



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

April 11, 2007

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 324** – Sprint Nextel Corporation application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless telecommunications facility at 150 Willow Street, Hamden, Connecticut.

As stated at the hearing in Hamden on March 8, 2007, after the Council issues its draft findings of fact, parties and intervenors may identify errors or inconsistencies between the Council's draft findings of fact and the record; however, no new information, evidence, argument, or reply briefs will be considered by the Council.

Parties and Intervenors may file written comments with the Connecticut Siting Council on the Draft Findings of Fact issued on this docket by April 25, 2007.

SDP/MP/laf

Enclosure

Date: November 3, 2006

Docket No. 324

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LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Sprint Nextel Corporation	Thomas J. Regan, Esq. Brown Rudnick Berlack Israels LLP CityPlace I, 185 Asylum Street Hartford, CT 06103 (860) 509-6522 (860) 509-6501 fax tregan@brownrudnick.com

DOCKET NO. 324 – Sprint Nextel Corporation application for	}	Connecticut
a Certificate of Environmental Compatibility and Public Need	}	
for the construction, maintenance and operation of a wireless	}	Siting
telecommunications facility at 150 Willow Street, Hamden,	}	Council
Connecticut.	}	
		April 4, 2007

DRAFT Findings of Fact
Introduction

1. Sprint Nextel Corporation (Sprint) in accordance with provisions of Connecticut General Statutes (CGS) § 16-50g through 16-50aa, applied to the Connecticut Siting Council (Council) on October 27, 2007 for the construction, operation, and maintenance of a wireless telecommunications facility at 150 Willow Street, Hamden, Connecticut. (Sprint 1, p.4)
2. Sprint Nextel Corporation is a Delaware corporation. Sprint's principal business offices are located in Mahwah, New Jersey. Sprint is licensed by the Federal Communication's Commission (FCC) in many major trading areas in the United States, including Connecticut. (Sprint 1, pp. 4)
3. The party in this proceeding is the applicant. (Transcript 1- 3:00 p.m. [Tr. 1], pp. 5-6)
4. The purpose of the proposed facility is to provide service to coverage gaps identified by Sprint on Route 10 and surrounding areas in Cheshire and Hamden. (Sprint 1, pp. 3, 6)
5. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on March 8, 2007, beginning at 3:00 p.m. and continuing at 7:00 p.m. at the Miller Library Complex, Thornton Wilder Hall, 2901 Dixwell Avenue, Hamden, Connecticut. (Council's Hearing Notice dated January 25, 2007; Tr. 1, p. 2; Transcript 2 – 7:00 p.m. [Tr. 2], p. 2)
6. The Council and its staff conducted an inspection of the proposed site on March 8, 2007, beginning at 2:00 p.m. During the field inspection, the applicant flew a red balloon at proposed site to simulate the height of the proposed tower. Weather conditions included winds of 15 to 20 miles per hour and were not conducive to a proper balloon flight. Sprint lost three balloons between approximately 12:30 pm and 2:10 pm. The balloon reached its proposed height of 160 feet agl for approximately two minutes during the Council's inspection. (Council's Hearing Notice dated January 25, 2007; Tr. 1, pp. 12-13)
7. Pursuant to CGS § 16-50l (b), public notice of the application was published in The New Haven Register on October 17 and 19, 2006. (Sprint 1, p. 5)

17. Sprint would provide space on the tower for the Town and any emergency response system for no compensation. The Town has not expressed an interest in collocating at this facility at this time. (Sprint 1, p. 7; Tr. 1, p. 52)

Public Need for Service

18. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 7)
19. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states, and has established design standards to ensure technical integrity and nationwide compatibility among all systems. Sprint is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service to New Haven County, Connecticut. (Council Administrative Notice Item No. 7; Sprint 1, p. 4)
20. The Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services. (Council Administrative Notice Item No. 7)
21. The Telecommunications Act of 1996, a Federal law passed by the United States Congress, prohibits any state or local entity 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. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice Item No. 7)
22. 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. (Sprint 1, p. 7)
23. Sprint's facility would be in compliance with the requirements of the 911 Act. (Sprint 1, p. 7)

Site Selection

24. Sprint established a search ring in northern Hamden roughly centered on CL&P's easement and located to the east of Route 10. The search ring consisted of a six-sided area, approximately 0.5 miles at the widest point. The area is mostly residential with rolling hills that range in elevation from approximately 150 feet amsl to over 700 feet amsl. (Sprint 1, Tab 7; Sprint 1, p. 11)

