

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

RE: APPLICATION BY T-MOBILE
NORTHEAST LLC FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED
FOR A TELECOMMUNICATIONS FACILITY
AT 208 VALLEY ROAD IN THE TOWN
OF NEW CANAAN, CONNECTICUT

DOCKET NO. 401

Date: August 5, 2010

THE APPLICANT'S PROPOSED FINDINGS OF FACT

Pursuant to § 16-50j-31 of the Regulations of Connecticut State Agencies, T-Mobile Northeast LLC ("T-Mobile") submits these proposed findings of fact.

Introduction

1. On April 6, 2010, T-Mobile filed with the Connecticut Siting Council ("Council") an application for Certificate of Environmental Compatibility and Public Need for the construction, operation and maintenance of a 120 foot monopole wireless telecommunications facility ("Facility") at 208 Valley Road, New Canaan, Connecticut ("Property"), pursuant to General Statutes § 16-50aa and § 16-50j-34 of the Regulations of Connecticut State Agencies ("Application"). (*Hearing Exhibit 1, Application, p. 1; July 13, 2010 3:00p.m. Transcript ["3:00p.m. Tr.,"] p. 4.*)¹

2. The Facility would sit within a 1,250 square foot area leased by T-Mobile, located in the northern portion of the Property, which is an approximate 42 acre parcel, which is owned by Silver Hill Hospital, INC ("Site"). (*App., pp. 1, 10; App. Ex. C.*)

¹ For the Council's convenience, all subsequent page references to Hearing Exhibit 1, which is T-Mobile's Application, shall be made as "App., p. ___." All subsequent references to exhibits attached to the Application shall be made as "App. Ex. ___."

3. The Council has already approved a 120 foot telecommunications facility proposed by T-Mobile on the Property. On October 26, 2004, in Docket 243, the Council made the following findings: (1) a 120 foot facility would alleviate a demonstrated need for improved wireless service in this area of the Town of New Canaan ("Town"); (2) there were no existing structures within the search area that would be suitable for the location of a wireless facility; (3) the Property would have less visual impact than any other property considered by T-Mobile; and (4) such a facility would not have an adverse impact on the environment. (*Docket 243; App., p. 2; 3:00p.m. Tr., pp. 4-5; July 13, 2010 7:00p.m. Transcript ["7:00p.m. Tr.,"] pp. 4-5.*)

4. With this Application, T-Mobile seeks a Certificate for the Facility, which is similar to the facility approved by the Council in Docket 243. T-Mobile seeks such approval because the Certificate granted to T-Mobile in Docket 243 has lapsed without T-Mobile constructing the approved facility. (*App., p. 2; 3:00p.m. Tr., p. 43.*)

5. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing regarding Docket 401 on July 13, 2010, beginning at 3:00p.m., and continued to 7:00p.m., at the New Canaan Town Hall auditorium. (*Hearing Notice; 3:00p.m. Tr., p. 3.*)

6. The Council and its staff conducted a field review of the Site on July 13, 2010, at 2:00p.m. (*Hearing Notice.*)

7. On July 13, 2010, T-Mobile conducted a balloon float, with a balloon 4 feet in diameter, at a height of 120 feet, at the Site from 12:00p.m. to 7:00p.m., in accordance with the Council's instructions. (*Pre-Hearing Conference Notice; 3:00p.m. Tr., pp. 24-25.*)

Need

8. In amending the Communications Act of 1934 with the Telecommunications Act of 1996, the United States Congress recognized the important public need for high quality telecommunications services throughout the United States. The purpose of the Telecommunications Act of 1996 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." H.R. Conf. Rep. No. 104-458, 206, 104th Cong., Sess. 1 (1996). The Telecommunications Act of 1996 expressly preserved State and/or local land use authority over wireless facilities, placed several requirements and legal limitations on the exercise of that authority, and preempted State or local regulatory oversight of radio frequency emissions as set forth in 47 U.S.C. § 332(c)(7). In doing so, Congress sought a balance between the public interest in deployment of wireless services and legitimate areas of State and/or local regulatory control over wireless infrastructure. (*App.*, p. 4; 3:00p.m. *Tr.*, pp. 5-6; 7:00p.m. *Tr.*, pp. 6-7.)

