

STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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November 20, 2009

TO: Parties and Interventions

FROM: S. Derek Phelps  
Executive Director

RE: **DOCKET NO. 390** T-Mobile Northeast, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 15 Orchard Park Road, Madison, Connecticut.

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The Connecticut Siting Council (Council) is in receipt of correspondence from the Town of Madison Land Use Office, dated November 19, 2009 concerning the above-referenced application.

Pursuant to Connecticut General Statutes §16-50/(b), a copy of the application is to be submitted to your department's for review. In the event that the Town of Madison does not avail itself of the opportunity to attain party or intervenor status under Connecticut General Statutes §16-50n, this correspondence shall become part of the record in this proceeding in the form of a limited appearance.

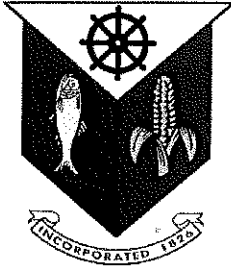
Therefore, copies of your department's correspondence is being distributed to all participants in this proceeding and will also be administratively noticed in the record.

SDP/CDM/laf

Enclosure

**LIST OF PARTIES AND INTERVENORS  
SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<b>Applicant</b>	<input checked="" type="checkbox"/> U.S. Mail	T-Mobile Northeast, LLC	Julie D. Kohler, Esq. Monte E. Frank, Esq. Jesse A. Langer, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-0211 (203) 394-9901 fax <a href="mailto:jkohler@cohenandwolf.com">jkohler@cohenandwolf.com</a> <a href="mailto:mfrank@cohenandwolf.com">mfrank@cohenandwolf.com</a> <a href="mailto:jlanger@cohenandwolf.com">jlanger@cohenandwolf.com</a>



TOWN OF MADISON  
CONNECTICUT  
LAND USE OFFICE

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Madison, Connecticut 06443-2563  
(203) 245-5632

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CONNECTICUT  
SITING COUNCIL

November 19, 2009

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

RE: Docket No. 390: Proposed Cellular Tower, 15 Orchard Park Road, Madison, CT

Dear Mr. Phelps:

The Town of Madison continues to have concerns (see below) relative to the above referenced application. Although several of the issues identified in the August 14, 2009 letter to the Council have been addressed in the application, **the Town's major concern that all of the current carriers can be accommodated at the minimum height necessary on a single tower has not been addressed.** With assurances that this is the case, the Town could support an application for this location. Without such assurances, the Town will likely apply for Party or Intervener Status.

Coverage:

- The existing coverage information presented does not include coverage information for the tower at 258 Ridge Road. T-mobile has approval and permits for antennae at 147' on that tower. That coverage should be recognized in this application.
- Scott Heffernan, Radio Frequency Engineer for T-Mobile, stated to the Planning and Zoning Commission (see attached partial transcript) that **"once you get below the 100 foot mark, when you start to hit the 90 foot area, that's where we consider the breakpoints where the local canopy obstructions, the local terrain features, those start to break up the coverage and really inhibit you from providing seamless coverage to the surrounding cells."** This appears to indicate that additional carriers, whose surrounding locations are the same as T-mobile's, may also have difficulty obtaining coverage below 100' making the commitment to collocation appear disingenuous. The Town requests that the applicant provide the Siting Council with sufficient information to verify the maximum tower height required to actually accommodate all current carriers.

Visual assessment:

- Analysis was submitted for a 100' height only. If the information about coverage deficiencies below 100' had been shared earlier in the process, the Commission would have requested a visual analysis at alternate heights. The Town requests that the Siting Council require this analysis.

- No leaf-off visual analysis was provided and no visual assessment photographs from Johnson Lane, the nearest residential street, were provided. The Town requests that this information be required to verify the minimal visual impact asserted in the application.

Plan of Conservation and Development:

- The application correctly indicates that Madison's Plan of Conservation and Development seeks to limit the number of facilities and maintain the character of the Town. The application further states that the proposed Facility will accommodate three other carriers. Testimony at the Commission's hearing does not support this.
- The application states that the proposed Facility will not provide an adverse visual impact or environmental impact on the Town and its residents. The Town believes that the information submitted is insufficient to determine full visual impact.
- The Town would not object to the assertion of compliance with the Plan if the application adequately addressed service by all current carriers and full visual impact.

