

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@po.state.ct.us

www.ct.gov/csc

CERTIFIED MAIL RETURN RECEIPT REQUESTED

May 13, 2005

John W. Knuff, Esq.
Hurwitz Sagarin & Slossberg LLC
147 North Broad Street
P.O. Box 112
Milford, CT 06460-0112

RE: **PETITION NO. 697** - Nextel Communications of the Mid-Atlantic, Inc. d/b/a Nextel Communications petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed modifications to the existing monopole located at 143 Old Blue Hills Road, Durham, Connecticut.

Dear Attorney Knuff:

At a public meeting held on May 11, 2005, the Connecticut Siting Council (Council) considered and ruled that this proposal would not have a substantial adverse environmental effect, and pursuant to General Statutes § 16-50k would not require a Certificate of Environmental Compatibility and Public Need with the condition that Nextel comply with all terms of its April 27, 2005 letter to First Selectwoman Maryann Boord. A copy of that letter is enclosed.

This decision is under the exclusive jurisdiction of the Council and is not applicable to any other modification or construction. All work is to be implemented as specified in the petition, dated November 3, 2004, and corrections to the petition dated February 22, 2005.

Enclosed for your information is a copy of the staff report on this project.

Very truly yours,


Pamela B. Katz, P.E.
Chairman

PBK/laf

Enclosures: Letter to First Selectwoman Boord dated April 27, 2005
Staff Report dated May 11, 2005

c: The Honorable Maryann P. Boord, First Selectwoman, Town of Durham
Geoffrey Colegrove, Town Planner, Town of Durham
Kenneth C. Baldwin, Esq., Robinson & Cole LLP

April 27, 2005

Via Telecopier
(860) 349 8391

Maryann Boord
First Selectwoman
Durham Town Hall
30 Townhouse Road
Durham, CT 06422

Re: Petition No. 697; Petition for Declaratory Ruling
Nextel Communications of the Mid-Atlantic
143 Old Blue Hills Road, Durham, Connecticut

Dear First Selectwoman Boord,

In accordance with the meeting that we held last night with you and Scott Wright, Nextel Communications of the Mid-Atlantic ("Nextel") has agreed to do the following if this proposal is approved:

Responses to Mr. Wright's general comments

1. Availability of Future Utility Location

Nextel has agreed to locate, at its sole cost and expense, a spare 3" and a spare 4" and cover w/ gravel to address the Town's concerns regarding future growth potential

2. Location of cables within the tower structure

Nextel engineers have conducted an on site inspection of the tower and confirmed that there is space within the tower structure to locate 12 coaxial cables.

3. Nextel's Use of Driveway

Nextel is merely one of many tenants at this site, and it does not have the contractual right to engage in general facility maintenance. Nextel has complete confidence that the tower owner will continue to maintain the site in an appropriate and safe manner.

4. Timing and Impact to Town Public Safety Communications Systems

It is common practice to have a limited period of time for switch-over in any type of existing telecommunications tower modifications. Nextel has had extensive discussions with Durham Police Chief who has indicated that he finds it acceptable for the public safety system going off-air for ten (10) minute intervals while modifications are being completed.

Nextel will supply, install and test the two new coax, TxRx 101-68-10-3-03N antenna, Sinclair antenna and cable hardware necessary to make shutdown as short as possible, approximately ten (10) minutes. There will be a short period of time necessary

3. *The current TxRx Model 101-68-10-3-03N antenna may be moved from its current location to one approved by the Town's representative. It should be noted that extreme care should be taken while moving this antenna as any damage will necessitate replacement at Nextel expense.*

This TxRx antenna will be replaced by Nextel at its cost and expense.

4. *A signed and stamped statement from a Professional Engineer licensed in the State of Connecticut that the proposed four foot side arm mount and proposed attachment method for the side arm will support the TxRx Model 101-68-10-3-03N without damage, including during conditions of ice and wind in accordance with TIA/EIA-222-F for Middlesex County, Connecticut. This includes structural failure, twist, sway, or other movement of the antenna.*

Nextel will obtain a signed and stamped statement from the mount manufacturer, Valmont.

5. *Nextel will replace all transmission cables for antennas being moved. Splices or added jumpers are specifically prohibited.*

Nextel will replace all transmission cables for antennas being moved. It will not incorporate any splices or jumpers.

6. *Nextel will provide all necessary labor and material for the movement and installation of antennas, including transmission line and providing all required hardware including clamps, hangers, pipe, etc. Nextel is specifically cautioned that the TxRx antenna requires a larger than normal set of mounts.*

Nextel will supply and install the correct mounts and materials to secure the town whip antenna.

7. *Nextel will provide all necessary transmission cable, connectors, jumpers, grounding kits, entry boots, cable hoists, cable hangers, etc. required for the movement and replacement of the antennas. The transmission cable for the Sinclair SG101 antenna, or Town approved equivalent, shall be a minimum of 7/8" Andrew or RFS cable. The transmission cable for the TxRx Model 101-68-10-3-03N shall be 7/8" cable of Andrew or RFS manufacture. All transmission line accessories supplied shall be specifically compatible with the cable used.*

Nextel shall provide these materials as requested.

