



Daniel F. Caruso
Chairman

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
Internet: ct.gov/csc

May 23, 2008

Julie Kohler, Esq.
Carrie Larson, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604

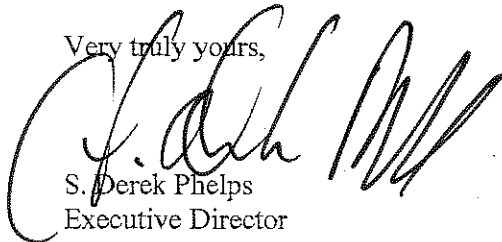
RE: **DOCKET NO. 349** – Global Signal Acquisitions II application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1919 Boston Post Road, Guilford, Connecticut.

Dear Attorneys Kohler and Larson:

By its Decision and Order dated May 22, 2008, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the relocation, construction, maintenance and operation of a telecommunications facility located at 1919 Boston Post Road, Guilford, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

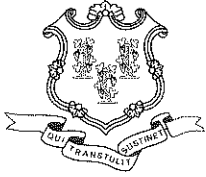
Very truly yours,



S. Derek Phelps
Executive Director

SDP/cm

Enclosures (4)



Daniel F. Caruso
Chairman

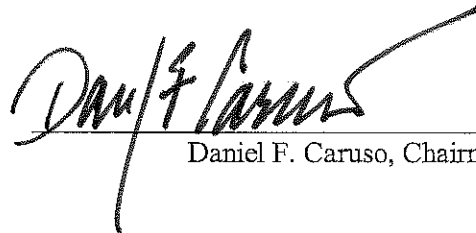
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CERTIFICATE
OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
DOCKET NO. 349

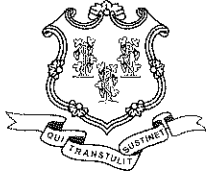
Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Global Signal Acquisitions II for the relocation, construction, maintenance and operation of a telecommunications facility located at 1919 Boston Post Road, Guilford, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on May 22, 2008

By order of the Council,



Daniel F. Caruso, Chairman

May 22, 2008



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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May 23, 2008

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 349** – Global Signal Acquisitions II application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1919 Boston Post Road, Guilford, Connecticut.

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Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

SDP/cm

Enclosures (3)

c: Julie Kohler, Esq, Cohen and Wolf
Carrie Larson, Esq, Cohen and Wolf
State Documents Librarian

DOCKET NO. 349 – Global Signal Acquisitions II application } Connecticut
for a Certificate of Environmental Compatibility and Public Need }
for the construction, maintenance and operation of a } Siting
telecommunications facility located at 1919 Boston Post Road, }
Guilford, Connecticut. } Council

May 22, 2008

Findings of Fact

Introduction

1. Global Signal Acquisitions II (Applicant), in accordance with provisions of Connecticut General Statutes (CGS) § 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on October 23, 2007 for the re-location, re-construction, operation, and maintenance of a wireless telecommunications facility, including a 150-foot high steel monopole tower, that currently exists on property located at 1919 Boston Post Road in Guilford, Connecticut. (Applicant 1, p. 1)
2. The Applicant originally filed a petition (No. 792) with the Council seeking permission to relocate the existing tower. Instead of acting on the petition, the Council requested that the Applicant file a certificate application for the proposed re-location. (Transcript , January 15, 2008, 3:00 p.m. [Tr. 1], p. 17)
3. Global Signal Acquisitions II is a wireless infrastructure company that owns, operates, and maintains telecommunications towers throughout the country, including Connecticut. Its home office is located in Canonsburg, Pennsylvania. (Applicant 1, p. 4)
4. The parties in this proceeding are the Applicant and Anthony Poccia, William and Myung Arabolos, Margaret Rose Richard, and Sandra Wilson, whose party status was transferred from Petition 792. Heather Fernandes, Diane and Alan Sholomskas, Brian Denning, Daniel Capozziello, and Joel and Donna Zemke were given intervenor status, which was transferred from Petition 792. (Tr. 1, pp. 6-7)
5. The existing facility, which includes a 150-foot monopole tower, is used by T-Mobile, Nextel, Sprint, Verizon Wireless, Cingular and AT&T Wireless and is an integral component of these carriers' networks that provide personal wireless communications services in Connecticut and New Haven County. The relocated, re-constructed facility would allow these carriers to continue to provide service along Interstate I-95 and Boston Post Road, as well as adjacent areas, in Guilford. (Applicant 1, pp. 1-2)
6. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on January 15, 2008, beginning at 3:05 p.m. and continuing at 7:00 p.m. at the Guilford Fire Department, 390 Church Street, Guilford, Connecticut. (Tr. 1., p. 3)
7. The public hearing was continued on April 1, 2008 beginning at 1:00 p.m. in Hearing Room One of the Council's offices at Ten Franklin Square, New Britain, Connecticut. (Transcript, April 1, 2008, 1:00 p.m. [Tr. 3], p. 2 ff.)

8. The Council and its staff conducted an inspection of the proposed site on January 15, 2008, beginning at 2:00 p.m. The applicant flew a balloon from 7:30 a.m. until approximately 5:00 p.m. at the proposed site to simulate the height of the proposed tower. The sky was overcast most of the day, and there was little or no wind. Weather conditions allowed for good visibility. (Tr. 1, pp. 27-28)
9. Pursuant to CGS § 16-50/(b), public notice of the application was published in the New Haven Register on December 10, 2007 and in the Shoreline Times. (Applicant 1, p. 5; New Haven Register Proof dated December 19, 2007)
10. Pursuant to CGS § 16-50/(b), notice of the application was provided to all abutting property owners by certified mail. (Applicant 1, pp. 5-6)
11. The Applicant received return receipts from all abutting property owners except one. (Applicant 2, A1)
12. The Applicant sent a total of six certified mailings to this one abutting landowner. It did not receive any return receipts. The abutting landowner is the State of Connecticut. (Tr. 1, p. 46)
13. On March 25, 2008, the Applicant sent another notice to abutting property owners and to the Town of Guilford informing them of a change in plans for the site of the tower relocation. (Applicant 7, p. 9)
14. Pursuant to CGS § 16-501 (b), the Applicant provided notice to all federal, state and local officials and agencies listed therein. (Applicant 1, p. 5; Exhibit E)
15. On December 20, 2007, the Applicant posted a 4-foot by 6-foot sign notifying the public of the Council's pending public hearing on its application. (Applicant 3, Pre-filed testimony of James Grafmeyer, A5)

State Agency Comments

16. Pursuant to CGS § 16-50/, the Council solicited comments on Optasite's application from the following state departments and agencies: Department of Environmental Protection, Department of Public Health, Council on Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, and the Department of Transportation. The Council's letters requesting comments were sent on December 5, 2007 and on April 3, 2008. (CSC Hearing Package dated December 5, 2007 and Letter to State Agency heads dated April 3, 2008)
17. The Connecticut Department of Public Health (DPH) responded to the Council's solicitation with no comments. (DPH Memorandum dated November 29, 2007)
18. The Connecticut Department of Transportation (ConnDOT) responded to the Council's solicitation with no comments. (ConnDOT Correspondence received January 7, 2008)

19. With the exception of DPH and ConnDOT, no comments were received from any state agency. (Record)

Municipal Consultation

20. On July 24, 2006, the Applicant submitted a letter and a technical report to the Town of Guilford informing it of its plans to relocate and re-construct the existing facility. (Applicant 1, p. 21; Exhibit Q)
21. On August 3, 2006, attorneys for the Applicant and Developers Diversified Realty (DDR), the developer of the retail development that would necessitate moving the existing facility, met with town officials, including the Guilford First Selectman and the town's Tower Committee, to discuss its proposal. During this meeting, the First Selectman indicated that he did not have any concerns about the Applicant's proposal since it involved re-locating an existing facility on the same property. (Applicant 1, p. 22)
22. The First Selectman of Guilford, Cal Balestracci, submitted a letter to the Council expressing support for Global Signal's application to relocate the existing tower. (Letter from Carl Balestracci, Guilford First Selectman, dated April 29, 2008)