32. Land use in the surrounding area is medium-density residential development, undeveloped forested lands, and overhead electric utility infrastructure and associated rights of way. (Sprint 1, p. 11)
33. The tower site is located in the western half of the property just north of CL&P's easement, and is located at an elevation of 126 feet above mean sea level (amsl). The wooded site is dominated by sugar maple, Norway maple, black oak, and red cedar. (Sprint 1, p. 19; Sprint 1, Tab 9, drawing Z2)
34. The proposed facility would consist of a 160-foot monopole within a 100-foot by 100-foot leased area. The tower would be designed to support five levels of antennas with a 10-foot center of antennas to center of antennas vertical separation. The tower would be constructed of galvanized steel that would weather to a non-reflective gray finish. (Sprint 1, pp. 3, 18-19; Sprint 1, Tab 1, drawing Z5)
35. Sprint would install twelve antennas to a triangular platform at a centerline height of 157 feet agl. The total height of the facility with antennas would be 160 feet agl. (Sprint 1, p. 12; Sprint 1, Tab 1, drawing Z5)
36. The tower would be constructed in accordance with the American National Standards Institute TIA/EIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Support Structures". (Sprint 1, p. 12)
37. A silo tower design is feasible from both a structural and RF standpoint but visually may be a large cumbersome structure. (Tr. 1, pp. 17-19)
38. A monopine design is possible, but visually may not blend in effectively due to the existing utility corridor. (Tr. 1, pp. 21-22)
39. A narrow "stick" tower design is possible but the sector orientation would have to be changed in order for the antennas to fit thereby resulting in more dropped calls. (Tr. 1, p. 37)
40. A one antennas per sector configuration would degrade coverage similar to a decrease in height. (Tr. 1, p. 66)
41. It would be difficult for Sprint to flush-mount its antennas because the cluster of antennas is already very close together due to the sector orientation. (Sprint 1, p. 16)
42. T-bars could be used to mount the antennas. (Tr. 1, pp. 38-39)
43. Cellco Partnership d/b/a Verizon Wireless (Wireless) did not participate in this proceeding, but informed the Council of its interest in collocating at this facility in the future by letter dated March 20, 2007. No other carriers have expressed an interest in collocating at this facility at this time. (Cellco Letter dated March 20, 2007; Tr. 1, p. 14)
44. A 50-foot by 50-foot equipment compound enclosed by a six-foot high chain link fence would be established at the base of the tower. Sprint would install an equipment cabinet and a battery backup cabinet, on a concrete pad within the compound. (Sprint 1, pp. 12-13; Sprint 1, Tab 9, drawing Z3)

Environmental Considerations

55. The proposed facility would have no effect upon historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places or upon properties of traditional cultural importance to Connecticut's Native American community. (Sprint 1, Tab 14)
56. There are no other known existing populations of federal or state endangered or threatened species, or state special concern species occurring at the proposed site, based on a review of the Connecticut Department of Environmental Protection Natural Diversity Database. (Sprint 1, Tab 14)
57. Vegetation at the site consists of sugar maple, Norway maple, black oak, and red cedar ranging in size from 6 to 12 inches diameter at breast height (dbh). Approximately 18 trees six inches dbh or greater would be removed to develop the site. (Sprint 1, p. 19; Sprint 2, response 9; Tr. 1, p. 20)
58. Wetlands are located to the east of the pavilion, approximately 200 feet from the proposed compound. Wetland vegetation consists of red maple, green ash, spicebush, skunk cabbage, and sensitive fern. Wetland vegetation inside the CL&P right of way consists of multiflora rose, brambles, grape, silky dogwood, and goldenrod. (Sprint 1, Tab 14)
59. No work would be conducted within wetland resource areas. Some construction activities associated with the underground utility trench would be located within the Town's 200-foot upland review area. These activities would be located within existing disturbed areas and are not expected to adversely impact the nearby wetlands. (Tr. 1, p. 15)
60. There are no airports within two nautical miles of the site. Obstruction marking and lighting of the tower would not be required. (Sprint 1, Tabs 12 and 14)
61. The proposed construction is located within the Watershed Area for the Mill River System and the Level A Aquifer Protection Area of the North Sleeping Giant Well Field, sources of drinking water for the South Central Regional Water Authority (RWA). The DPH Drinking Water Section recommends that the RWA is contacted prior to any construction and that the following Best Management Practices are followed to ensure the safety of the drinking water supply:
 - a) Any construction activities are coordinated with the RWA
 - b) An emergency response plan should be written for actions to be taken in the event of an accidental fuel or chemical spill
 - c) Avoid the cleaning of equipment due to possible contamination from equipment chemicals
 - d) Utilize the proper erosion and sedimentation controls and do not bury stumps or any construction debris
 - e) Any blasting must be performed with careful consideration to impacts to the area, including possible effects to ground water
 - f) Paints, paint products, and other hazardous materials should be removed from the site during non-work hours or otherwise stored in a secure area to prevent vandalism.

