

STATE OF CONNECTICUT
SITING COUNCIL

IN RE: SBA TOWERS II, LLC ; DOCKET #396

APPLICATION FOR CERTIFICATE :

OF ENVIRONMENTAL COMPATIBILITY :

AND PUBLIC NEED FOR A :

TELECOMMUNICATIONS FACILITY :

AT 49 Brainerd Road, Niantic, Connecticut.

: JANUARY 12 , 2010

APPLICATION TO INTERVENE AS PARTY

The undersigned, collectively as a Connecticut environmental advocacy voluntary association known as the Friends of the Pattagansett Trust hereby move and petition the Connecticut Siting Council to become a party intervenor in the above application by SBA Towers II, LLC, ("SBA"), for a certificate of environmental compatibility and public need for a telecommunications facility at 49 Brainerd Road, Niantic, Connecticut.

Pursuant to Conn.Gen.Stat. §22a-19 ("CEPA"), §16-50n and §4-177a, the Friends of the Pattagansett Trust ("the Trust"), an organization dedicated to the preservation of environmental quality and the sensible development of communications facilities, consists of Niantic, Connecticut landowners and residents, including residents directly within the line of sight of Applicant's proposed facility. The Trust seeks to intervene as a party in the above proceedings for the purpose of submitting testimony and other evidence relevant to the consideration of the application under consideration. The Trust is an organization whose purpose is the protection of the quality of life and the environment in and around the Pattagansett River in Niantic, Connecticut, including preservation of historic, aesthetic, biological quality and the public health. Further, Trust has members whose interests will be substantially and specifically affected by this proceeding in that the viewshed impairment is reasonably likely to reduce property values for those neighbors who will see the tower from their homes.

The Trust's participation will be in the interests of justice and is proper under CEPA in that the evidence and testimony to be given will tend to show that the proposed activity for which Applicant seeks a certificate is likely to unreasonably harm the public trust in the air, water or other natural resources of the State of Connecticut in that, if granted, the proposed facility will, inter alia, unreasonably impair the aesthetic quality of the environment in and about Brainerd Road and the vicinity; and is reasonably likely to cause aesthetic viewshed deterioration.

Further, Trust intends to demonstrate that the public need is not served by this otherwise offensive facility and that it is not necessary for the provision of reasonable telecommunications service in the relevant major trading area.

In support of this application, the movant states the following:

1. The Friends of the Pattagansett Trust is a Connecticut voluntary association consisting, inter alia, of Niantic-area residents and neighboring landowners to the proposed activity.
2. The Trust's members include a number of residents with a direct line-of-sight view of the proposed tower.
3. The proposed communications tower is proposed to be located in a residential zone which does not allow for the proposed use.
4. Property values in the surrounding neighborhoods to the proposed location are closely related to the unspoiled, natural state of the land into which residential homes are reasonably interspersed.
5. The height requested is excessive and unnecessary to meet the public need.
6. The design does not incorporate the best available technology for reducing the visual impacts of the facility.
7. There is no need for this facility in that effective wireless communication does exist in the vicinity of the proposed facility and in any event there is no


significant gap in coverage necessitating this facility.

8. There exists alternative locations better suited avoiding viewshed impacts and alternative technology combinations which would better serve any legitimate public need.

The Trust's application for party status should be granted so that it may present testimony, cross-examine witnesses, submit evidence, propound questions the answers to which may illuminate the flaws in the proposed facility, file briefs of law and proposed findings of fact and otherwise participate to meaningfully assist the Siting Council in its deliberations.

The Friends of the Pattagansett Trust for all of the foregoing reasons, requests the Siting Council to deny the application.

Respectfully Submitted,


Keith R. Ainsworth, Esq.

VERIFICATION

We, the undersigned, members of the Friends of the Pattagansett Trust, both as a voluntary association and as individual residents and landowners in the vicinity of Brainerd Road in the Town of Niantic, duly sworn, hereby verify that the above application is true and accurate to the best of their knowledge and belief.

Sworn and subscribed before me this _____ day of January, 2010.

Commissioner of the Superior Court
Notary Public

Respectfully Submitted,

Friends of the Pattagansett Trust

By 

Keith R. Ainsworth, Esq.
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The intervenor requests copies of all filings made in the course of this docket to date
and from this date forward.

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Hilary Sadava _____

Sworn and subscribed before me this 12 day of January, 2010.

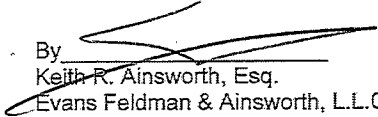
Holly B. Buckley

HOLLY BENDER BUCKLEY
NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 30, 2014

Commissioner of the Superior Court
Notary Public

Respectfully Submitted,

Friends of the Pattagansett Trust

By 
Keith R. Ainsworth, Esq.
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krainsworth@snet.net

The intervenor requests copies of all filings made in the course of this docket to date
and from this date forward.

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was deposited in the United States mail, first-class, postage pre-paid this 13th day of January, 2010 and addressed to:

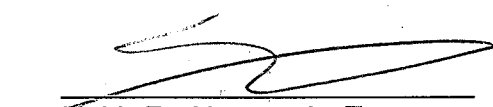
Mr. S. Derek Phelps, Executive Director, Connecticut Siting Council, 10 Franklin Square, New Britain, CT 06051.

SBA Towers, LLC c/o Carrie Larson, Esq., Pullman & Comley, LLP, 90 Statehouse Square, Hartford, CT 06103-3702 (860) 424-4312(860) 424-4370 fax

Cellco d/b/a Verizon c/o Kenneth Baldwin, Esq., Robinson & Cole, 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200/ (860) 275-8299 fax kbaldwin@rc.com

Russell Brown, 41 Brainerd Road, Niantic, CT 06357 (860) 739-5984/ (860) 691-1145 Fax rds@businessbookpress.com

Town of East Lyme c/o Edward O'Connell, Esq., Waller, Smith & Palmer, PC, 52 Eugene O'Neill Drive, P.O. Box 88, New London, CT 06320 (860) 442-0367/(860) 447-9915 eboconnell@wallersmithpalmer.com


Keith R. Ainsworth, Esq.