Public Need and Benefit for Service

23. The United States Congress, through adoption of the Telecommunications Act of 1996 (Act), recognized the important public need for high quality telecommunication services throughout the United States. The purpose of this Act, which was a comprehensive overhaul of the Communications Act of 1934, 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." (Applicant 1, p. 6)
24. The Act prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Administrative Notice, Telecommunications Act of 1996)
25. The Act prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with the Federal Communications Commission's (FCC) regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice, Telecommunications Act of 1996)
26. The existing facility is an integral component in the wireless networks of T-Mobile, Sprint, Verizon, and New Cingular Wireless. It enables these carriers to provide coverage along Interstate 95 and the Boston Post Road (Route 1) and on local roads in the surrounding area of Guilford. The relocated facility would continue to provide coverage in this area of the state. (Applicant 1, p. 7)

27. The existing tower, which has been reinforced, is at the limit of its structural capacity. Replacing it with a new, stronger tower would allow the carriers using it to add or upgrade antennas and other equipment to keep pace with the growth in demand for wireless services in this area. (Tr. 3, pp. 52-53 & 65-66)
28. In an effort to ensure the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999 (the 911 Act). The purpose of this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. As an outgrowth of this act, the FCC mandated wireless carriers to provide enhanced 911 services (E911) that would enable public safety dispatchers to identify a wireless caller's geographical location within several hundred feet. (Applicants 1, pp. 7-8)
29. The relocated, re-constructed facility would continue to be an integral component of the respective E911 networks of the different carriers using this facility. (Applicant 1, p. 8)

Site Selection

30. On May 22, 1997, the Guilford Planning and Zoning Commission approved a special permit application for Sprint Spectrum, LP to construct a facility, which included a 130-foot monopole tower, at the 1919 Boston Post Road location. The height of the tower was subsequently raised to 150 feet upon the Council's approval of Petition 613 on April 9, 2003, in which Sprint Sites USA sought permission for a twenty foot extension. (Applicant 1, p. 2)
31. The parcel on which the existing facility is located is owned by Roger Stone and is adjacent to two parcels that are owned by DDR, which has a long term lease for the Stone property. DDR is planning to construct a "lifestyle retail development" that would encompass the three parcels. The existing facility is within the footprint of what would be one of the buildings of the proposed development. For this reason, the applicant would dismantle the existing facility and re-construct it in the northeast corner of the proposed development. The height of the new tower would be the same as the existing tower, and the size of the new compound would be the same as the existing compound. (Applicant 1, pp. 2-3)
32. Following the January 15, 2008 public hearing, Joseph J. Russo, the owner of property at 1575 Boston Post Road, wrote a letter to the Council in which he offered his property as a potential location for the relocated tower. (Council Administrative Notice No. 19)
33. The conditions of Global Signal's lease for its telecommunications facility, and its additional agreement with DDR, do not allow it to move its facility to another property, at least until the year 2021. (Applicant 6, Responses A1 & A2)
34. Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means to provide service within the area the existing carriers are currently serving. Significant terrain variations and tree cover in the surrounding area limit the potential use of these technologies. (Applicants 1, p. 8)

Site Description

Application Site

35. The existing facility consists of a 150-foot monopole tower within 50-foot by 61-foot enclosed compound. It is located on a parcel at 1919 Boston Post Road (Route 1) owned by Roger Stone. The Stone parcel and two adjacent parcels owned by DDR comprise a total area of 28.22 acres. This property is located approximately 740 feet to the northwest of Exit 57 on Interstate 95.(Applicant 1, pp. 2-3; Exhibit C)
36. The property on which the existing facility is located and would be relocated is within a Service Center West zoning district. Telecommunications towers are allowed in commercial zoning districts with the approval of a special permit. (Applicant 1, p. 3; Bulk filed Guilford zoning regulations)
37. In its application, Global Signal proposes to move its facility approximately 750 feet from its existing location to the northeastern corner of the 28.22 acre property on which the proposed shopping center would be developed. The relocated facility, as described in the application, would include a 150-foot tall steel monopole tower within a 50-foot by 61-foot (3,050 square feet) enclosed compound. (Applicant 1, p. 3; Exhibit C, Sheet SC-1)
38. The carriers on the existing tower have agreed to relocate their antennas onto the new tower. (Tr. 3, p. 53)
39. The relocated tower would be located at 41° 17' 57.48"N latitude and 72° 42' 19.16"W longitude. Its elevation at ground level would be approximately 99.4 feet above mean sea level, which is approximately one foot lower than the existing tower site. (Applicant 1, Exhibit C – Sheet T-1)
40. The tower would be designed in accordance with the applicable standards of the State of Connecticut Building Code that includes the International Building Code 2005 with the Connecticut Supplements and the specifications of the Electronic Industries Association Standard, "Structural Standards for Steel Antenna Towers and Antenna Support Structures." (Applicant 2, A3)
41. The existing tower accommodates the antennas of six carriers: T-Mobile at 150 feet, Nextel at 140 feet, Sprint at 130 feet, Verizon Wireless at 120 feet, New Cingular Wireless at 110 feet, and AT&T Wireless at 100 feet. All of these carriers would move to the new tower and remain at the same heights, except that, due to the merger of Cingular and AT&T Wireless into New Cingular, only one set of antennas for what used to be two carriers will be needed on the new tower. These antennas would be located at the 110-foot height. (Applicant 1, pp. 6, 10, 11)
42. Each carrier using the tower would occupy a 12-foot by 20-foot equipment shelter, except for Verizon Wireless, which would occupy a 12-foot by 30-foot shelter. Sprint and Nextel, although maintaining antennas at different heights, would share one equipment shelter. (Applicant 1, p. 11)

43. Cingular and Verizon would share a generator for emergency back-up power, as they do at the existing site. The other carriers would utilize batteries for back-up power. (Tr. 1, pp. 48-49)
44. The proposed compound would be enclosed by an eight-foot fence that would be designed to match the architecture of the commercial development on the same property. (Applicant 2, A7)
45. Minimal grading would be needed for the proposed compound area and access drive. All grading needed for the relocated facility would be required as part of the grading for the retail development proposed for the property. (Applicant 1, p. 12)
46. Vehicular access to the relocated facility from Boston Post Road would be over the paved driveways of the proposed retail development. (Applicant 1, p. 11)
47. Utilities would be extended underground approximately 400 feet from Boston Post Road to the relocated facility along its southwest corner to avoid interfering with the development of the shopping center. (Applicant 1, p. 3; Tr. 1, pp. 41-42)
48. The relocated tower would likely require blasting to install the tower foundation and utility lines. (Tr. 1, p. 48)
49. The relocated tower's setback radius would extend approximately 60 feet onto the adjacent property located to the southeast of the proposed compound. This property is currently used as a parking lot. (Applicant 2, A4)
50. There are 31 residences within 1,000 feet of the proposed facility. (Applicant 2, A5)
51. The closest residence to the proposed facility is located 560 feet to the east of the compound and is owned by William and Myung Arabolos. (Applicant 2, A6)
52. The nearest areas along Boston Post Road are characterized by commercial development. Residential development is found in the surrounding area beyond the Boston Post Road. (Applicant 1, p. 20)
53. The estimated cost of the facility, including antennas and radio equipment, is approximately \$850,000. This figure includes new shelters for the carriers' equipment, new antennas, coax cables, connectors, and the site work. (Tr. 1, pp. 42-43)
54. The cost of relocating the existing facility would be borne by DDR. (Tr. 1, p. 45)