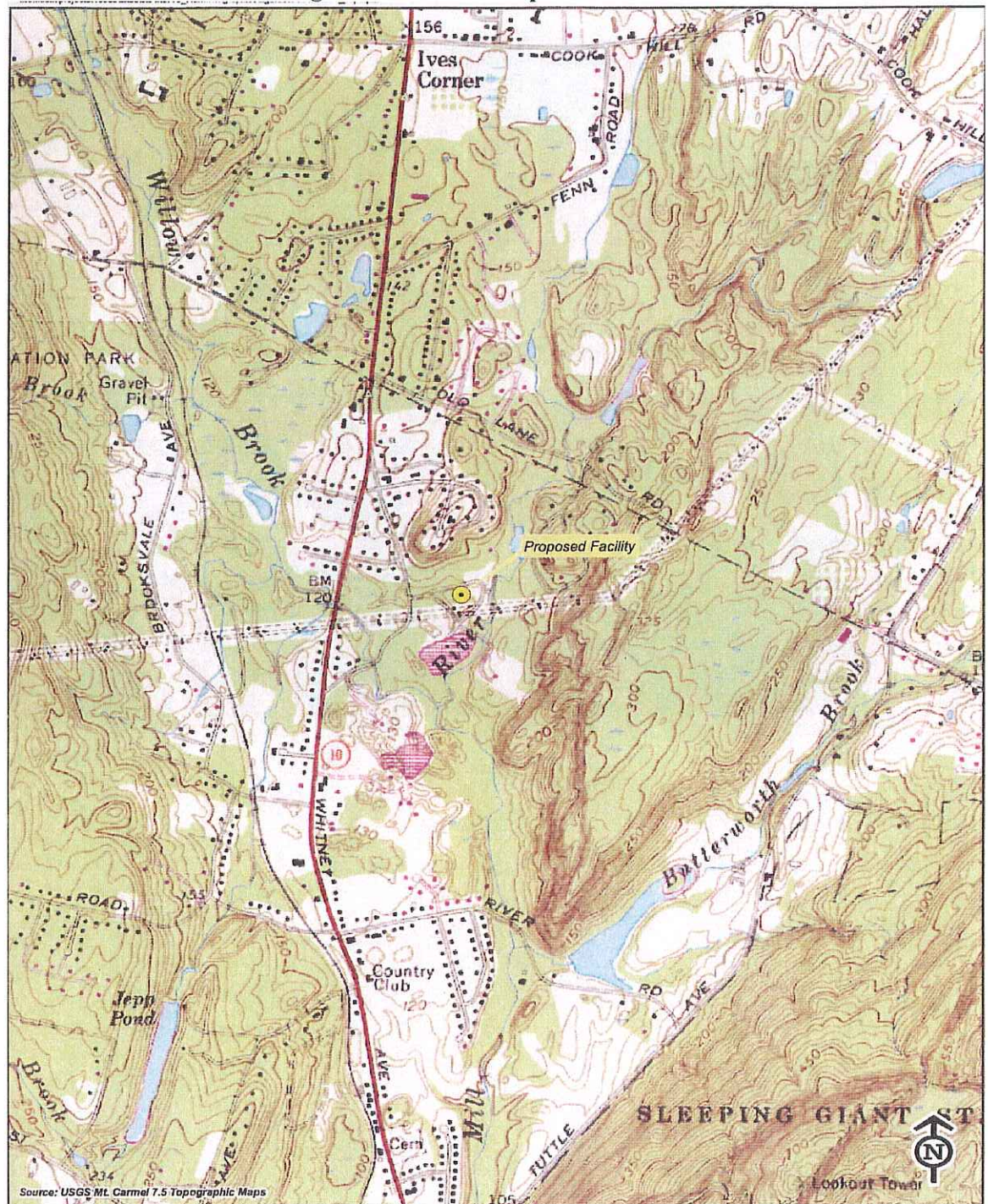
65. Visibility of the proposed tower from specific locations within a two-mile radius of the site is presented in the table below:

