

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

IN RE:

APPLICATION OF OPTASITE TOWERS LLC  
AND OMNIPOINT COMMUNICATIONS, INC.  
FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR  
THE CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A TELECOMMUNICATIONS  
FACILITY AT 93 LAKE STREET  
MANCHESTER, CONNECTICUT

DOCKET NO. 351

Date: FEBRUARY 27, 2008

**PROPOSED FINDINGS OF FACT**

Pursuant to § 16-50j-31 of the Regulations of Connecticut State Agencies, Optasite Towers LLC and Omnipoint Communications, Inc. (the “Applicants”) submit these Proposed Findings of Fact (“Proposed Findings”).

**Introduction**

1. The Applicants, in accordance with provisions of Connecticut General Statutes (“C.G.S.”) §§ 16-50g through 16-50aa and §§ 16-50j-1 through 16-50j-34 of the Regulations of Connecticut State Agencies (“R.C.S.A.”), applied to the Connecticut Siting Council (“Council”) on November 1, 2007 for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, operation and maintenance of a 110-foot monopole wireless telecommunications facility (“Facility”) at 93 Lake Street, Manchester, Connecticut (the “Property”). (Applicants’ Exhibit 1 (“App.”) at 1).
2. The site is located in the western portion of the Property and consists of a 70-foot by 70-foot equipment compound in a 70-foot by 70-foot leased area (the “Site”). (App. at 2, Exhibit B).
3. The purpose of the proposed Facility is to provide wireless coverage service to this area for Omnipoint Communications, Inc., a subsidiary of T-

Mobile USA, Inc. d/b/a T-Mobile (hereinafter “T-Mobile”). (App. at 1, Exhibit G; T-Mobile Interrogatory Responses; Pre-Filed Testimony of Scott Heffernan “Heffernan Testimony”).

4. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on Tuesday, January 29, 2008, beginning at 3:00 p.m. and continued at 7:00 p.m., at Lincoln Center Hearing Room, 494 Main Street, Manchester, Connecticut (“Hearing”). (Hearing Notice; 3:00 p.m. Transcript [“Tr.”] at 3).
5. The Council and its staff made an inspection of the Site on January 29, 2008 at 2:00 p.m. (Hearing Notice).
6. The Applicants flew a balloon, four feet in diameter, at a height of 110 feet at the Site from 8 am to 5 pm on January 29, 2008. (7:00 p.m. Tr. at 11-12; Applicants’ Exhibit 7).

#### **Need**

7. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services. Through the Federal Telecommunications Act of 1996 (the “Act”), Congress seeks to promote competition, reduce regulation to encourage technical innovation, and foster lower prices for wireless telecommunications services. The Act pre-empts any state or local determination of public need. (App. at 5; 3:00 p.m. Tr. at 4-5; Telecommunications Act of 1996).
8. A Facility at the Site will provide coverage for a significant coverage gap experienced by T-Mobile in Manchester specifically along Route 6/Route 44, Lake Street and the surrounding area. (App. at 5-6, Exhibit G; Heffernan Testimony).
9. The Town of Manchester has expressed its interest in locating its emergency services on the proposed Facility. (Administrative Notice (letter from Town of Manchester); 3:00 Tr. at 14-16).

### **Coverage**

10. T-Mobile testified that they need to locate at a minimum height of 107 feet on this Facility at the Site to minimize the number and height of future telecommunications towers in this area. (Heffernan Testimony at 4-5; 3:00 p.m. Tr. at 44-45).
11. T-Mobile testified that, at heights below 107 feet AGL, T-Mobile's predicted coverage would break up along Middle Turnpike. (3:00 Tr. at 44).
12. T-Mobile testified that it could not co-locate on an existing tower located at 200 Boston Turnpike because it did not provide coverage to the coverage objective and, instead, provided redundant coverage. (3:00 Tr. at 63-64).
13. T-Mobile testified that it could not co-located an existing towers located on Box Mountain because, given the ground elevation at Box Mountain, it would cause tremendous interference with T-Mobile's existing network. (3:00 Tr. at 77-78).
14. T-Mobile testified that the proposed Site at 93 Lake Street is superior from a coverage perspective than the previously proposed site located at 1027 Middle Turnpike East in Manchester because, given the terrain and ground elevation, the 93 Lake Street site can provide coverage further up Lake Street toward Box Mountain at a lower height than that required at 1027 Middle Turnpike East. (3:00 Tr. at 41).