Alternate Site

55. Following the public hearing on January 15, 2008, Global Signal proposed an alternate site on the DDR property to which the tower could be relocated. This alternate location would be approximately 120 feet to the southwest of the existing site. At this location, Global Signal would erect a 150-foot monopole within a 3,403 square foot base compound. Within the base compound, each of the carriers would occupy equipment shelters that would be approximately 12 feet by 20 feet, except Verizon, whose equipment shelter would measure 12 feet by 30 feet. (Applicant 7, pp. 3-4; Tr. 3, p. 46)
56. Global Signal would use a stockade type of fence. Its color would complement the color of the retail development. (Tr. 3, pp. 51-52)
57. Landscaping would be used to mitigate the appearance of the equipment compound. (Tr. 3, p. 55)
58. The ground elevation of the tower at the alternate site would be 98 feet amsl. (Tr. 3, p. 51)
59. Approximately 21 feet of backfill would be required to bring the area where the tower would be located to the necessary grade. Some fractured rock might also need removal. (Tr. 3, p. 49; Tr. 3, p. 62)
60. The setback radius of the tower at this location would encroach approximately 70 feet onto the right-of-way of Route 1 (Boston Post Road). (Tr. 3, pp. 49-50)
61. The tower could be designed with a pre-engineered yield point to effectively minimize the setback radius. (Tr. 3, pp. 49-50)
62. Vehicular access to the alternate site would extend from the Boston Post Road over paved driveways that would be part of the retail development proposed for the property. (Applicant 7, p. 5)
63. Utility connections would extend underground from existing service on the Boston Post Road to the equipment compound. (Applicant 7, p. 5)
64. The nearest residence to the alternate site is 293 feet to the northwest. (Tr. 3, p. 50)
65. The estimated cost of the proposed alternate site would be \$518,640, including antennas and radio equipment. (Applicant 8)

Environmental Considerations

Application Site

66. The relocated facility is expected to have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Applicant 1, Exhibit N – Letter from State Historic Preservation Officer)

67. No extant populations of Federal or State Endangered, Threatened or Special Concern Species are known to occur at the proposed site. (Applicant 1, Exhibit N – Letter from DEP)
68. Existing vegetation in the area around the DDR property is generally mature, mixed deciduous hardwood species with an average estimated height of 65 feet. (Applicant 1, p. 14)
69. The majority of the DDR property itself has been significantly cleared, filled, and re-graded in the past. Current vegetation consists mainly of a variety of herbaceous vegetation (grasses and forbs) and Autumn Olive (*Elaeagnus umbellata*) with scattered Multiflora Rose (*Rosa multiflora*), Red Cedar (*Juniperus virginiana*), and Sumac (*Rhus spp.*). Old field “edges” consist mainly of young Black Birch (*Betula lenta*) and Cottonwood (*Populus deltoids*). A small portion of the southeastern area of the property is mixed hardwood forest consisting mainly of Black Birch, Red Oak (*Quercus velutina*), and American Beech (*Fagus grandifolia*). (Applicant 1, Exhibit P, Wetland Delineation and Reconnaissance Survey, p. 3)
70. No tree with a diameter at breast height of six inches or more would be removed to develop the relocated facility or its vehicular access. (Applicant 1, Exhibit C – Letter from URS Corporation)
71. The closest wetland to the relocated site proposed in the application is approximately 128 feet to the east of the proposed facility’s eastern corner. (Applicant 2, A8)
72. DDR has agreed to grant a conservation easement to the town or to the Guilford Land Trust that would encompass the portion of its property through which Spinning Mill Brook runs. (Tr. 1, p. 51)
73. The Applicant would establish and maintain soil erosion control measures, in accordance with the Council of Soil and Water Conservation’s guidelines, throughout the construction of the relocated facility. (Applicant 1, p. 21)
74. The tower at the proposed re-location site would not constitute a potential air navigation obstruction or hazard and would not require lighting or marking. (Applicant 1, p. 22; Exhibit R)
75. The maximum power density from the radio frequency emissions of the carriers’ antennas at the relocated facility was calculated to be 36.43% of the standard for Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas would be pointed at the base of the tower and all channels would be operating simultaneously. (Applicant 1, Exhibit O)

Alternate Site

76. The "Environmental Considerations" facts cited for the application site would also apply to the alternate site, except that the closest wetlands to the alternate site are located approximately 437 feet to the northeast and 679 feet to the north. (Applicant 7, p. 2; Applicant 1, Exhibit C, Drawing SC-1)

Visibility

Application Site

77. The relocated 150-foot monopole tower would be visible on a year-round basis from approximately 51 acres in the surrounding area. Of this total, approximately 16 acres occur on the DDR property on which the new shopping center would be located. In comparison, the existing tower is visible year-round from approximately 54 acres. (Applicant 1, Exhibit L, p. 4)
78. The relocated tower would be visible on a seasonal basis from an additional 45 acres that lie mainly to the northeast and southwest of the host property. (Applicant 1, Exhibit L, p. 5)
79. Two residences in the nearby area would have year-round views of the relocated tower. These properties are located along Route 1 adjacent to the host property and are closer to the relocated site than the existing site. (Applicant 1, Exhibit L, p. 5)
80. An additional ten residences would have limited seasonal views of the relocated tower. These properties are located along Peddlers Road, Copper Hill Drive, and Dowd Court within approximately ¼ mile of the relocated tower. (Applicant 1, Exhibit L, p. 5)
81. The visibility of the proposed site from different vantage points in the surrounding vicinity is summarized in the following table. The locations of the vantage points listed are identified by their corresponding number in the Visual Resource Evaluation Report contained in the Applicant's Exhibit L.

<u>Location</u>	<u>Site Visible</u>	<u>Approx. Portion of (150') Tower Visible (ft.)</u>	<u>Approx. Distance and Direction to Tower</u>
1 – Boston Post Road at Joan Drive	Yes	Upper 110'	1500 feet; SE
2 – Boston Post Road (Route 1)	Yes	Upper 50'	3000 feet; NW
3 – Boston Post Road, south of I-95	Yes	Upper 50'	1600 feet; NW
4 – Boston Post Road, north of I-95	Yes	Upper 120'	580 feet; NE
5 – River Road at Guilford Land Trust car pull-off area	Yes	Upper 30'	7200 feet; NW

(Applicant 1, Exhibit L - Photographic Simulations)