9. There is a coverage gap in T-Mobile's network in the areas surrounding the Site. (*App.*, pp. 5-6; *App. Ex. H, J; T-Mobile's Responses to the Council's First Set of Interrogatories* ["*T-Mobile First Interrog. Resp.*"]; *Pre-Filed Testimony of Scott Heffernan* ["*Heffernan,*"] pp. 3-4.)

10. T-Mobile experiences an average dropped call percentage of 4.11 percent for the cells surrounding the coverage objective for the Facility. This percentage is above T-Mobile's target dropped call percentage of 2 percent. (*T-Mobile First Interrog. Resp.*; 3:00p.m. *Tr.*, p. 66.)

11. The existing coverage gap comports with the Council's previous determination, in Docket 243, that there was a coverage gap in this area of the Town. There have been no developments since 2004 to alleviate the existent coverage gap. (*App.*, pp. 5-6; *App. Ex. H, J*; *T-Mobile First Interrog. Resp.*; *Heffernan*, pp. 3-5.)

12. The Town recognizes that it needs enhanced wireless coverage for its residents, businesses and emergency services, specifically in the areas that would be addressed by the Facility. In a letter dated March 25, 2010, the Town stated that it supports T-Mobile's efforts to improve wireless coverage in the Town. Additionally, members of the public voiced concerns over the lack of coverage in the area of the Town that would be covered by the Facility. (*T-Mobile First Interrog. Resp.*; *3:00p.m. Tr.*, pp. 4-5, 10, 104; *7:00p.m. Tr.*, pp. 14-19, 32-34, 46-49, 51.)

13. The Facility would be an integral component of T-Mobile's wireless network in the Town. The Facility would remedy the existing coverage gap in this area of the Town, specifically along Valley Road and Silvermine Road, just east of Route 123, as well as the surrounding areas. (*App.*, pp. 4-5; *App. Ex. H, J*; *Heffernan*, pp. 3-5; *T-Mobile First Interrog. Resp.*)

14. Cellco Partnership d.b.a. Verizon Wireless ("Verizon") also experiences a coverage gap in its network in the central area of the Town, particularly along Route 106 and local roads in the area. (*Verizon's Site Justification*; *3:00p.m. Tr. pp. 98, 103.*)

15. Verizon experiences an average dropped call percentage of 2.59 percent for the cells surrounding the coverage objective for the Facility. (*3:00p.m. Tr.*, p. 101.)

Coverage

16. To provide effective coverage in the area of the proposed Facility, T-Mobile seeks to mount its antennas internally within the monopole at 117 and 107 feet above grade level ("AGL"). These positions would allow T-Mobile to minimize the number and height of future telecommunications facilities in this area of the Town. (*App.*, pp. 5-6, 8-10; *App Ex. C, H; Heffernan*, pp. 3-5.)

17. Antenna arrays at 117 and 107 feet AGL would allow T-Mobile to overcome the mature vegetation and topography in the area, and achieve the coverage objective. (*App.*, pp. 5-6, 8-9; *App. Ex. B, H; Heffernan*, pp. 3-5; *T-Mobile First Interrog. Resp.*)

18. Verizon would locate its antenna array at 97 feet AGL. This position would enable Verizon to provide coverage in the central area of the Town, particularly along Route 106 and local roads in the area. At 87 feet AGL, Verizon's coverage would start to deteriorate to the west of the proposed Facility. (*Verizon's Site Justification; 3:00p.m. Tr.*, pp. 97-98,103.)

19. An outdoor Distributed Antenna System is not an alternative, feasible deployment technology. (*3:00p.m. Tr.*, pp. 66-67, 101.)

20. Repeaters, microcell transmitters and other types of deployment technologies are not alternative, feasible deployment technologies. (*App.*, p. 8.)