The Town requests

- inclusion of the Ridge Road facility in the existing coverage information
- a true determination of the total height required to accommodate four carriers plus emergency services as proposed by the applicant
- a leaf off visual analysis for a tower at the above height

If the above information is not included or is found to be inconsistent with the claimed accomplishments on page 16 [1) close a gap in coverage in this area of the town; 2) accommodate three other carriers in the Connecticut marketplace; and 3) not provide an adverse visual impact or environmental impact on the Town and its residents], **then the Town requests that the application be denied without prejudice to allow the applicant to prepare and submit a complying application.**

If the above information indicates that collocation can be accommodated with full coverage and minimal visual impact but at a higher height, **then the Town requests that the applicant revise the application to allow for the indicated height or be required to construct the base of the tower to accommodate expansion to the indicated height and that the Council does not permit construction of any additional towers in this area.**

If the above information indicates that collocation can be accommodated with full coverage and minimal visual impact at the height requested, **then the Town can support the application.**

Sincerely,



Marilyn M. Ozols  
Planning and Zoning Administrator

cc: F. McPherson, First Selectman  
C. Poutot, Planning & Zoning Commission Chairman  
M. Frank, Cohen and Wolfe

**TRANSCRIPT OF PORTIONS OF PLANNING MEETING HELD 8/06/09  
BEFORE MADISON PLANNING AND ZONING COMMISSION IN RE:  
Public Information meeting on pending application to Connecticut Siting Council  
by T-Mobile Northeast, LLC to install and operate a wireless communications  
facility at 15 Orchard Park Road**

**PORTION 1**

CHRISTINE POUTOT, CHAIRMAN MADISON PLANNING AND ZONING COMMISSION: Would this be the time to ask about the future carriers and the height needed or is this going to come later on in your presentation?

ATTORNEY MONTE FRANK OF COHEN AND WOLF, DANBURY, CONNECTICUT: This would be a perfect time.

POUTOT: Okay. I would be interested in knowing, you know, what carriers you're basing those three spots on and, you know, what their needs are, you know, height height wise.

FRANK: Well, currently T-Mobile is the...

POUTOT: The highest?

FRANK: ...is the highest. We are making this proposal. We are going to be located at the top. We've made available three additional slots for other carriers and we've made it – we've made the sites available. We expect that we will be hearing from other carriers.

POUTOT: Yeah, but other carriers, from what I understand, each carrier has certain requirements as far as height to get their signals. So I don't know if T-Mobile at 100 is the highest, and other carriers actually need a lower height or if, in fact, those three carriers might need to go higher than 100 feet. And I don't, you know, without you giving us some information, I don't know if we could - at least I couldn't determine if that's actually feasible that three carriers could go on there. And also the Town. Where would the Town be?

FRANK: Well, the Town could locate – typically, the Town goes at the top.

POUTOT: Mmhmm.

FRANK: If the Town wanted to be at a different position below the bottom carrier, that would be – that would be sufficient. With respect to the other carriers, we are proposing a 100-foot monopole and that's the submission that we are going to make before the Siting Council. Hopefully other carriers will come along and be interested. We expect that they will be, and we will let them know that we have availability at 90, 80 or 70 feet depending on when the carrier comes on board.

POUTOT: Okay. Marilyn, did you have a comment?

MARILYN OZOLS: PLANNING AND ZONING ADMINISTRATOR, TOWN OF MADISON: Just to elaborate on that, when I spoke with you I thought I recollected that that you said that you had provided the coordinates to the other

carriers and would have something from them to indicate that that this height would work for them.

FRANK: Okay. We have provided the coordinates and some additional details to the other carriers. They have their own schedules; they have their own budgets; they have their own needs. You know, this is an area that we had a gap. We expect that other carriers will be interested, whether now or during the Siting Council process.

SCOTT HEFFERNAN, RADIO FREQUENCY ENGINEER OF T-MOBILE: The only thing, if I may, from a background perspective, is since the Council – it's advantageous for us to ensure collocation capabilities. Typically, that's why the drawings come out generically like this with a ten feet separation showing the arrays. To your point as to whether Verizon would like it at 90 or whether AT&T would like it at 80, tough for us to tell, other than what Attorney Frank had mentioned that we notify each of the carriers, let them know of our proposals. But it's kind of difficult for us to get letters of intent from them for that purpose. Should they want something greater than that, then they would have to take that process through you as we are here today.

POUTOT: So would you be agreeable to building a tower that can be expanded?

HEFFERNAN: To a greater height?

POUTOT: Mmhmm.

HEFFERNAN: Should that be the desire, we can always engineer it appropriately, depending on the soil conditions that we can create a foundation to support that.

POUTOT: Mmhmm.

HEFFERNAN: If capable, it is something we can build into the engineering. And that's really where it would take place is over engineering the support mechanism so as you increase the height, you're [INAUDIBLE] would be supported by its base foundation.

POUTOT: Mmhmm.

HEFFERNAN: But our intentions are always to say well what is the absolute minimum we need in order to provide our coverage objective. And that's where we settle into a certain height range and then, of course, through the dialogue, figure out what is – if there are to be any increases or decreases. But from our perspective, this is really the minimum floor that we need to be at.

POUTOT: Right.

HEFFERNAN: The rest, you know, we can do our best, but to to the comment of the budgeting, it is, you know, it's a very difficult thing in our industry, and we know how much it frustrates municipalities - it frustrates not only the Council - is that there's a tug and pull between all of us. One year one carrier is hot and they have a budget, next year the other carrier is hot and they have a budget, and we're all just – sometimes we meet at the same point, and that's great, and we get two or three and then you get a clear picture and you know you're on that right path.

Unfortunately, in this stage of the game this is – this is where we're at. We're kind of trying to push forward for our objective.

POUTOT: Okay. But of course you know the Town's objective is always going to be to minimize the number of towers.

HEFFERNAN: Absolutely.

POUTOT: So that's why I think we might be thinking about at least building something that you could expand if you needed to.

HEFFERNAN: So we will definitely try to look at it to make sure if we needed to we could build it so it could go an extra ten or twenty feet so you're not stuck with saying somebody saying oh, sorry, tower's too small, so I have to build another one. I respect that.

POUTOT: Okay.

## **PORTION 2**

HEFFERNAN: At 100 feet, we do provide reliable coverage throughout the area, hit exactly what we're trying to do with this design ring. Once you get below the 100 foot mark, when you start to hit the 90 foot area, that's where we consider the breakpoints where the local canopy obstructions, the local terrain features, those start to break up the coverage and really inhibit you from providing seamless coverage to the surrounding cells. And you'll notice if you look at the plot that has the proposed site at 90 feet, the coverage starts to break up along Route 1 and it's in the area that is a very predictable area, where Route 1 heading east from the site kind of jogs around a terrain feature. That hill at 90 feet really inhibits reliable service from being handed over to the next site to the east. So when we determine what that height is, we then back up to the the last height that was known to provide reliable coverage. That sets the bar for our minimum design height, and then from that point we then move forward with designing the site on the property at the minimum design height, which in this case is 100 feet.

CHRISTOPER TRAUGH, REGULAR MEMBER, PLANNING AND ZONING COMMISSION: If I – quick question.

HEFFERNAN: Sure.

TRAUGH: If I heard correctly at the onset of your conversation, the red areas on the map indicate in-car acceptable level of service?

HEFFERNAN: Yes.

POUTOT: Did you have a question Tim?

TIM MILLHISER, REGULAR MEMBER, PLANNING AND ZONING COMMISSION: Well, I guess two observations, which I'm concerned with. One is the 90 foot level that you showed here, you know, not ideal service. I would expect the other carriers to have the same issue since, you know, everybody is basically located on the same poles these days. At any rate, you know, it gets back to the height, you know, the potential to increase the height of the of the

pole. And then I find it curious why, again, you didn't speak to the neighbors next door and, likewise, even the Town, you know, how you eliminated the Town, although it's not quite so centrally located.

HEFFERNAN: It – well to, just to cover your points, I don't want to speak directly for other carriers because I really don't even want to hazard a guess of what their existing footprint looks like. One thing to keep in mind is in an area like this where there are quite a few known structures, especially coming down 95, when you look at those towers, you'll notice that there are carriers at different heights. So in this instance, we can very reliably determine what T-Mobile's minimum design height is. If you were to look at the existing footprint for say Verizon or AT&T, their footprint may extend a hair further on Route 1. That could be for a number of reasons; again, the height that they are on the surrounding towers; it could be the frequency band that they're transmitting at. A cellular carrier transmitting in the 850 megahertz frequency range, it's a little more forgiving in some of these terrain burdened areas as opposed to somebody up close to 2 gigahertz, as T-Mobile is. So again, there are a lot of factors that have to be put in there. So when we say that this is the minimum height that T-Mobile needs here, it doesn't mean that Verizon couldn't use 90 feet. But at the same time, I don't want to go on the record saying that they definitely could.