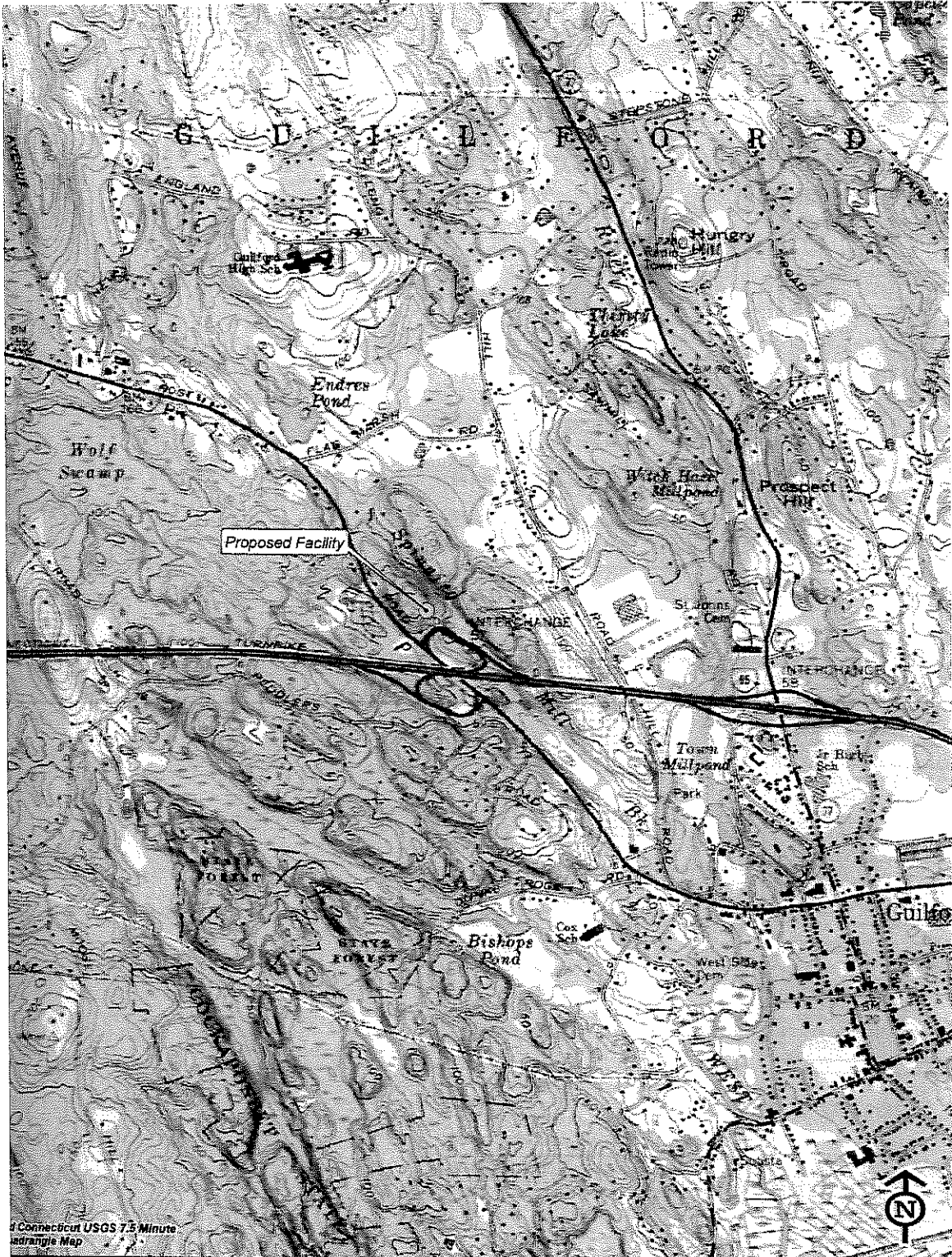
Alternate Site

82. The tower at the alternate site would be visible from approximately 43 acres. It would also be less visible than the tower at the application site from residential areas on Joan Drive and Russett Drive. (Applicant 7, p. 6)

Existing and Proposed Wireless Coverage

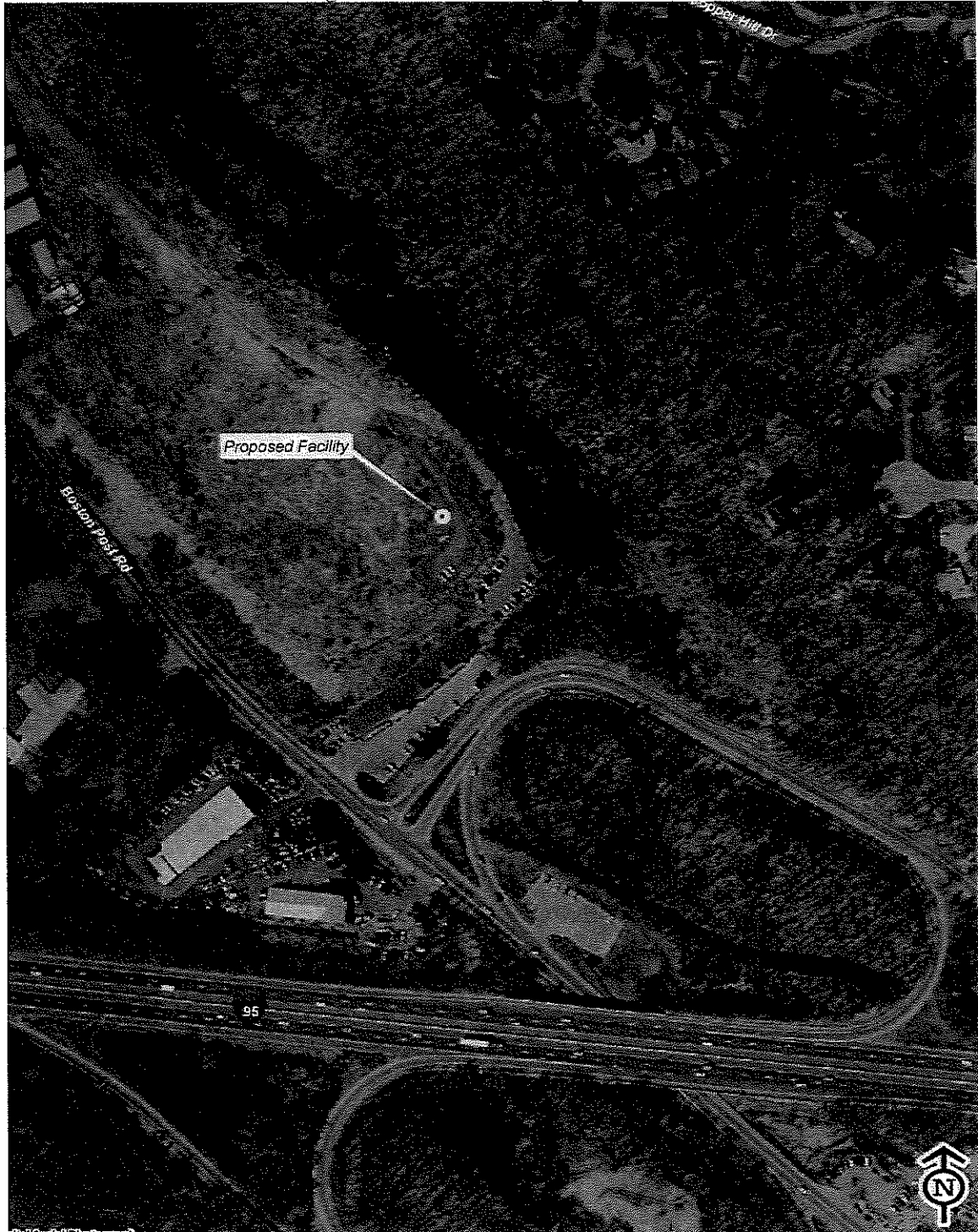
83. The existing (and proposed) facility is an integral component of the wireless networks of T-Mobile, Nextel, Sprint, Verizon Wireless, and New Cingular Wireless. It enables all of these carriers to cover areas along Interstate I-95 and Route 1 (Boston Post Road) in the Guilford area. (Applicant 1, pp. 6-7)

Figure 1: Site Location



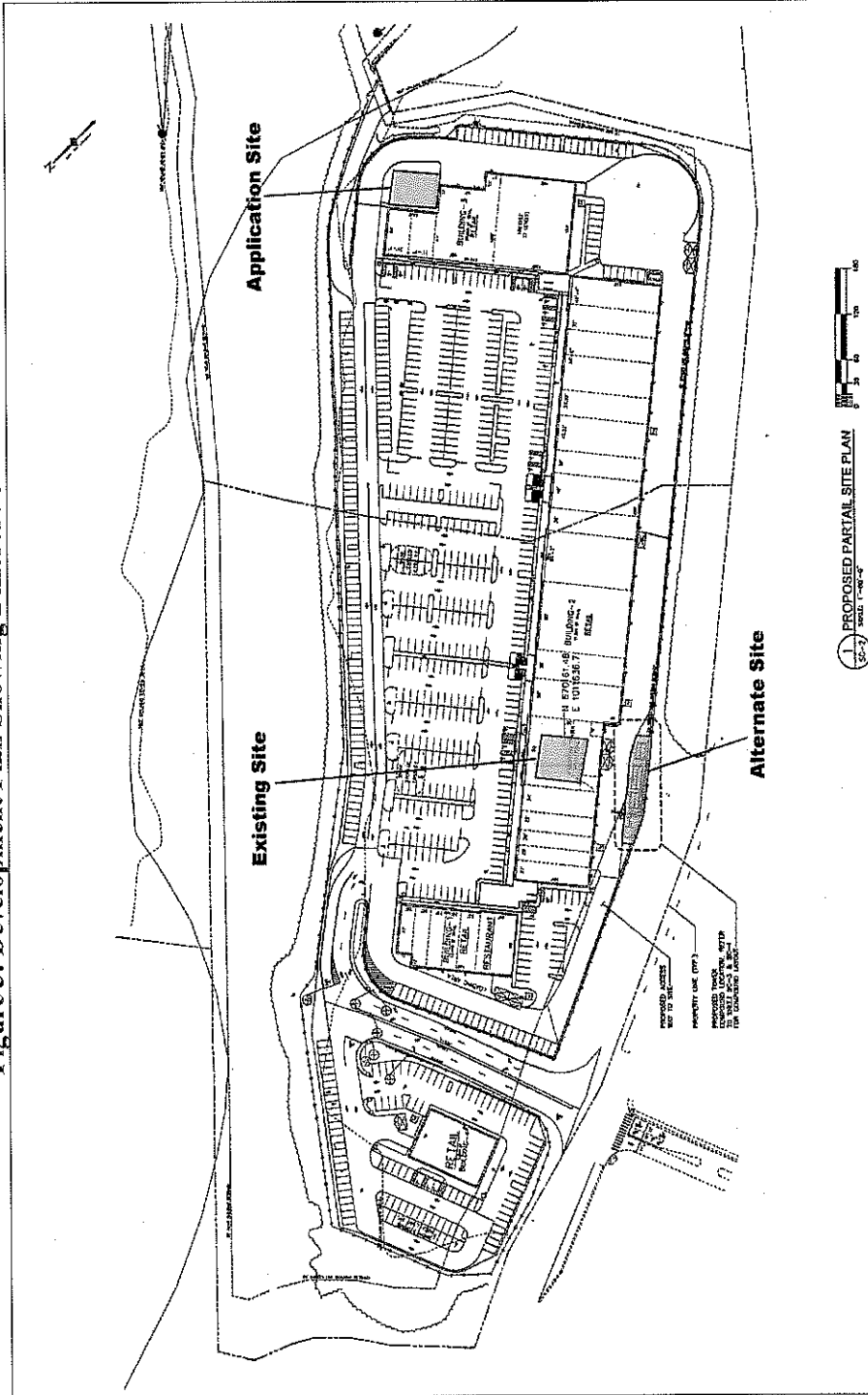
(Applicant 1, Exhibit C)