8. *All transmission lines will be terminated in a location specified by the Town representative with connector types as specified.*

Nextel agrees to terminate transmission lines in a location specified by the Town representative with connector types as specified.

9. *All transmission lines will be swept by a trained operator showing, at a minimum, cable length, return loss of cable, return loss of connected antenna system. All sweeps performed will be demonstrated to the Town representative on site and made available*

14. *Specific care shall be utilized when working around the six foot grid microwave antenna. Nextel will be liable for re-alignment or replacement of the antenna should that become necessary.*

Nextel will ensure that all work on this site, including any involving the six (6) foot grid microwave is done with the utmost care.

15. *Nextel will detail how they propose to maintain azimuth and elevation of the grid dish after supporting members are removed to permit installation of the tower extension.*

Nextel agrees to do so.

16. *Nextel will provide final engineering drawings to the Town representative for review and approval.*

Nextel agrees to provide final engineering drawings for the Town's review.

17. *Nextel will provide at least two weeks notice of any work to be done that would involve any Town equipment at any tower site.*

Nextel agrees to do so.

18. *No work involving Town antennas can be done between September 1, 2005 and September 30, 2005. No (sic) Town antennas must remain fully operational during this period.*

Nextel agrees to perform no work involving Town antennas during this time frame.

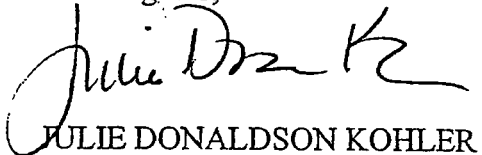
19. *Consideration should be given by the Town to require a full performance bond by Nextel for any work involving Town antennas.*

Although it is not required to, Nextel is undertaking this work at its cost and expense. No bond can or should be required.

As we discussed last night, I believe that all of these items have been addressed to the Town's satisfaction. It is our understanding that there are no remaining issues or concerns left unresolved at this point.

Don't hesitate to contact Attorney John Knuff with any questions.

Best Regards,



JULIE DONALDSON KOHLER

cc: Mark Cook, Nextel Communications
Brian Ragozzine, Nextel Communications
Kenneth C. Baldwin, Esq., Robinson & Cole, LLP
Connecticut Siting Council

Petition No. 697
Nextel Communications
Durham, Connecticut
May 11, 2005
Updated Staff Report

On November 4, 2004, the Connecticut Siting Council (Council) received a petition (Petition) from Nextel Communications of the Mid-Atlantic, Inc. d/b/a Nextel Communications (Nextel) for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for its proposed modifications to an existing monopole located at 143 Old Blue Hills Road, Durham. The existing monopole is 100' feet tall (without appurtenances). Nextel seeks to extend the monopole to 120' in order to remove their omni-directional whip antennas and install a platform of 12 panel antennas at the 115' level of the tower. This would require the relocation of certain town antennas. Nextel states that the proposed modification would improve frequency reuse, provide more control over the coverage footprint, provide greater localized coverage within the intended coverage area, and reduce interference to neighboring sites.

In the Petition, Nextel also originally sought to remove the Town of Durham's (Town) existing 30' whip antenna and replace it with a 14' whip antenna to be located on a 4' standoff arm at a height of 118'. (By letter dated November 18, 2004 (Town Letter), the Communications Coordinator for the Town stated that the 30' whip antenna does not exist.) Nextel also seeks to remove the Town's cellwave antenna and relocate it to a 4' standoff arm at a height of 118'. In addition, Nextel seeks to remove its existing equipment shelter and ice bridge located in the southwestern portion of the compound. Nextel would install a 10' x 20' equipment shelter, an ice bridge, and a concrete retaining wall within the fenced area in the northeastern side of the compound. Lastly, Nextel would remove three coaxial cables and install 12 coaxial cables within the proposed ice bridge to connect to the proposed panel antennas.

In the Town Letter, some possible discrepancies in the Petition were brought to the Council's attention. First, it was argued that the 30' whip antenna does not exist. Next, Verizon Wireless is not listed as an existing carrier. In addition, the Town's cellwave antenna is listed in the Petition as being located at the 122' level, whereas the Town Letter asserts that the height is 112'7". The Airspace Obstruction report lists the structure height at 500', in apparent conflict with the height in the Petition. The Town Letter also argues that total height with appurtenances is currently 124' and would reach 132' with the proposed modifications.

The Town Letter also included some additional concerns about the proposed project. It is recommended that at least one spare underground conduit be installed prior to the installation of the equipment building, as it would not be possible to access the area underneath the building later. Concerns were expressed regarding access to the emergency generator. Also, some structural concerns were expressed such whether the side arm mounting was taken into account, as well as weight and wind load of the Model 101-68-10-3-03N antenna. Additional structural concerns include the possibility of having to mount the antenna cables on the outside of the monopole, the possible cutting of cable ports into the tower, and a possible redundant dish listing in the tower inventory. Visibility concerns related to the appurtenances were also expressed. Also, a list of recommended conditions was included.

On December 16, 2004, staff issued a first set of interrogatories to investigate the issues brought to light in the Town Letter. On December 21, 2004, the Council received a request for a hearing from the Town. The petition was field reviewed on January 4, 2005 by Council member Daniel P. Lynch, Jr. and Mike Perrone of the Council staff.