanctuary |
| Scenic Road (State and Local) | |
| Town Line | |



I:\ctm\dd\projects\40999_30\graphics\figures\Municipal\GiantNeck_Sites_Viewshed_Map.pdf