Figure 2: Aerial Photograph of Site



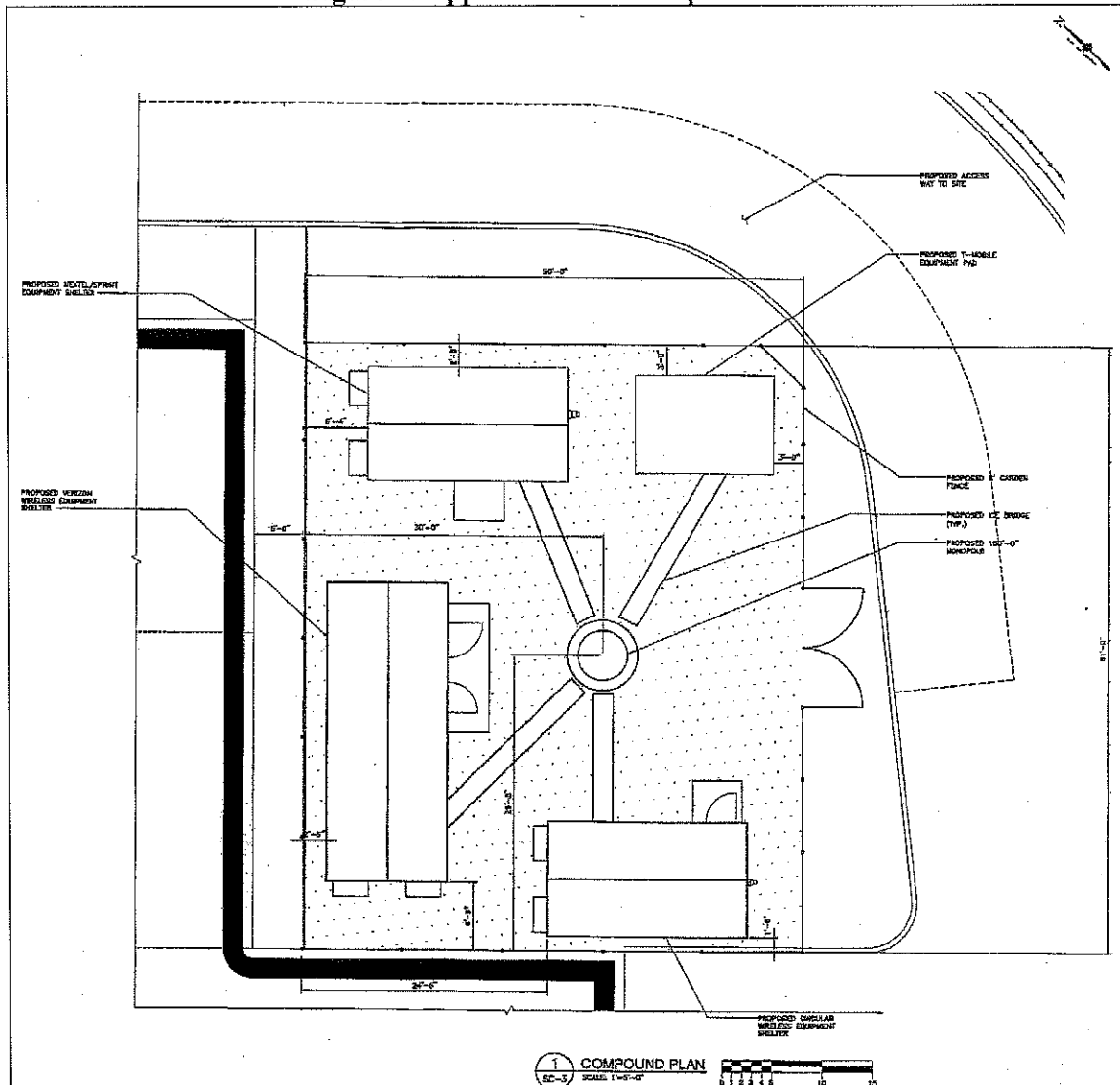
(Applicant 1, Exhibit C)

Figure 3: Development Plan Showing Different Site Locations



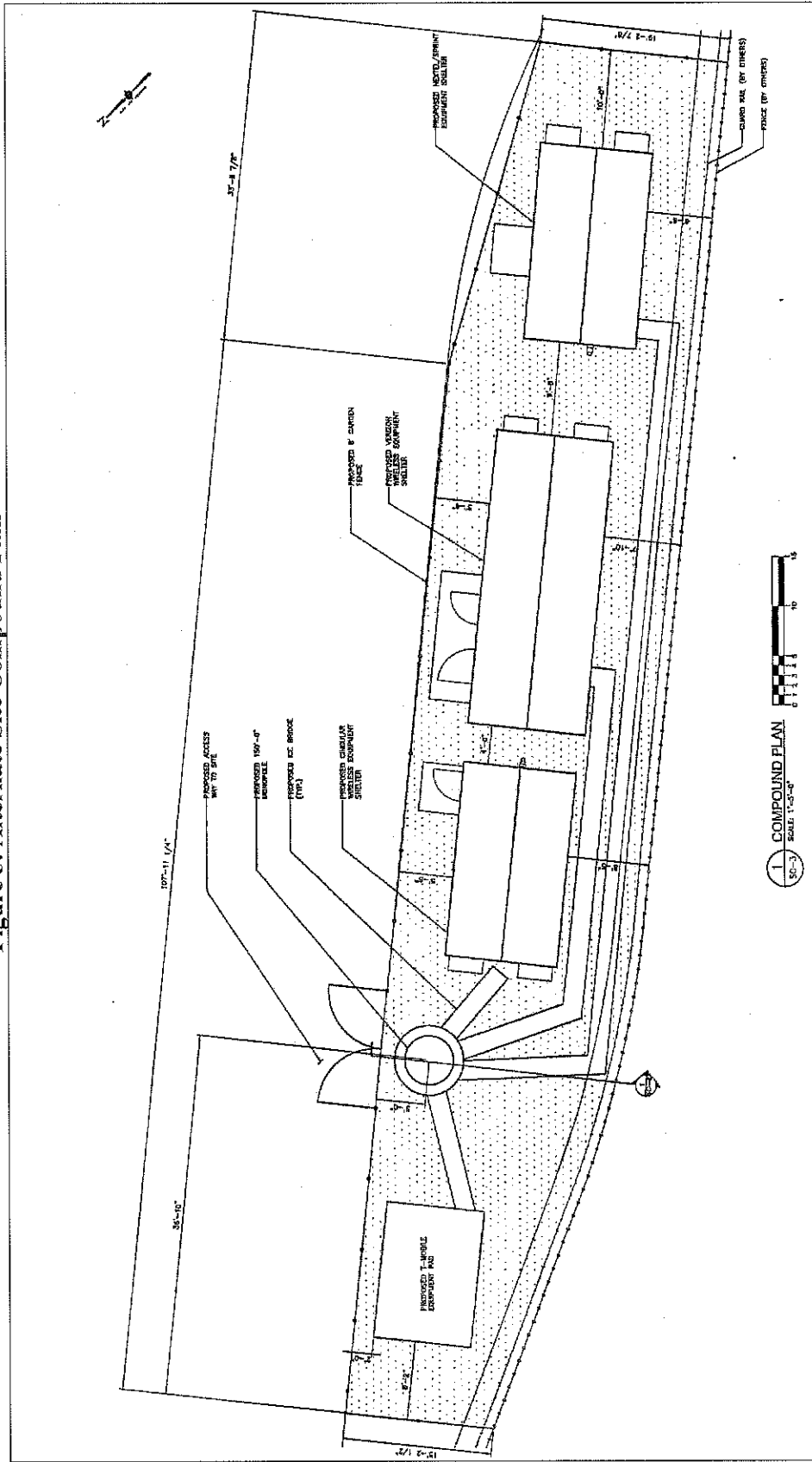
(Applicant 1, Exhibit C, Sheet SC-2; Applicant 7, Exhibit 7, Sheet SC-2)