Site Search

21. In Docket 243, the Council determined that there were no existing towers, transmission line structures or other structures of a suitable height or location in this

area of the Town that would be suitable to remedy T-Mobile's coverage gap. (*App.*, pp. 8-9; *Docket 243*.)

22. T-Mobile's subsequent site search confirmed the Council's earlier findings; there are no existing towers, transmission line structures or other structures of a suitable height or location in this area of the Town that would be suitable to remedy the existing coverage gap. (*App.*, pp. 8-9; *App. Ex. J*; *Pre-filed Testimony of Raymond Vergati* [*"Vergati,"*] pp. 3-4.)

23. After determining that there were no existing structures suitable for co-location, T-Mobile conducted a site analysis of properties within the area to identify the best possible location to address T-Mobile's coverage needs. (*App.*, pp. 8-9; *App. Ex. J*; *Vergati*, pp. 2-4; *Heffernan*, pp. 4-5.)

24. Based upon T-Mobile's previous site search in *Docket 243*, the only feasible alternative was the Water Company property, which abuts the Property to the north. T-Mobile initially selected the Water Company property in 2004 since the Property was not available for lease. The Town and those abutters that intervened in the proceedings in 2004 agreed that the Property was a better alternative to the Water Company property. (*App.*, pp. 8-9; *Vergati*, p. 4; *Docket 243*.)

25. When selecting a site, T-Mobile considers which properties would address its coverage needs and minimize environmental impacts. (*App.*, pp. 8-9; *App. Ex. J*; *Vergati*, pp. 2-3.)

26. T-Mobile's subsequent site analysis of properties within the area confirmed the results of its previous site search. None of the parcels, other than the

Property, considered by T-Mobile were suitable sites. (*App.*, pp. 7-8; *App. Ex. I, J; Vergati*, pp. 3-5.)

27. The Site would address T-Mobile's coverage objective, including along Valley Road and Silvermine Road, just east of Route 123, as well as the surrounding areas. (*App.*, pp. 1, 4-5; *App. Ex. H, J; Heffernan*, pp. 3-4; *Vergati*, pp. 3-4; *T-Mobile First Interrog. Resp.*)

28. The Site would also address Verizon's coverage objective, particularly along Route 106 and local roads in the area. (*Verizon's Site Justification; 3:00p.m. Tr.*, pp. 97-98, 103.)

29. T-Mobile's investigation confirmed the Council's previous ruling in Docket 243 that the Property remains the best site for the Facility. The area surrounding the Facility has not experienced any significant development. There are no wetlands on the Property or within the immediate vicinity of the proposed Facility. The nearest wetland system is approximately 400 feet to the northeast. Additionally, views of the proposed Facility would be limited by the existing mature vegetation in the area and the stealth design of the monopole. (*App.*, pp. 1-2, 8-9; *App. Ex. J; Vergati*, p. 4; *Pre-Filed Testimony of Dean Gustafson ["Gustafson,"]* pp. 2-3; *Pre-Filed Testimony of Michael P. Libertine ["Libertine,"]* pp. 5-6.)

The Site

As Proposed by T-Mobile

30. T-Mobile proposes to construct the Facility at the Site located in the northern portion of the Property, which is a 42 acre parcel of land commonly known as 208 Valley Road and identified as Assessors Tax Map 44, Block 108, Lot 120. The

Property consists of two parcels (Parcel A = 23.36 ± acres; Parcel B = 18.79 ± acres). The Facility would be located on Parcel A. The Property serves as a psychiatric hospital. (*App.*, pp. 1, 10, 17; *App. Ex. C; Pre-Filed Testimony of Carlo F. Centore* [*“Centore,”*] p. 2.)

31. The Facility would accommodate T-Mobile and the equipment of 2 other wireless carriers, as well as the Town's emergency services equipment, if requested. (*App.*, pp. 10-11; *App. Ex. C; Centore*, p. 3.)

32. The Facility would accommodate the antennas and equipment of T-Mobile at antenna centerlines of 117 and 107 feet AGL, mounted internally, and 2 other wireless carriers at antenna centerlines of 97 and 87 feet AGL. The 10 foot separation is necessary to avoid antenna interference. (*App. Ex. C; Centore*, p. 3; *3:00p.m. Tr.*, pp. 44, 53, 100-01.)