### **Site Search**

15. Optasite determined that there were no existing structures of a suitable height or location from which the existing lack of coverage experienced by licensed telecommunications carriers in this area of Manchester could be remedied. That included investigation into co-locating on 1) an existing tower located AT 200 Boston Turnpike, which would not fill T –Mobile's coverage needs; 2) existing towers located at Box Mountain, which would cause tremendous interference on T-Mobile's existing network; 3) an existing tower located at 53 Diane Lane in Vernon' and 4) an existing tower at Love Lane In Manchester, that was structurally incapable of

- supporting wireless equipment. (App. at 8-9, Exhibit H; 7; 3:00 Tr. at 63-64, 77-78; Applicants' Exhibit 2 (interrogatory responses); Pre-Filed Testimony of Charles Regulbuto ("Regulbuto Testimony") at 3-4).
16. Only after determining that any existing structures were of unavailable for co-location did Optasite search for an appropriate location for a new telecommunications facility. (App. at 8-9; Regulbuto Testimony at 3).
  17. Optasite conducted a survey of property within the area to identify the best possible location to serve the needs of T-Mobile and other wireless carriers. Optasite's site search was limited by the extent of development that has already occurred in this area of Manchester. (Regulbuto Testimony at 3-4).
  18. The Applicants had previously submitted an application proposing a telecommunications facility at 1027 Middle Turnpike East in Manchester (docket 328). (Regulbuto Testimony at 4).
  19. Due to concerns raised by residents in the area and local officials, Optasite continued to investigate parcels in this area of Manchester and entered into a lease for the Site. (Regulbuto Testimony at 4).
  20. The Property was uniquely suited for the development of a Facility due to its ground elevation, large size and presence of natural screening. (Regulbuto Testimony at 4; Koperwhats Testimony at 4).
  21. The Site is superior to the site proposed at 1027 Middle Turnpike East because it provides T-Mobile better coverage, including additional coverage up Lake Street, at a lower height than that required at 1027 Middle Turnpike East. (3:00 Tr. at 41; Applicants' Administrative Notice 2).
  22. The Site is superior to the site proposed at 1027 Middle Turnpike East because there is substantially less visual impact to abutting residential properties. (3:00 Tr. at 40; Applicants' Administrative Notice 2).
  23. The Site is superior to the site proposed at 1027 Middle Turnpike East because, unlike at 1027 Middle Turnpike East, construction of the Facility

at the Site will result in no wetland impact. (3:00 Tr. at 60; 7:00 Tr. at 38-39; Applicants' Administrative Notice 2).

### **The Site**

24. Optasite proposes to construct the Facility at the Site located in the western portion of a 23.4 acre parcel of land owned by Alan C. Rossetto known as 93 Lake Street, Assessors Id Map 135, Block 3330, Lot 93A of the Manchester Tax Assessor's Records. (App. at 3, Exhibit B).
25. The Property is located within the RR residential zone. The Manchester Zoning Regulations (the "Regulations") do not prohibit facilities in the Ind. zone. (App. at 2, 16-18; Regulations).
26. The Property is currently developed with a residence and associated garage and pool. (App. at 2; 01/29/08 Field Review).
27. The area surrounding the Property is primarily composed of medium density residential uses and commercial uses along the Route 6/Route 44 corridor. (App. at Exhibit J).
28. The proposed Facility has been designed to accommodate T-Mobile, and the equipment of three (3) other telecommunications carriers as well as the Town of Manchester emergency services equipment, if requested. (App. at 2, Exhibit B; 7:00 p.m. Tr. at 10).
29. The proposed Facility will accommodate the antennas and equipment of T-Mobile at an antenna centerline of 107 feet AGL and three (3) other wireless carriers at antenna centerline heights of 97 feet AGL, 87 feet AGL and 77 feet AGL. (App. at 2, Exhibit B).
30. The compound area at the base of the Facility will include locations for T-Mobile, and the equipment of three (3) other telecommunications carriers. The compound will be enclosed by a new eight-foot security fence. (App. at 2, Exhibit B).
31. The Town of Manchester has expressed its interest to locate emergency service equipment on the proposed Facility. (Administrative Notice (letter from Town of Manchester)).

32. Vehicular access is proposed from Lake Street over a new driveway. (App. at 2, 10, Exhibit B).
33. The Applicants could not utilize the existing driveway to access the Site because the driveway is not wide enough to accommodate the Applicants' use and the driveway cannot be widened because it would encroach on an existing gas line easement on the Property. (7:00 Tr. at 32-33; Applicants' Administrative Notice 3).
34. Utility service will run underground from existing utility service currently located on Lake Street. No water or sanitary facilities are required and, once built, the Facility will generate minimal traffic because each of the co-locating entities will only need to visit the Site about once a month to perform routine maintenance and inspection. (App. at 9-12, Exhibit B).
35. The total estimated cost of the proposed Facility is approximately \$179,000.00. The total duration of the construction would be approximately eight weeks. (App. at 20-21).

#### **Municipal Consultation**

36. Optasite first met with the Town of Manchester on June 28, 2007. (App. at 19).
37. In additional follow-up with the Town of Manchester, the Town has indicated that while it did not have a specific proposal, the Town is interested in locating its emergency equipment on the Facility and is reserving its right to do so. (Administrative Notice (letter from Town of Manchester)).

#### **Environmental Considerations**

38. The Property contains no known existing populations of Federal or State Endangered, Threatened or Special Concern Species, according to the Connecticut Department of Environmental Protection Diversity Database. (Exhibit 4).
39. The proposed development will not directly or indirectly affect any wetlands or watercourses. (Exhibit 4; 7:00 Tr. at 39-40' Pre-Filed Testimony of Benjamin Reiger ("Reiger Testimony") at 2).

40. The proposed Facility is not located in a floodplain or a floodway. (Exhibit 4).
41. The State Historic Preservation Officer (SHPO) has determined that the construction of the Facility will have no adverse effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Exhibit 4; 3:00 Tr. at 35).
42. According to an aeronautical study conducted by the Federal Aviation Administration (FAA), the proposed Facility would not require marking or lighting. (App. at 19, Exhibit N).
43. There would be no impact on any known scenic, historic or recreational areas. (App. at Exhibit J; Exhibit 4; 7:00 Tr. at 32-33).
44. A study prepared by T-Mobile indicates that maximum emissions levels from the proposed Facility would be less than 5% of the safety criteria adopted by the FCC. (App. at 13, Exhibit L).

#### **Visibility**

45. The Facility is proposed to be located at the Property in order to minimize impact to residential receptors; the Facility will be located as low as it can be while still providing the necessary coverage to the area. The topography and the mature vegetation at the Property will significantly limit the visual impact of the Facility. (App. at 11-13; Exhibit J).
46. The proposed Facility at the Site will be visible from only 34 acres within a two-mile radius of the tower, which is less than one-half of one percent of the study area. The majority of the visibility will occur on the Property itself. (App. at 12, Exhibit J).
47. Views from the Facility are expected to be limited primarily to the Property itself, area within .25 miles of the Facility. (App. at 12, Exhibit J).
48. The compound area will have a de minimis visual impact as it will be screened by the proposed fencing as well as the existing vegetation at the Property. (App. at 12; Exhibit J; 7:00 Tr. at 37-38).
49. While the proposed Facility may be visible from portions of the property located at 119 Lake Street, those views could be minimized by

landscaping treatments. Optasite is willing to work with the property owner to install such treatments. (7:00 Tr. at 35-36).

**Towersharing**

50. This Facility will provide co-location opportunities for public safety communications systems and four (4) wireless carriers, thus avoiding the proliferation of towers. (App. at Exhibit B).
51. The Town of Manchester has expressed its interest in locating its emergency service equipment on the proposed Facility. (Administrative Notice (letter from Town of Manchester)).

**OPTASITE TOWERS LLC AND  
OMNIPOINT COMMUNICATIONS, INC.**

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## **CERTIFICATE OF SERVICE**

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

Laurie Morrone  
119 Lake Street  
Manchester, CT 06042

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Carrie L. Larson, Esq.