Figure 4: Application Site Compound Plan



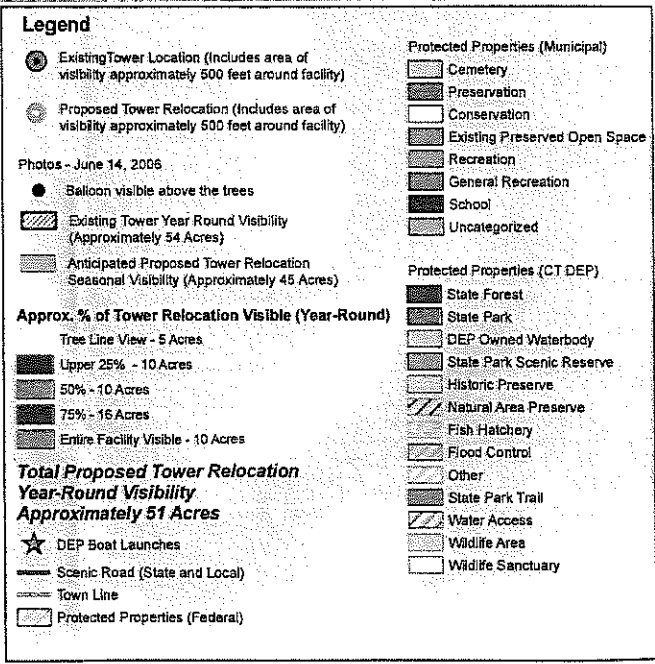
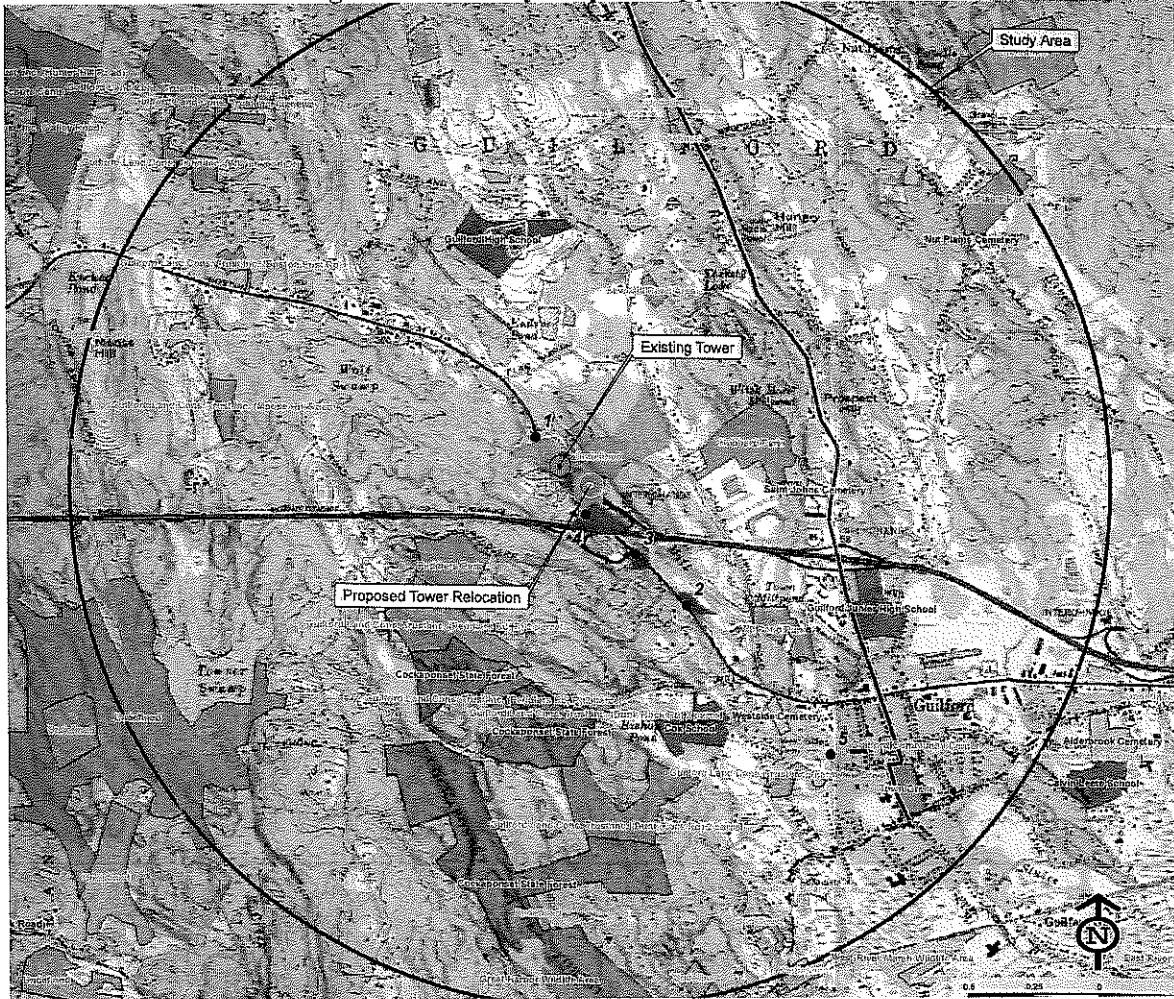
(Applicant 1, Exhibit 3, Sheet SC-3)