33. The Facility would accommodate additional equipment from T-Mobile should T-Mobile have to address capacity issues in the future. (*App. Ex. C; 3:00p.m. Tr.*, pp. 38-39.)

34. The Facility would consist of a 1,250 square foot fenced compound area leased to T-Mobile. (*App.*, pp. 1, 10-11; *App. Ex. C; Centore*, p. 3.)

35. The compound area would host T-Mobile's equipment and the equipment of 2 other wireless carriers. The compound would be enclosed by an 8 foot high brown cedar board stockade fence. (*App.*, pp. 1, 10-11; *App. Ex. C; Centore*, p. 3.)

36. The monopole would be painted brown to match the color of the tree trunks in the immediate area. (*App. Ex. C; 3:00p.m. Tr.*, pp. 92-93.)

37 Access to the Facility would extend from Valley Road along an existing bituminous driveway. T-Mobile would construct a bituminous paved parking area off of the existing driveway, which would lead to a pressure treated wood stepped gravel foot path extending to the Facility compound. (*App.*, p. 11; *App. Ex. C*; *Centore*, p. 3.)

38. Utility service would extend underground from an existing utility pole on the Property scheduled for replacement through underground conduits to the proposed Facility. No water or sanitary facilities would be required and, once built, the Facility would generate minimal traffic because T-Mobile, or any other carrier, would only need to visit the Site approximately once a month to perform routine maintenance and inspection. (*App.*, p. 11; *App. Ex. C*; *Centore*, p. 3.)

39. The Facility compound area and access would result in an approximate net cut (removal) of 365 cubic yards of material. The total area of disturbance would be 5,000 square feet; however, areas disturbed beyond those required to accommodate the Facility compound would be restored to pre-construction condition. The amount of disturbance would be minimal with appropriate sedimentation and erosion controls. (*Centore*, pp. 3-4; *T-Mobile First Interrog. Resp.*)

40. The estimated cost of the proposed Facility is approximately \$200,000. The duration of the construction would be approximately 13 weeks, with an additional 2 weeks for Facility integration and system testing. The estimated cost of T-Mobile's antennas and related equipment would be approximately \$55,000 to 65,000. (*App.*, p. 20; *T-Mobile First Interrog. Resp.*; *7:00p.m. Tr.*, p. 58.)

41. T-Mobile could design the Facility with a yield point so that the monopole radius remains on the Property. (*3:00pm Tr.*, p. 55.)

Verizon Modification To Facility

42. Verizon intervened in the proceedings and indicated an interest to locate its antennas within the monopole at a height of 97 feet AGL. Verizon would install a total of 6 antennas (3 cellular and 3 LTE). (*Verizon Petition to Intervene ["Petition"]; Verizon Site Justification; 3:00p.m. Tr., p. 45.*)

43. To accommodate Verizon's antennas, T-Mobile would have to increase the diameter of the monopole, which was initially proposed at 30 inches. The diameter of the monopole from 80 feet AGL to the top of the monopole would be 54 inches. The diameter from 80 feet AGL to the base of the monopole would taper out to a maximum of 76 inches. (*Petition; Verizon Site Justification; 3:00p.m. Tr., pp. 18-19.*)

44. The primary reason for the increased diameter is the space necessary to accommodate the coax cables that attach to the antennas. (*3:00p.m. Tr., pp. 34-35, 74-75, 77-78; Verizon photographs.*)

45. The increased diameter would provide sufficient space for Verizon to address future capacity issues. Verizon would be able to add PCS antennas if necessary. (*Verizon Site Justification; 3:00p.m. Tr., p. 84.*)

46. The increased diameter would provide sufficient space for T-Mobile's antennas and the antennas of a third wireless carrier. (*3:00p.m. Tr., pp. 33, 50.*)

47. The modified proposal would relocate Verizon's equipment shelter to the center of the Facility compound. The Facility compound would also accommodate T-Mobile's equipment shelter and the equipment of an additional wireless carrier. (*Verizon Site Justification; 3:00p.m. Tr., pp. 21, 59.*)

48. The increased diameter would not weaken the structural integrity of the proposed Facility. (3:00p.m. Tr., p. 20.)

49. The increased diameter to accommodate Verizon's antennas would cost an additional \$15,000. (3:00p.m. Tr., p. 58.)

Improvements To The Docket 243 Design

50. Although the 120 foot facility approved by the Council in Docket 243 would have alleviated an existing coverage gap without adversely impacting the environment, T-Mobile has made several improvements to the design of the Facility in this Docket. (App. Ex. C; T-Mobile First Interrog. Resp.; Verizon Site Justification.)

51. T-Mobile has shifted the Facility compound slightly. The centerline of the Facility monopole and compound is approximately 26.5 feet to the north of the centerline of the facility approved in Docket 243. The proposed grade for the Facility would be 261.5 feet above mean sea level ("AMSL"). The proposed grade approved in Docket 243 was 265 feet AMSL. (App. Ex. C; T-Mobile First Interrog. Resp.; Verizon Site Justification.)

52. The dimensions of the lease area are smaller at 25 x 50 feet as opposed to the previous dimensions of 75 x 75 feet as approved in Docket 243. The dimensions of the Facility compound area are smaller at 25 x 50 feet as opposed to the previous dimensions of 60 x 40 feet. (App. Ex. C; T-Mobile First Interrog. Resp.; Verizon Site Justification; 3:00p.m. Tr., p. 28.)

53. The location and routing for the proposed utilities are shorter than those originally proposed. This would result in less of an impact to the environment. (App. Ex. C; T-Mobile First Interrog. Resp.; Verizon Site Justification.)

54. The access to the Facility would be over a proposed bituminous parking area extending from the existing bituminous driveway, with a pressure treated wood foot path extending to the Facility compound entrance. The access design for Docket 243 included a bituminous driveway extending from the existing bituminous driveway to the compound entrance. (*App. Ex. C; T-Mobile First Interrog. Resp.; Verizon Site Justification.*)

55. The Facility would accommodate 4 levels of antennas, whereas the facility approved in Docket 243 would support 3 levels of antennas. (*App. Ex. C; T-Mobile First Interrog. Resp.; Verizon Site Justification; 3:00p.m. Tr., p. 53.*)

Municipal Consultation

56. On January 29, 2010, T-Mobile submitted a technical report to the Town regarding the Facility pursuant to General Statutes § 16-50/ (e). T-Mobile also submitted a copy of the Technical Report to the Town of Wilton because the proposed Facility would be located within 2,500 feet of the Wilton boundary. The technical report, a copy of which is included in the bulk filing accompanying the Application, included specifics about the Property, the Facility, the site selection process and the environmental effects of the Facility. (*App., pp. 18-19; App. Ex. R; Bulk Filing; Vergati, p. 5.*)

57. On March 3, 2010, representatives of T-Mobile met with the First Selectman, the Honorable Jeb Walker, and his Administrative Officer, Thomas R. Stadler, CPA, to discuss the proposed Facility. The Town of Wilton did not request a meeting. (*App., pp. 18-19; Vergati, p. 5.*)

58. In a letter dated March 25, 2010, the Town supported T-Mobile's efforts to improve wireless coverage in the Town. The Town reiterated this sentiment during the hearing. (*App.*, pp. 18-19; *T-Mobile First Interrog. Resp.*; *Vergati*, p. 5.)

Environmental Considerations

59. The Property is not designated as a wilderness area and it is not located in any areas identified as a wildlife preserve or in a U.S. Fish and Wildlife Service National Wildlife Refuge. (*App.*, p. 15; *App. Ex. Q*; *Pre-Filed Testimony of Ashley Bonavenia* [*"Bonavenia,"*] p. 2.)

60. The Facility would not affect threatened or endangered species or designated critical habitats. There are 2 endangered and 1 threatened species in Fairfield County. The endangered species include the piping plover and the roseate turn. The threatened species is the bog turtle. The Site would not be situated in the natural habitats of any of these species. (*App.*, p. 15; *App. Ex. Q*; *Bonavenia*, p. 3.)

61. The Facility would be designed to minimize any impact on migratory bird species. The Facility would comply with the United States Fish and Wildlife Service interim guidelines because the Facility would be well under 200 feet, without guy wires and would not be lit. (*App.*, p. 15; *App. Ex. C, Q*; *Bonavenia*, p. 3; *Verizon Site Justification*.)

62. The proposed Facility would not affect any National Parks, National Forests, National Parkways or Scenic Rivers, State Forest, State Designated Scenic Rivers or State Game lands. (*App.*, p. 16; *App. Ex. Q*; *Bonavenia*, p. 3.)

63. The proposed Facility would not impact any recognized districts, sites, buildings, structures or objects of significance in American history, architecture,

archeology, engineering or culture as listed on the National Register of Historic Places. On November 4, 2009, the State Historic Preservation Officer (“SHPO”) determined that the Facility would not have an adverse impact on any such resources. (*App.*, p. 16; *App. Ex. O, Q; Bonavenia*, p. 3.)

64. The Facility would not affect any Native American religious sites. T-Mobile consulted with four Native American Indian tribes – the Delaware Nation, the Delaware Tribe of Indians of Oklahoma, the Mashantucket Pequot Tribe, and the Narragansett Indian Tribe – because they might have interests impacted by the construction, operation and maintenance of the Facility. The Delaware Tribe of Indians of Oklahoma and the Mashantucket Pequot Tribe confirmed that they do not have any interests that would be impacted by the Facility. The Narragansett Indian Tribe and the Delaware Nation were unresponsive to T-Mobile’s attempts to contact them about the proposed Facility. T-Mobile contacted the Federal Communications Commission (“FCC”) after receiving no response from these Tribes. The FCC attempted to communicate with the Tribes. On December 1, 2009, the Delaware Nation responded to the FCC and indicated that the Facility would not impact any of the Tribe’s interests. The Narragansett Indian Tribe did not respond to the FCC’s requests for comment. The FCC therefore concluded that the Narragansett Indian Tribe had no interest in the proposed Facility and that T-Mobile had met its obligations for tribal consultation. (*App.*, p. 16; *App. Ex. Q; Bonavenia*, p. 4; *3:00p.m. Tr.*, p. 18; *T-Mobile Late Filing*.)

65. There are no wetland systems located on the Property or nearby the proposed Facility. The nearest wetland system is approximately 400 feet from the

proposed Facility. This wetland system is associated with Silvermine Brook and located on the opposite side of Valley Road. (*App.*, p. 18; *App. Ex. C, K; Gustafson*, p. 2.)

66. The Facility would have no impact on water flow, water quality, or air quality and would comply with relevant noise regulations. (*App.*, p. 15; *Gustafson*, pp. 2-3.)

67. The proposed access and utility routing for the Facility would not impact any wetland system. (*App. Ex. C, K; Gustafson*, p. 3.)

68. The Facility would not be located within a flood plain. (*App.*, p. 16; *App. Ex. Q; Bonavenia*, p. 4.)

69. T-Mobile would have to remove 3 trees for the Facility. (*App. Ex. C; T-Mobile First Interrog. Resp.*)

70. According to an aeronautical study conducted by T-Mobile, in accordance with the regulations promulgated by the Federal Aviation Administration, the proposed Facility would not require marking or lighting. (*App.*, p. 19; *App. Ex. S.*)

71. The Facility's maximum emissions levels would be approximately 9.0815 percent of the safety criteria adopted by the FCC. The cumulative emissions levels of T-Mobile and Verizon would be approximately 40.11 percent of the safety criteria approved by the FCC. (*App.*, pp. 14-15, *App. Ex. P; 7:00p.m. Tr.*, p. 59.)

72. The Facility would not have an adverse impact on the environment. The Facility is categorically excluded from any requirement for further environmental review by the FCC pursuant to the NEPA and no permit is required by the FCC prior to construction of the Facility. These determinations comport with the Council's previous determinations of no adverse environmental impact, in Docket 243, regarding a

proposed facility with similar specifications. (*App.*, p. 16; *App. Ex. K, Q; Bonavenia*, pp. 3-4; *Gustafson*, pp. 2-3; *Docket 243*.)

Visibility

73. Existing topography and mature vegetation would reduce some of the potential visual impacts of the proposed Facility on the surrounding areas. The average height of the tree canopy within a 2 mile radius of the Facility ("Study Area") is approximately 65 feet. The tree canopy covers nearly 5,298 acres of the 8,042 acre Study Area. The Study Area also includes approximately 100 linear miles of roadways and 221 acres of surface water, including portions of Silvermine River, South Norwalk Reservoir, Rock Lake and Thayers Pond. (*App.*, p. 12; *App. Ex. N; Libertine*, p. 6.)

74. The monopole would be painted brown to match the existing vegetation and would include interior mounts. These stealth features would further minimize the visual impact of the proposed Facility. (*App.*, pp. 10-11, 14; *App. Ex. C, N; Libertine*, p. 6; *Verizon Site Justification; 3:00p.m. Tr.*, pp. 92-93.)

75. The Site is the optimal location for the Facility as most of the Property is developed. The Site would be located in an area of the Property with existing mature vegetation to screen the monopole. The existing vegetation would shield most of the Facility, including the lower portion of the monopole that tapers out to the base. (*App.*, pp. 12-13; *App. Ex. C, N; Libertine*, p. 6; *3:00p.m. Tr.*, pp. 46-48, 87.)

76. The areas from which the Facility would be at least partially visible year round comprise approximately 8 acres of the 8,042 acre Study Area – less than one half of one percent of the total Study Area. A majority of these views would be on the Property and along a limited segment of Valley Road within the immediate vicinity of the

proposed Facility. Year-round views are also anticipated from the adjoining municipal water treatment property. There are several smaller areas of potential year-round visibility located to the north, northeast, and southeast of the Facility. (*App.*, p. 13; *App. Ex. N; Libertine*, p. 5.)

77. Areas of seasonal visibility would comprise approximately 16 additional acres. These views would be within the immediate vicinity of the proposed Facility (0.25 miles). This would include an approximate one-tenth mile segment on Valley Road that abuts the Property; an area to the northwest of the proposed Facility that extends to select portions of Wardwell Drive; an area of intermittent seasonal views located near the end of Turning Mill Lane; and an isolated area of seasonal visibility located along Huckleberry Hill Road. (*App.*, pp. 11-12; *App. Ex. N; Libertine*, p. 5.)

78. The Facility would not have an adverse visual effect on historic, architectural, or archeological resources listed on or eligible for the National Register of Historic Places. This determination is consistent with SHPO's conclusion. (*App. Ex. N; Libertine*, p. 6.)

79. The Facility would not be visible from any hiking trails. (*App. Ex. N; Libertine* p. 6.)

Tower Sharing

80. The Facility would accommodate T-Mobile and 2 other wireless carriers, which would limit the proliferation of telecommunications facilities. (*App.*, p. 10; *App. Ex. C; Centore*, p. 3; *Verizon Site Justification; 3:00p.m. Tr.*, pp. 33, 50.)

81. Verizon has intervened in the proceedings and indicated an interest to locate its antennas on the Facility at a height of 97 feet AGL. (*Verizon Site Justification; 3:00p.m. Tr., pp. 33, 50.*)

82. The Facility would accommodate the Town's municipal public safety communications systems. T-Mobile has offered the Town space on the Facility at no charge. The Town has reserved its right to locate its equipment on the Facility, but has not yet expressed its intentions to do so. (*App., pp. 10, 18-19; App. Ex. C; Verizon Site Justification; Vergati, p. 5.*)

Dated at Bridgeport, Connecticut, this 5th August, 2010.

**THE APPLICANT,
T-MOBILE NORTHEAST LLC**

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on this day a copy of the foregoing was delivered by Electronic Mail and regular mail, postage prepaid, to all parties and intervenors of record, as follows:

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Jesse A. Langer