Location	Visible	Approx. Portion of Tower Visible	Approx. Distance to Tower
Route 10 – north of Brooksville Avenue	Yes	20 feet – above trees	0.6 miles northeast
Knoll Drive – Adjacent to house #162	Yes	15 feet – above trees	0.3 miles south
Brooksville Avenue – at existing utility right of way	Yes	20 feet – above trees	0.6 miles northeast
Route 10 – at existing utility right of way	Yes	25 feet – above trees	0.3 miles northeast
Willow Street – at existing utility right of way	Yes	30 feet – obstructed through trees	0.1 miles northeast

(Sprint, Tab 12)

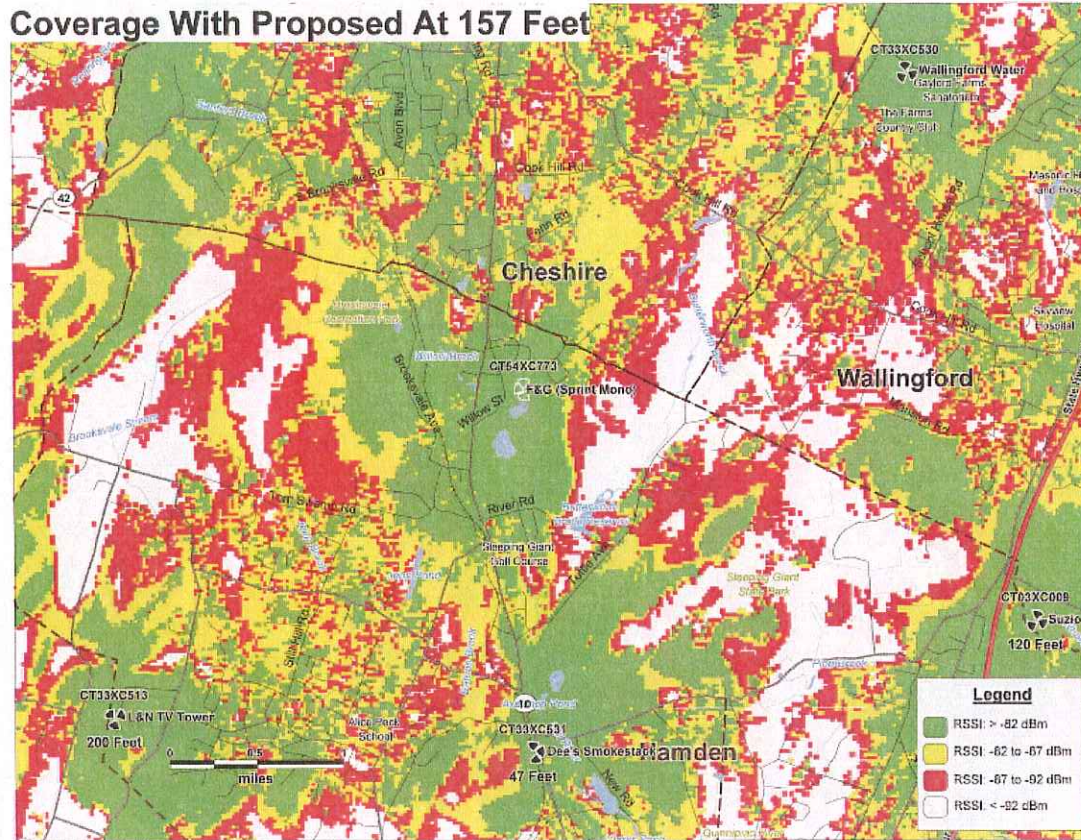
66. A significant amount of the total visibility of the proposed facility falls on the host property and the existing utility right of way that traverses the study area. Other areas of visibility include a roadside commercial development along Route 10 located within the general vicinity, an adjacent open field located to the southwest of the site, and along portions of Knoll Drive approximately 1,000 feet to the northeast. (Sprint 1, p. 21)
67. The proposed site would be visible year round from four residences along Knoll Drive and two residences along Route 10. There are also several small areas of potential visibility located over one mile to the northwest and approximately 900 feet northeast of the proposed facility. These areas are private property and the views could not be verified by Sprint's visual resource consultant. However, these views from these areas of potential visibility are expected to be limited to tree line views and/or views of the upper 25 percent of the proposed facility. (Sprint 1, p. 22)
68. The proposed site would be seasonally visible from five properties along Knoll Drive and three properties along Willow Street. (Sprint 1, p. 22)
69. The nearest state or local recreational area is the Sleeping Giant State Park, which is approximately 0.3 miles from the tower site at its closest point. The proposed tower is not expected to be visible at the Sleeping Giant State Park or any of its hiking trails. The proposed facility is not expected to be visible from the Quinipiac Trail. (Sprint 1, Tab 12)
70. The proposed tower would be seasonally visible from a 0.2 mile long section of the Farmington Canal Linear State Park Trail which is located approximately 0.5 miles to the west of the proposed site at its nearest point. (Sprint 1, Tab 12)
71. There are no state or local scenic roads within two miles of the proposed tower site. (Tr. 1, p. 15)
72. There are no historic districts within a two-mile radius of the proposed site. (Sprint 1, Tab 12)

Figure 1: Location Map



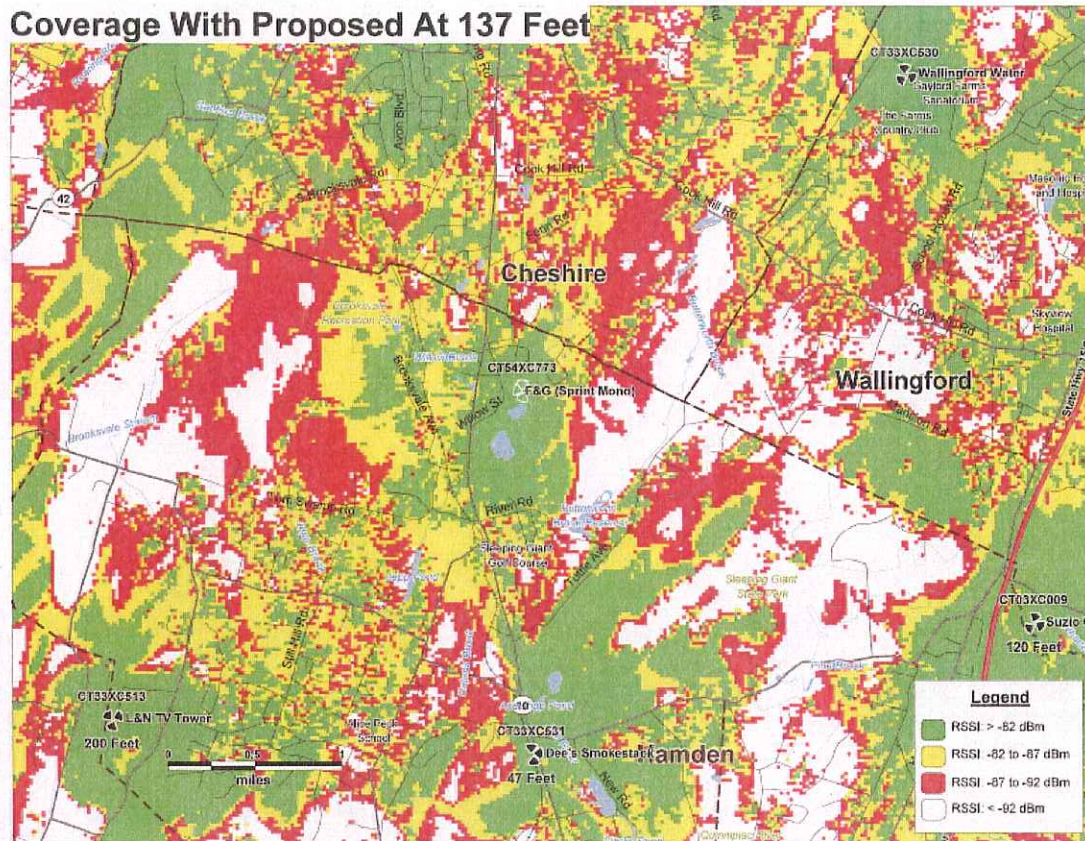
(Sprint 1, p. Tab 1)

Figure 3: Coverage with Proposed Antennas at 157 feet



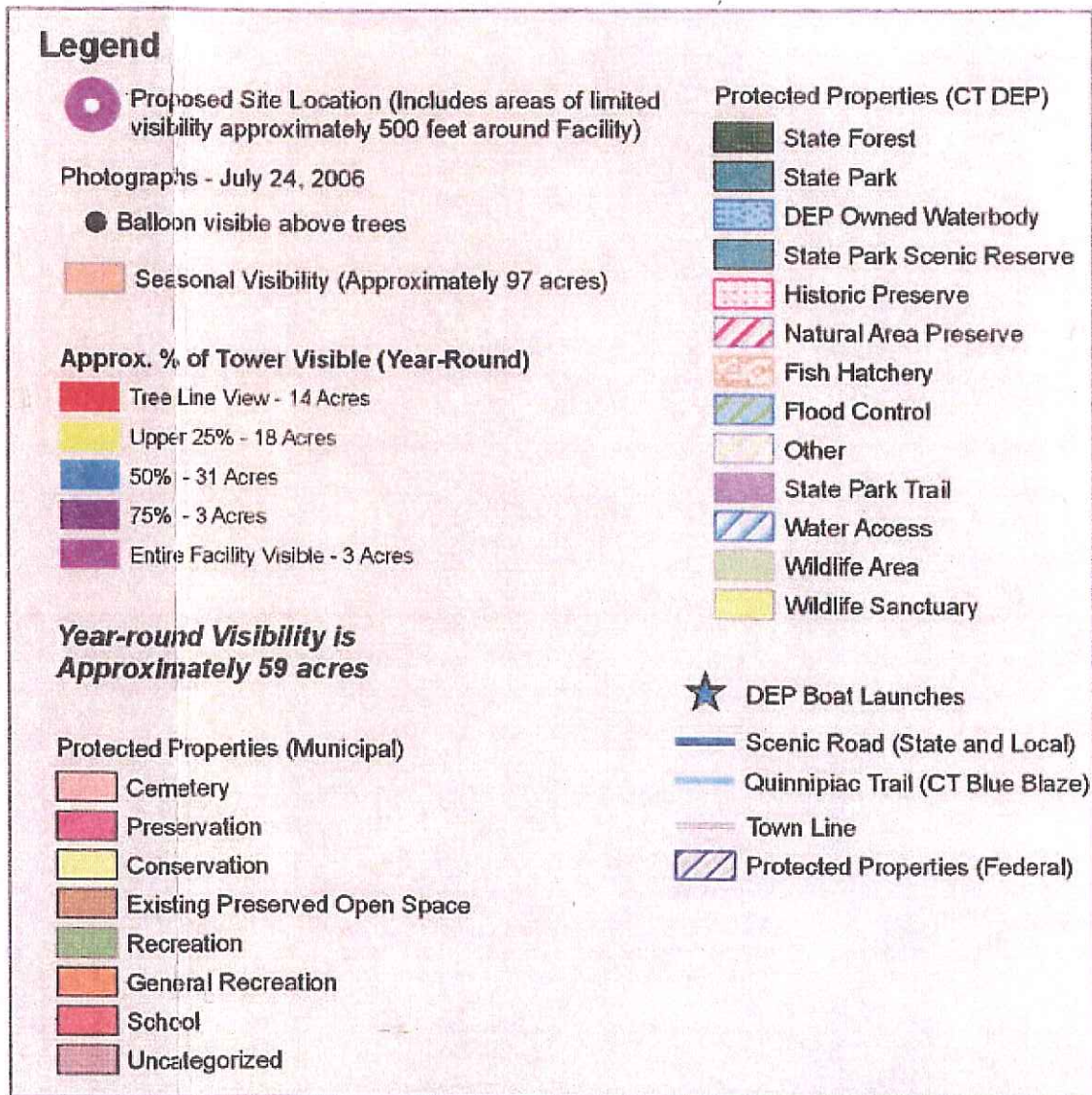
(Sprint 2, response 1)

Figure 5: Coverage with Proposed Antennas at 137 feet



(Sprint 2, response 1)

Figure 7: Viewshed Map Legend



(Sprint 1, Tab 12)