Figure 5: Alternate Site Compound Plan



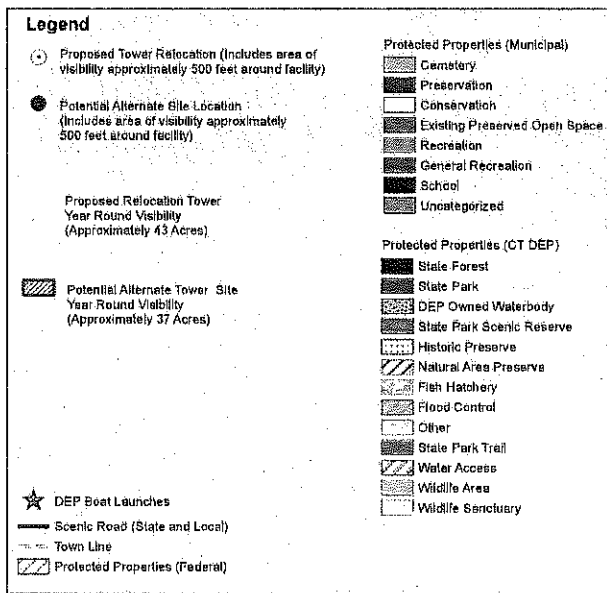
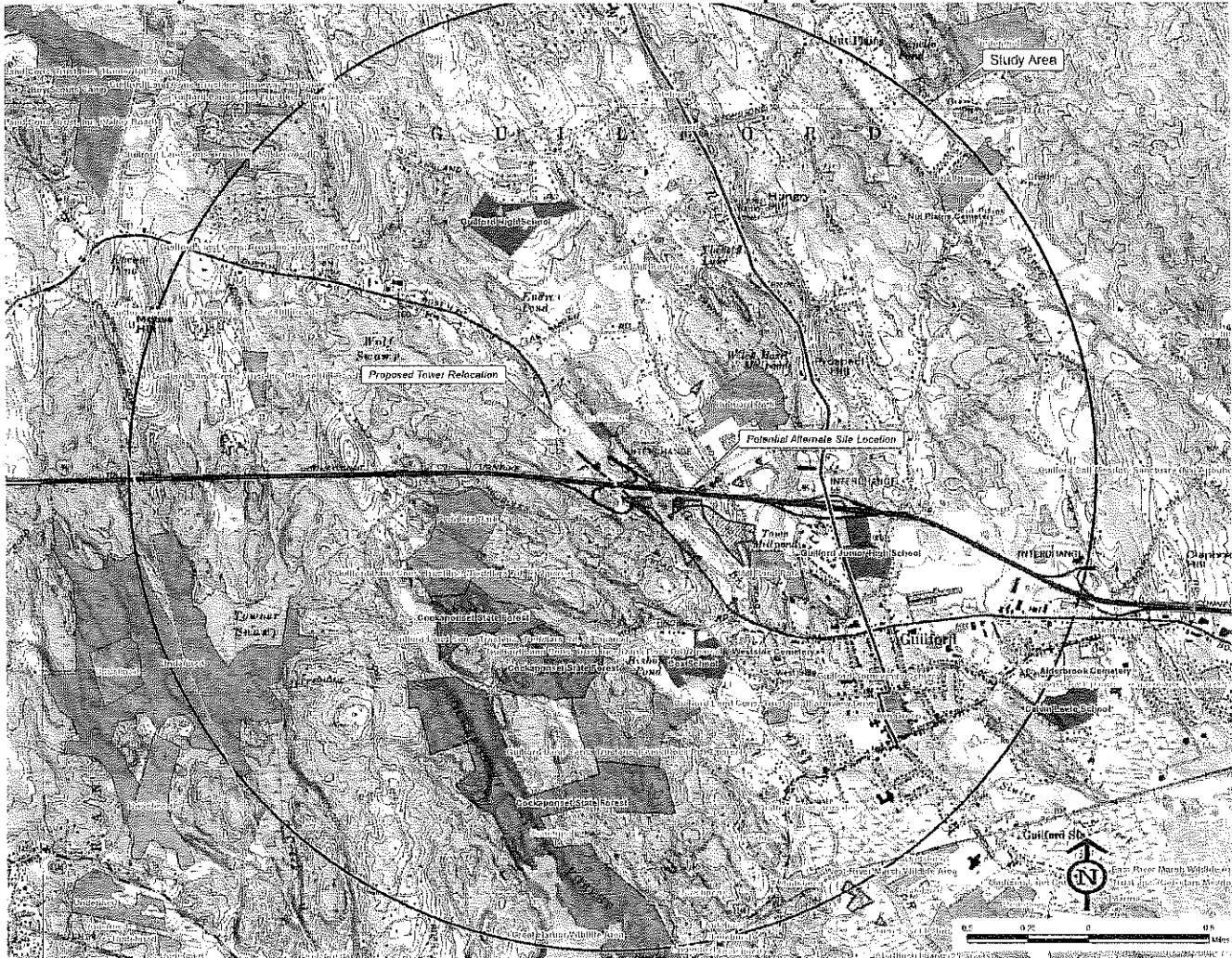
(Applicant 7, Exhibit A, Sheet SC-3)

Figure 6: Visibility Map for Application Site



(Applicant 1, Exhibit L)

**Figure 7:
 Visibility of Alternate Site and Potential Site on Russo Property at 1575 Boston Post Road**



(Applicant's Late File, received April 9, 2008)

DOCKET NO. 349 – Global Signal Acquisitions II application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1919 Boston Post Road, Guilford, Connecticut.	} } }	Connecticut Siting Council May 22, 2008
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Opinion

On October 23, 2007, Global Signal Acquisitions II (Global Signal) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the re-location, construction, maintenance and operation of a wireless telecommunications facility located at 1919 Boston Post Road, Guilford, Connecticut. Two groups of nearby residents participated in this proceeding in addition to the applicant. Anthony Poccia, William and Myung Arabolos, Margaret Rose Richard, and Sandra Wilson were grouped as a party. Heather Fernandes, Diane and Alan Sholomskas, Brian Denning, Daniel Capozziello, and Joel and Donna Zemke were grouped as an intervenor.

At the time of application, there was an existing facility on the 1919 Boston Post Road property that was approved by the Guilford Planning and Zoning Commission on May 22, 1997. The tower at this facility was originally approved at a height of 130 feet. It was subsequently raised to 150 feet upon the Council's approval of Petition 613 on April 9, 2003. The existing tower is being used by T-Mobile, Sprint, Verizon, Cingular, and AT&T. It provides service along Interstate 95 and U.S. Route 1 (Boston Post Road) and local roads in the surrounding area of Guilford. All carriers would continue to use the proposed, relocated tower, though Cingular and AT&T would only utilize one level on the tower due to their merger. The use of the existing tower by all of the major carriers operating in Connecticut establishes the need for the facility, and its relocation can be considered as a public benefit.

In its application, Global Signal proposed moving the existing facility approximately 750 feet to the east. The new tower would be built at the same height as the existing tower. The reason for this re-location was that a retail shopping center had been proposed for the property on which the existing facility is located and the surrounding, adjacent property. In addition, the existing tower, which has previously been reinforced, is at the limit of its structural, load-bearing capacity and must be replaced if any of its present users need to upgrade or add antennas and accessory equipment in order to accommodate growing demand for wireless services in the area.

Following a public hearing on its Certificate Application, Global Signal submitted an alternate re-location plan to the one originally presented. The alternate plan proposed re-locating the tower and associated equipment compound approximately 120 feet to the southwest of the existing facility's location.

At the re-location site originally proposed in Global Signal's application, the new tower's setback radius would extend approximately 60 feet onto an adjacent property located to the southeast of the proposed compound. At the proposed alternate site, the tower's setback radius would encroach approximately 70 feet onto the right-of-way of Route 1 (Boston Post Road). In either case, Global Signal could design a yield point into the tower to effectively reduce the size of its setback radius.

At the site originally proposed in the application, the relocated 150-foot monopole tower would be visible on a year-round basis from approximately 51 acres in the surrounding area. Of this total, approximately 16 acres occur on the properties on which the new shopping center would be located. In comparison, the existing tower is visible year-round from approximately 54 acres. The relocated tower would be visible on a seasonal basis from an additional 45 acres that lie mainly to the northeast and southwest of the host property. The tower at this site would be more visible for the residents at the end of Russett Drive. At the alternate site, the tower would be visible from approximately 43 acres. It would be less visible from residential areas on Joan Drive and Russett Drive than the tower at the site proposed in the application.

The properties to be developed as the retail shopping center are primarily cleared, and, therefore, a facility at either of the proposed re-location sites would have little impact on existing vegetation. There are wetlands associated with Spinning Mill Brook, a small stream that runs through a low area between the shopping center properties and the residential areas to the north and east. These areas, however, are far enough removed so as not to be affected by the development of a relocated facility at either proposed location. The site proposed in the original application is the closer of the two sites to the wetlands. The developers of the shopping center have also agreed to a conservation easement that would protect the area around Spinning Mill Brook. The Council supports the establishment of this easement.

No extant populations of Federal or State Endangered, Threatened or Special Concern Species are known to occur at either of the proposed sites. A relocated facility at either location would have no effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places.

In this proceeding, the nearby residents who participated as party and intervenor questioned the need to relocate this facility. They contended that the existing facility was providing the coverage needed and that the only reason to relocate it was to accommodate the shopping center developers, who did not want a wireless communications tower in the middle of their retail development. The Council, however, feels that there would be a public benefit in replacing the existing tower because it is at the limit of its structural, load-bearing capacity. A new tower would enable its users to augment and upgrade their equipment as additional coverage and capacity needs demand and as new technologies emerge. A relocated tower would also help ensure that the proposed shopping center development would proceed. Developing this property could benefit the tax base of Guilford, which could be important for the town under the current economic conditions. Of the two sites proposed, the Council prefers the alternate site because it is farther away from nearest homes and it would be visible from less acreage in the surrounding area. Allowing the existing facility to be relocated to the proposed alternate site would not create any harm or additional environmental impact.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined radio frequency power density levels of the antennas proposed to be installed on the tower have been calculated to amount to 36.43% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the telecommunications facility at the proposed alternate site, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, operation, and maintenance of a 150-foot monopole telecommunications facility at the proposed alternate site and deny certification of the site proposed in Global Signal's application.

DOCKET NO. 349 – Global Signal Acquisitions II application } for a Certificate of Environmental Compatibility and Public Need } for the construction, maintenance and operation of a } telecommunications facility located at 1919 Boston Post Road, } Guilford, Connecticut. }	Connecticut Siting Council
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May 22, 2008

Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Global Signal Acquisitions II, hereinafter referred to as the Certificate Holder, for an existing telecommunications facility to be relocated to the site identified as the Alternate Site in the Findings of Fact, located at 1919 Boston Post Road, Guilford, Connecticut. The Council denies certification of the site identified as the Application Site in the Findings of Fact, located at 1919 Boston Post Road, Guilford, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of the wireless carriers that utilize the existing tower and other entities, both public and private, but such tower shall not exceed a height of 150 feet above ground level.

2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of Guilford for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; and
 - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.

3. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
4. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
6. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of Guilford public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
8. Any request for extension of the time period referred to in Condition 7 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Guilford. Any proposed modifications to this Decision and Order shall likewise be so served.
9. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
10. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.

11. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of site operation.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the New Haven Register and the Shoreline Times.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

APPLICANT

Global Signal Acquisitions II

ITS REPRESENTATIVE

Julie Kohler, Esq.
Carrie Larson, Esq.
Cohen and Wolf, P.C.

PARTY

Anthony Poccia
William and Myung Arabolos
Margaret Rose
Richard and Sandra Wilson

ITS REPRESENTATIVE

John S. Bennet, Esq.
Gould, Larson, Bennet, Wells & McDonnell, P.C.

INTERVENORS


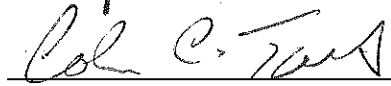
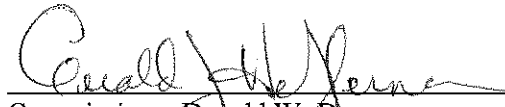
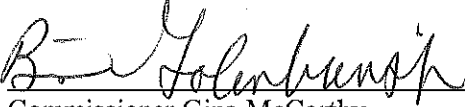
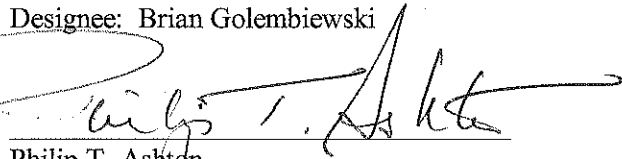
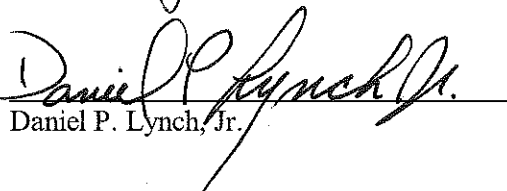
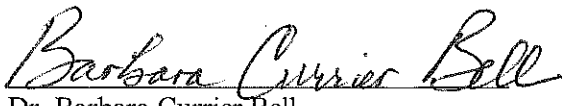
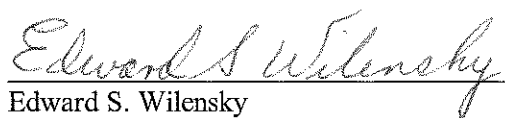
Heather Fernandes
Diane and Alan Sholomskas
Brian Denning
Daniel Capozziello
Joel and Donna Zemke

THEIR REPRESENTATIVE

John S. Bennet, Esq.
Gould, Larson, Bennet, Wells & McDonnell, P.C.

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 349** – Global Signal Acquisitions II application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1919 Boston Post Road, Guilford, Connecticut, and voted as follows to approve the proposed Alternate Site located at 1919 Boston Post Road, Guilford, Connecticut, and deny certification of the proposed Application Site located at 1919 Boston Post Road, Guilford, Connecticut:

<u>Council Members</u>	<u>Vote Cast</u>
 Daniel F. Caruso, Chairman	Yes
 Colin C. Tait, Vice Chairman	Yes
 Commissioner Donald W. Downes Designee: Gerald J. Hefferman	Yes
 Commissioner Gina McCarthy Designee: Brian Golembiewski	Yes
 Philip T. Ashton	Yes
 Daniel P. Lynch, Jr.	No
 James J. Murphy, Jr.	Absent
 Dr. Barbara Currier Bell	Yes
 Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, May 22, 2008.

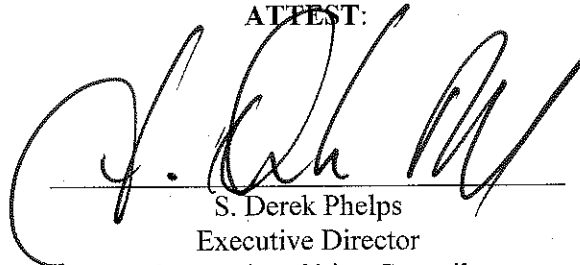
STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

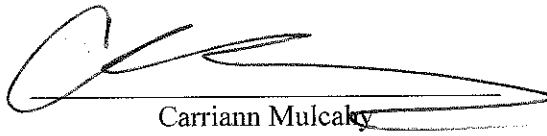
ATTEST:



S. Derek Phelps
Executive Director
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 349 has been forwarded by Certified First Class Return Receipt Requested mail, on May 23, 2008, to all parties and intervenors of record as listed on the attached service list, dated December 4, 2007.

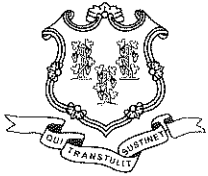
ATTEST:



Carriann Mulcahy
Secretary II
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS
SERVICE LIST**

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Global Signal Acquisitions II	Julie Kohler, Esq. Carrie Larson, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 P-203-368-0211 F-203-394-9901 jkohler@cohenandwolf.com clarson@cohenandwolf.com
Party (granted 12/12/06 transfer from PE 792)	Anthony Poccia William and Myung Arabolos Margaret Rose Richard and Sandra Wilson	John S. Bennet, Esq. Gould, Larson, Bennet, Wells & McDonnell, P.C. 35 Plains Road P.O. Box 959 Essex, CT 06426 (860) 767-9055 (860) 388-4655 (860) 767-2742 fax bennet@gould-larson.com
Intervenor (granted 12/12/06 transfer from PE 792)	Heather Fernandes Diane and Alan Sholomskas Brian Denning Daniel Capozziello Joel and Donna Zemke	John S. Bennet, Esq. Gould, Larson, Bennet, Wells & McDonnell, P.C. 35 Plains Road P.O. Box 959 Essex, CT 06426 (860) 767-9055 (860) 388-4655 (860) 767-2742 fax bennet@gould-larson.com



Daniel F. Caruso
Chairman

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

Internet: ct.gov/csc

May 23, 2008

TO: Classified/Legal Supervisor
349071205
The New Haven Register
40 Sargent Drive.
New Haven, CT 06511

Classified/Legal Supervisor
349071205
Shoreline Times
P.O. Box 349
Guilford, CT 06437-0349

FROM: Carriann Mulcahy, Secretary II 

RE: **DOCKET NO. 349** – Global Signal Acquisitions II application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1919 Boston Post Road, Guilford, Connecticut.

Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

CM



Daniel F. Caruso
Chairman

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
Internet: ct.gov/csc

NOTICE

Pursuant to General Statutes § 16-50p (d), the Connecticut Siting Council (Council) announces that, on May 22, 2008, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Global Signal Acquisitions II for a Certificate of Environmental Compatibility and Public Need for the relocation, construction, maintenance and operation of a telecommunications facility located at 1919 Boston Post Road, Guilford, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut