

TOWN OF WALLINGFORD, CONNECTICUT

SPECIAL TOWN COUNCIL MEETING

**THURSDAY**

**January 18, 2007**

**6:30 P.M.**

MINUTES

RECEIVED FOR RECORD 2-21-07  
AT 12:20 P.M. AND RECORDED BY  
Barbara Thompson TOWN CLERK

The following is a record of the minutes of the Wallingford Town Council at a regular meeting held on Thursday, January 18, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:40 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Vincenzo M. DiNatale, Gerald Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Rosemary Rascati and Vincent Testa. Councilors Brodinsky and Doherty were absent. Mayor William W. Dickinson, Jr. and Town Attorney Janis Small were also present.

There was a Moment of Silence. The Pledge of Allegiance was said, and the Roll was taken by Town Clerk, Barbara Thompson.

Chairman Parisi noted that Councilor Doherty was not in attendance due to another obligation and Councilor Brodinsky was out of state. He welcomed Councilor Testa back to the Council meeting after recovery from surgery.

3. Discussion and possible action regarding the Optasite LLC proposal to construct a telecommunications tower at 53 Mapleview Road  
-Chairman Robert F. Parisi

Mr. Knight read the item - Discussion and possible action regarding the Optasite LLC proposal to construct a telecommunications tower at 53 Mapleview Road.

Chairman Parisi announced the format for the evening, which was arranged prior to the meeting and agreed upon by all of the parties. He said that statements from

each party would take place in the following order by the following people or groups:

Carol P. Wallace, owner of the subject property at 53 Mapleview Road.  
Legislators in attendance  
Representatives of Optasite  
A.C.T.I.O.N., representing the neighborhood group

Following the presentations, Chairman Parisi said that the Council would ask questions, and then the public could ask questions. He set the rules of the meeting and asked for everyone's attention and that everyone listen to everyone and that the meeting would be beneficial.

**Carol P. Wallace, 39 Mapleview Road**, owner of 53 Mapleview Road, expressed thanks for the opportunity to speak. She said that she wants to be on record as being opposed to the arbitrary placement of cell towers in our town and that she strongly recommends that we move forward with a comprehensive plan to address to the placement of cell towers in Wallingford, a plan that gives a voice to the town's people. She said that in the absence of a plan, if we choose not to put a tower on our property then another site nearby will be chosen.

**Representative Mary Fritz** said that although Mapleview is not in her district, she has many friends in that area who have contacted her. She said that she has been in contact with the Executive Director of the Siting Council, Derek Phelps, who has informed her that he will let her know if and when there is any filing with the Siting Council. She said that as many people that came out tonight that hopefully they can get out as this many and many more when the Siting Council comes to Wallingford for the hearing. Some say it couldn't be done but she saw it happen in Cheshire where a cell tower was not put up on Academy Road. She said to not give up hope but to hang in there and keep contacting other people.

**Senator Leonard Fasano** said that it is unfortunate that we have laws that usurp the powers of local and state governments. This is the federal laws saying we are going to take your jurisdiction away. He said that it happened with the power lines that this town fought very hard to change and oppose. He said that people might be aware of his plight against Broadwater in Long Island Sound. He said that there is not a lot that we can do to change the law as it is now because Federal Law says that the Siting Council will determine and override the local rights. He emphasized what Representative Fritz said about getting your voices heard because it does make a difference as in Cheshire and also in Branford because of the number of people that showed up.

**Representative Mary Mushinsky, 85th District**. She said that the proposed site is in the 85<sup>th</sup> District. She handed out 75 copies of research documents of information that she said is needed before the case begins. The application has not been filed with the Siting Council, and she said that she has also spoken to Derek Phelps of the Siting Council. She said when the application comes in, there is a formal procedure that is followed, and she thinks that the neighborhood

people need to know the procedure and be well versed in it. She said that even though federal law prevails, there is a hierarchy of preference, which the Siting Council follows. She said that she filed a bill to restate the same process, which include sharing existing facilities and commercial before residential. She said that it is clear in federal law that a residential site cannot be forbid. She said that if this goes to Siting Council that she will be a party along with Senator Fasano and Rep. Fritz if they chose to do the same. She said that the material that she brought with her includes information on federal law and how it limits state and local laws, information on health effects and information on a previous site of Optasite making application in Groton, Connecticut. She said that it goes through the findings of facts, evidence that was put before the Siting Council and the Siting Council deliberation process, which is laid out step-by-step. It gives a very clear idea of the whole process. She said to prepare.

**Attorney Small** said that the application is filed after they go through the consultation process with the municipality. There is a time period for the town to make comments to the applicant and then they file the application.

**Optasite representatives –**

Attorney Julie D. Kohler, Cohen and Wolf, Counsel for Optasite and T-Mobile, Bridgeport, CT

Keith Coppins, Vice President Development, Optasite Towers, LLC, Westborough, MA

Thomas Flynn, Consultant with Optasite

Michael A Koperwhats, II, Planner, Vanasse Hangen Brustlin, Inc., Middletown, CT

Jason Overbee, RF Manager with T-Mobile

Tony Wells, Principle with C Squared and RF Engineer

Victoria Schneider, Paralegal

**Attorney Kohler** said that she is here as part of the municipal consultation process for the application. She said that they were asked to come and discuss this application. She said that they hope to clarify some misinformation, to give some information, to answer questions, to leave with some questions and to send some information back if they cannot answer some questions. She gave the overview of their presentation – the site search and how they got to this site location, the reason why T-Mobile needs a site in this location, the FCC issues in terms of health and FCC compliance, visibility issues, aesthetic issues, Siting Council process and then answer questions. She said that the Siting Council process is very different from the local zoning process. She said there is some issue about whether or not there is a lease on this property. She said that in fact there is a valid lease on this property and they are continuing to move forward on this property. She said, addressing locating on a residential property in this neighborhood, that Wallingford's zoning regulations allow telecommunications facilities in residential neighborhoods by special permit. She said that Wallingford has at least one telecommunications facility in a residentially-zoned neighborhood right now.

**Tom Flynn, 236 South Elm Street, Telecommunications Consultant of behalf of Optasite**, continued the presentation with his report of the site search and how they got to this actual location. He said he would talk about is the property in question and the surrounding area, secondly the particulars of this specific property, third how the site selection process takes place, and finally to discuss and describe how some of the other towers and facilities that are located in Wallingford and what impact and relation they have to this particular site.

*The site*

Mr. Flynn said that this is a residential neighborhood; it has been built in several phases and some of the properties are quite old but that most of the properties today are quite new. He said that the area is almost completely built-out. Using slides, he pointed out the subject property in relation to its surroundings with many lots most of which are in the OSPRD area and quite a bit of designated open space associated with the OSPRD subdivision, and the Wallingford Land Trust owns a number of pieces of property in the area. He said that foremost it is a developed area, and that most of the large parcels out there can't be built on because they are open space parcels associated with the various developments over the years. He said there aren't many developable parcels left. He said that the large open areas along Durham Road is property owned by Choate. He said the subject property is 4.93 acres and that there are two residential dwellings on the property located in the front third of the property. He said that the remainder of the property that they are interested in is forested with second growth trees and that there are no wetlands on the site. He said that the adjacent property to the east is also owned by Carol Wallace and the property to the north is Mapleview (Road), and it is residential to the south and the east. He said telecommunications carriers, tower companies for this particular type of facility, lease property and rarely purchase property. Optasite has leased a 70' x 70' lease area and propose to build a 60' x 60' fenced compound with a brown stick tower on that property. He said that the brown stick tower that has the capacity to hold four telecommunications carriers antennae and all the cabling and associated wiring with the antennae runs down the inside of the pole to the facility on the ground and exits and goes to the various carriers' facilities. He said that access to the site would be by gravel driveway and under that driveway will be underground utilities and telephone that gets to the site itself. He said there won't be any lighting except lights there for workers. The pole itself will not be lighted under FAA Guidelines and the only sign will be 'No Trespassing,' and owner contact information. He showed a slide to illustrate the subject property in relation the surrounding properties. He pointed out the driveway and the turn around. The next slide illustrated what the compound will look like. He said that T-Mobile on the west side of the pole is proposing to put their equipment at that part of the compound and that they do not use a shelter for their equipment as it is all-weather, exterior equipment that is on a pad with a steel frame. All of their equipment will be right and not separately fenced from the rest of the facility. These sites are almost always built for more than one carrier and this site it is possible to put three other carriers on this pole and many of the other carriers do use shelters that range in size from 12' x 20' to much larger and depends on the

carriers. He said that all of those facilities will be within that 60' x 60' fenced area. He showed slide of a drawing of what the pole would look like. He said that it's 125 feet tall and the antennae are flush mounted to the outside of the antenna (*pole*). As part of the Siting Council process they will plant screening vegetation in areas where there is visibility of the compound. He said that natural screening of the area exists.

*The site selection process*

Mr. Flynn said the question of why put a tower here. He said that it is about physics. He said that Optasite takes into account the needs of the various, licensed carriers that are in need of facilities in Connecticut and in Wallingford. Optasite is interested in building towers where there is a particular need expressed by a carrier, in this case in this part of Wallingford to accommodate their coverage needs in this area. Optasite then goes into that identified area and looks at properties, appropriate and inappropriate, and to get a feel for what the town has experienced in the past. Because of the Siting Council regulatory process Optasite pays close attention to all the towers in the area and any utilities structures including water tanks, power transmission lines, smoke stacks, tall commercial or industrial buildings. He said that they look at those first and if they are available then the carriers will typically use those types of properties if it is at all possible. If those facilities do not exist, they put properties into appropriate zones. He said there is a series of preferences, and preferences are in zones where there are large pieces of property. He said that the I-X Zone and the I-V Zone are not in their search area although they are close. If there is a need and there is a residential property that is appropriate for a facility, they take a look at it, so that is how they have gotten to this point. He said that there are no utility structures, existing poles or commercial or industrial structures in the area that T-Mobile need to locate in. He said that they looked at 15 different properties in this immediate area for various reasons that include landlord not being interested to properties that are not available – such as open space owned by the Wallingford Land Trust, open space associated with the various developments in the area – they found one landlord and one property that was interested in locating a facility. Since this potential application, they have been contacted by a number of people asking if towers could be located on their property. He said that they have looked at those properties and some of them as well as town properties, such as the town's pumping station on Grieb Road, which isn't useful because of underground utilities and sewer pipes. This process is a time consuming one.

*Other towers and facilities*

Mr. Flynn said that they have done a survey of all of the facilities in the area, which is part of the Siting Council preparation. He said that there are seven (7) towers in Wallingford and at least five (5) other buildings or smokestacks in Wallingford that have telecommunications facilities on them. In addition there are five (5) towers in the immediately surrounding towns that are within four miles of the particular site that have an impact on the coverage available to the carriers in Wallingford. He said that radio frequency signals know no boundaries.

between towns. He said that when Sprint and Nextel began their major build out 12 years ago, the question was how many towers are needed. In 12 years, there is not a clear answer. Using a projected slide, he pointed out that they have shown where all of the towers are located and that they are all very visible. Of the seven towers in Wallingford, T-Mobile is located on five of them – a smokestack in Silversmith Park and on International Silver smokestack on the Meriden line. He said that T-Mobile has made every effort to design its system so that it takes advantage of all of the existing facilities in the area and are proposing a tower in a well thought out process.

**Attorney Kohler** talked about the regulatory process. She said that there is some shock and surprise that Optasite would be locating in this residential area and that there is not much information about the fact that if they were applying to the Town of Wallingford and going to local zoning that they would in fact be applying for a special permit in a residential area, and under 6.25 as long as they met the conditions, and she thinks they do, they would be able to locate a tower in a residential area by special permit. Wallingford sets forth its preference for facility locations as on existing structures such as buildings, smokestacks, water towers and ground signs. She referred to a map that located all of the existing area as residential and that their proposed site is in the middle, and there really is nothing in the area that qualifies under existing structures, business district, commercial or industrial, and that all they are left with is residential. She said that the hole in the coverage gap is right in this residential area to the west of I-91. She said that they would be filing with the Connecticut Siting Council, which has jurisdiction over the process, but that they participate in the municipal consultation stage where they file the technical report and go through the 60-day municipal consultation process. The 60-day period ends about February 14, 2007. She said that she will look forward to the town's comments at that point, and they adjust their application accordingly if there are changes that they can make. The next step is to file the certificate with the Siting Council, and the next step she described as quasi-judicial where they engage in discovery. She said the Council would ask them interrogatories, and that there will be hearings one of which will be in Wallingford. She said that residents can participate and the Council considers local zoning regulations, the residents' comments, and whether this can be accomplished under local zoning regulations. She said that the online site has forms and explains information regarding participation.

#### *Engineering Aspects*

**Jason Overbee, Radio Frequency Engineering Manager for T-Mobile**, said that he is responsible for the engineering aspects of T-Mobile's network in Connecticut, overseeing the performance of T-Mobile's existing network, which is about 600 cell sites across the State of Connecticut and overseeing the development and design of enhancements and new sites that are added to the network. He gave some statistics about T-Mobile including the company's licenses. He explained plots saying that this indicates that T-Mobile's current and existing coverage in Wallingford. He discussed development of plots that includes terrain in Connecticut, data regarding performance of existing sites. He

said that terrain -hills, trees and so on - dictates how well their signal operates. Terrain impacts how service is provided. He pointed out areas on the projected slide that illustrated current T-Mobile facilities in Wallingford, including the towers, a rooftop on Center Street, a smokestack and the other existing towers in the area. He pointed out the areas of reliable coverage and areas of in-vehicular coverage. He pointed out the weak to no signal areas in Wallingford where they have unreliable signal where calls may be dropped. He said that part of T-Mobile's their requirement is to provide E-911 services which are Phase 2 compliant in Connecticut. He said that E-911 service works well in reliable areas but not in areas outside of the reliable footprint. He said that E-911 use has grown dramatically because of location-based services. He said that people expect reliable services. The subject site is not an area of reliable service for T-Mobile to meet the demands of that area and that the subject site is the best location to provide service to that area. He pointed out on the map various sites as it now stands as compared to coverage on another map of what new facility would provide. He said that not only does terrain and features of the area effect how service performs but also the height of the actual tower also dictates how much coverage to provide and in order for this site to provide reasonable service a 125' tower is called for. He said in summary that this was a general overview of their existing coverage, what the new site will do and some of the reasons behind the engineering.

*Visibility & description of the brown stick*

**Michael Koperwhats, Planner, Vanasse Hangen Brustlin, Middletown, Connecticut.** He said they assess the visibility of the proposed facility by making a model of the study area, including all the features of the area, and then apply a predictive computer model and an in-field, reconnaissance balloon float. The projected slide was preliminary, and there are no definitive conclusions at this point. He said that from an onsite visit, some visibility of the stick will be seen from Chestnut Lane, Juniper Street, some of Taylor Lane and somewhat north of the site Rolling Meadow. He said that there are significant pockets of wooded areas and vegetative screening except on the locations noted. He said that the brown stick presents a smaller visual profile than a traditional tower and that the brown color will help it blend in to the surrounding vegetation.

**Attorney Kohler** said that there have been questions about the FCC RF standards and health issues and in deciding this issue, the Siting Council will weigh the environmental benefits versus the need and that when they consider the environmental benefits, they'll consider wetlands impact which do not exist on the subject site, aesthetics, and historic impact for which she said there is none. She said that health issues are not one of the environmental impacts. She said that in the Telecommunications Act, when telecommunications facilities were part of the local zoning purview, before the Siting Council took jurisdiction, even local zoning boards could not consider perceived health impacts as part of their special permit process as long as they were within the FCC compliance so that is not part of the zoning or the regulatory process. She said that Mr. Wells would discuss the

FCC standards, so that everyone who has concern can understand the process or understand how they arrive at the standards.

#### *FCC Standards*

**Tony Wells, Radio Frequency Engineer, T-Mobile Consultant, C Squared,** said that the FCC adopted a set of standards developed by panels of health physicists, engineers, biologists, etc. He said that among the range of disciplines, the experts looked at the effects of radio frequency signals and what, and they came up with a measure, not necessarily a harmful level, but a level where some effect could be found. Next they put several safety factors on top of that, 50 times below and measurable effect was established as a safety guideline for the general public. He said that all of the carriers are required to adhere to these specifications. He said that in this tower in particular they did some calculations using a very conservative method for the calculations. He said that a typical antenna the objective is to send the signal generally out over the horizon. At the base of the tower a very small percentage of that signal emanates at the base of the tower but when they do the calculations, they assume that all the energy is directed at the base of the tower. He said that even with those conservative calculations, they are at 3% of the FCC standard, so if you consider the fact that the standard already has several multiple factors of safety at the start and that they are only at 3% of that standard, then they are well below any measurable effect according to calculated levels. In practice, when they go out and measure these facilities, including roofs where maintenance people often work, they have to be right in front of the antennae to approach 100% of the FCC standard. Considering the antennae at this location at 125', that is a significant distance away from the RF source and with RF every time you double the distance from the source, the power density, which is what the percent of standard is measured against, will fall be a factor of 4. He said that as you move away from the antennae or raise the antennae height, there is a significant decrease in any level that is well below any measurable effect.

Attorney Kohler said their presentation was concluded. Chairman Parisi said that questions will come after the presentations.

#### **ACTION Group**

Chris Grochowski, 7 Taylor Lane  
Ann Leslie, 5 Taylor Lane  
Don Harwood, 14 Taylor Lane

This group referred to PowerPoint slides during their presentation.

**Mr. Harwood** thanked Senator Fasano, Representative Fritz, Representative Mushinsky, the Town Council, Mayor Dickinson and most importantly the town administrative staff that has been very supportive and helpful. He began an overview from the perspective of citizens, residents and homeowners in the Town of Wallingford. He said that goal is to look at how we can communicate in such a

fashion that it blends within the environment in which we live. He acknowledged that everyone uses and has an affinity for cell phones in business and in our personal lives, so it is a matter of how to blend and find equitable solutions. He said that ACTION focused their target area bounded by the Rt. 15 corridor and east to I-91 and north to the Meriden line and south to Woodhouse at Exit 14, I-91 Northbound. He said that their focus is in their target area and is similar to those proposing a cell tower. He said that the area indicated has in fact a fair amount of residential homes. Using slides he said that when you look at this, there is a problem. He said there are some important landmarks, and he pointed out their proximity to the proposed cell tower area and that one area is very close to the I-91 rest area as well as the pump house on the corner of Grieb Road, and commercial zones as well as the back of Barnes Industrial Park South. He emphasized the context and perspective of the area in relation to the proposed cell tower site. He talked about residential density. He talked about areas that Wallingford has established such as I-X, commercial, and commercial-mix that are all around the outer perimeter of the subject area and on all sides. He pointed out various existing sites:

- Tilcon, Barnes Road, industrial, appropriate location
- Northrup Road, to the northwest, on boundaries of the I-91 corridor, is a tower right next to the I-X Zone, the location of the transportation company

He said he drove on I-91, Rt. 2 and I-395 recently and photographed every tower he saw on those routes and that every one of the 100 plus pictures that he took of cell towers on these routes are in or near commercial or industrial space. He said the ancillary structures for the proposed cell tower were not identified or discussed in the presentation by Optasite. He said that it's more than a pole. He said that it's a 125' pole. It's 700' of roadway. It's 20' gravel, right-of-way easement. It passes five different parcels on Mapleview Road. There is 250' of fence, 8 feet high with barbed wire on top of the fence. The proposed building structures are 10' x 20'. There are typically compressors, air conditioning units for cooling, generators, some sort of way to have back up that are tested weekly and in addition to that there are structures outside the fence that were not discussed in the Optasite presentation.

He continued listing more Wallingford sites with cell towers –

- North Plains Industrial Road, commercial zone, very appropriate to use this zone for a cell tower
- I-91 southbound, Exit 14, the old Junior Achievement building on the railroad line amongst high tension wires and against I-91
- Beaumont Farm, East Center Street area, an active commercial farm, showing a close-up of the equipment surrounding the tower
- Wallace Silversmith Park smokestack with antennae
- Toelles Road, the tower on the Suzio concrete parcel
- Upper area of Barnes Industrial Park South, Verizon Building, which is abutting the southern border of the target zone.

**Christine Grochowski, 7 Taylor Lane**, referring to a statement by Mr. Flynn who said that there are seven cell phone tower locations in Wallingford, said that when you add into that rooftop antennae and smokestacks, there are actually 15 cell phone tower locations in the Town of Wallingford. She talked about the rooftop antenna on the Verizon Building in Barnes Industrial Park South, which is a lot less visible to the general public. She said there are several other cell phone tower locations in Wallingford as well –

Signature Building, Exit 15, I-91, rooftop antennae  
Research Parkway, Exit 15, going north, rooftop location on the Bristol-Myers Squibb building

She said that these slides not only show the type of locations selected in the past which have all been industrial or commercial but also to bring up the issue of whether there has been proper utilization of the existing towers. She said that the Connecticut Siting Council has stated that if indeed the tower could be located on an existing tower, called co-location, or if multiple bases could be on the same location that is preferable to erecting a new tower. She said that they haven't seen a lot of evidence presented by Optasite as to their investigation of utilization of the current towers. She said that on the information provided to the town, they see that on a number of these locations, some have only one carrier and some have up to six and that obviously the number of carriers that could be on a particular tower would be influenced by the size of the pole but they haven't seen any evidence presented today as to whether the other towers or locations have been exhausted. She said that the overall issue of the appropriateness of the Optasite report, which will be addressed by Ann Leslie.

**Ann Leslie, 5 Taylor Lane**, said that as a pre-requisite to submitting their application to the Siting Committee, Optasite had to prepare a report. One report was given tonight, and there was another report that was submitted to the Mayor's Office. She said they want to point out some inaccuracies things that they feel are incomplete in the report. She said that in the first report that was submitted, they noted an impact to 45 houses but on that report they had a map, and Taylor Lane wasn't even on that map, and there are 19 houses on Taylor Lane that were not included in the impact total. She said that they outlined other properties that they looked at which are the properties shown on the projected map, sites they said they investigated as potential other sites. She said that she went to the Tax Assessor's Office and found the owner's of these properties and contacted many of them who told her that Optasite had not contacted them. She said that four of the sites are town-owned open space or are owned by the Wallingford Land Trust. She said that 18 Taylor Lane, 155 Grieb Road and 13 Rolling Meadow are all town-owned properties. She showed a slide depicting the densely populated residential areas in the target zone, including Fieldstone Farm and Rolling Meadow, and then a slide of 53 Mapleview Road, a residential area, the proposed site. They showed slides of the sites that Optasite said they investigated – 25 Laurelwood Road, 27 Laurelwood Road, 32 Maplewood Road, 155 Grieb Road, 348 East Main Street, 354 East Main Street and 661 North Elm Street. She said that from these pictures, that the properties that were investigated by Optasite are all residential properties and that commercial and industrial properties were not

part of their investigation. She said that the issue there is that they are saying that one carrier should be able to have a tower because that one carrier has a gap in coverage. There are no gaps in coverage for other carriers. She said that they have Cingular and that they have no problem with coverage, so they are proposing a tower for coverage for a single carrier.

**Mr. Harwood** reviewed their target area, pointing out existing cell towers – Carpenter Lane, Tilcon, I-91 Exit 14, N & S, Toelles Road, Silversmith Park, Industrial Park, etc. He said that around the target area there are Barnes Industrial Park-Verizon, Bristol-Myers Squibb facility, Signature Building, International Silver. He said that are quite a few locations around this area. He displayed an aerial view to gain perspective of the area, pointing out the residential (proposed site) area, construction in the Fairfield Blvd. area, contrasting the two. At North Farms Reservoir the zone changes. He spoke about elevation changes, which Optasite refers to as obstructions, saying that the changes are not dramatic. He said that the Town of Wallingford has the most linear mileage of overhead power lines in the State of Connecticut of which our legislators are aware of. He said that we have mastered the art of clear-cut and are destroying it. He said the entire corridor will be like that, and it will be 15, 25, 30 years before that grows back in. He said that these structures are changing. He showed a slide of Exit 36, I-91S, with a cell communication tower on top of it on a pole structure that is going to be very similar to what will be in Wallingford and that power line grid is not directly through the target path but it doesn't mean it isn't adjacent to the target path. He talked about tying paths together to provide services. He said there are overlap zones. He said that maybe a need can be met in the commercial areas for one commercial carrier. He showed the Grieb Road pump station – Grieb Road property, not useful due to underground utilities – he said that he would ask how much exploratory effort has been made. He said that this area has some potential. It had potential to residents along the I-91 corridor, which tends to be a standard for tower location throughout all communities. He said Rt. 68 is on the northeast part of the target zone and has commercial property that heads to the south and the east where major construction is going on. Mortgage Lenders property goes all the way from Rt. 68 to Grieb Road to Leigus Road, commercial property, multi-structure building, directly to the north of the target zone. He talked about State of Connecticut owned property on Rt. 68 – a commuter parking lot, which is in an area that may be more conducive for a structure and is not residential. He talked about the Wallingford rest area on I-91, which is on the south-easterly portion of the target zone, and acknowledged that it is a low area. Next he showed Barnes Industrial Park South – Thruston Drive, commercial property, where the Verizon building has telecommunications devices on the building. He said that looking south on Thurston Drive is undeveloped, commercial space and will at some point have some industrial locations. This, he said, outlines every corner of the target zone within a reasonable distance.

**Chris Grochowski** said the other issue is the health impact of cell phone towers. She said that the applicant stated that the health impact did not have an environmental impact, and therefore shouldn't really be considered. She said that she has done research on this issue and that the most positive spin that anyone

could give the issue is that the health impact of cell phone towers is non-conclusive. Part of the reason it is non-conclusive is when you look at Wallingford and other towns, such as Meriden that doesn't have any in residential areas, is that there is an absence of statistics of what it is to live near a cell phone tower. She said that she does not want her children or her neighbors' children living near a cell phone tower and ending up at statistics five years from now in a study that shows that it's dangerous to live next to a cell phone tower. This needs to be considered. The Connecticut Siting Council perspective outlines what they expect the growth of cell phone towers to be in Connecticut in the next five years. In 2007 alone there will be 48 new towers needed and 12 new rooftop antennae needed. Over the next five years, they estimate that 161 new towers will be built and 37 new rooftop antennae will be built. She said that 38 of the new towers and 7 of the rooftop antennae will be located in New Haven County alone. She said that this issue has a global impact to lots of people in Connecticut that needs to be made clear to Optasite and the state that the effect is global. She said that we are not just dealing with our neighborhood, and we are not as a group saying 'move it down the street.' The issue is that other avenues must be exhausted before cell phone towers are put in strictly residential neighborhoods. Industrial and commercial areas need to be considered as well as transportation corridors and on power line easements. She said that they have not seen a lot of evidence today that they have exhausted the alternatives - smokestacks, water tanks, church steeples. She said they made a conclusory statement today that none of those sites were available. And, she said, they should be required to show that the current towers have no availability on them or that they couldn't put an antenna on a rooftop in the proposed location versus a tower. She said that for these reasons that are stated tonight that they are asking the Town Council to oppose the placement of a cell phone tower at 53 Mapleview Road.

**Janis Small, Town Attorney**, stated that there was a time when the federal law permitted the zoning to hear applications on cell towers; however, the federal law gave virtually no leeway to say no to a tower. The regulation was created, and the towers were placed in special permit regulation in an attempt to have some control over where they were located, and, if you recall the presentation, residential was placed at the bottom of the priority list because it is the last place that they are wanted. Federal law did not permit excluding them from any zone. That's the background. It wasn't that it was an open arms policy of placing them in residential areas. That is the historical reference. The regulation has no impact today because the exclusive jurisdiction is with the Siting Council and not with the Planning and Zoning Commission. She asked if Optasite considered the mailing or the date of receipt of that initial report as the commencement of the 60-day consultation period.

**Attorney Kohler** said municipal consultation period started with the mailing of the report. Attorney Small asked if they knew if the Siting Council views it that way, and Attorney Kohler said that it is, yes, and she said that they may file in 60 days and they may not. Attorney Small said the ACTION Group presentation outlined the surrounding areas that appeared to touch Optasite's targeted area which includes the I-X Zone and other non-residential zones and asked why is it

that the tower can't be placed in those areas. Attorney Kohler said that she thinks it's unfortunate, and she was sure that her peers did not mean to mis-characterize the coverage area, which does not include the I-X Zone. She said that if Optasite and T-Mobile could locate in an industrial zone, or it could locate on an existing tower, or on a transmission line, they would not be there. She said that if they could, she could go to the Council and this application would be approved in a month or two. If they could, they would not go through the arduous process as now.

**Attorney Small** said that the maps that they provided seem to show the reach of that tower touching those zones. Attorney Kohler said that the problem is that you cannot put something at the edge of a coverage area and provide coverage to the entire coverage area.

**Jason Overbee** said that the picture was of their installation in Windsor, which minimizes the impact and makes it better for the residential area, and they like that kind of installation for those reasons. He said that there is not a facility in this area that would provide significant height in the right location to provide the kind of coverage that they are looking for. He said that they are on all of the surrounding towers that are in those industrial areas that are mentioned, except at Exit 14 because it replicates coverage that they get from other facilities. He said that this is a cellular design and can't go right next to or on top a particular location where they already have service. He said that they have to be designed in a grid such that they do provide overlap to those existing facilities, and they can cover the areas without causing interference within the network, which causes dropped calls. This is why they have selected the area that they have as it works within the frequencies and within the overall layout.

**Attorney Small** asked if the other carriers in Wallingford have the same gap exist for them. Mr. Overbee said he couldn't speak for other carriers, and Attorney Small asked why they wouldn't know that. Mr. Overbee said that there is one difference and that is the spectrum that is allotted to each carrier. Cingular and Verizon operate on the cellular frequency band and that does provide them with additional coverage over other carriers. The expectation is that on this site that others would come in and co-locate. Attorney Kohler added that there are four spaces on the tower for co-location and the compound has been designed for four, not one carrier. Attorney Small asked how much land was needed. Attorney Kohler said that the compound is 70' by 70'. Attorney Small asked if that included the site roads, and Attorney Kohler said that depends on every particular site and that the road is at they showed on the site plans.

**Attorney Small** said that she looked at the property cards of the sites in the pictures that were shown and asked if they seriously saw potential to put a tower on those other residential sites. Attorney Kohler said that Mr. Flynn explained the search. Attorney Small asked again if those were all legitimate sites that they could put a tower on. Attorney Kohler said that is exactly why they were rejected. Attorney Small said that they could name any residential property and say that they investigated it. She said it is mind-boggling. She said that the

investigation is meaningless unless they could put a tower there in the first place. Attorney Kohler said that the entire perspective of the property cannot be seen from the pictures that were shown. Attorney Small said that the property cards state the acreage and that she doesn't get it. Attorney Kohler addressed 155 Grieb Road that a statement was made that the owners were contacted and the owners said that they weren't contacted by Optasite. She said that is true and that when they do their initial site search they don't contact the owners. She said in the initial search they determine if there are wetlands on the property, if there are deed restriction and if there are environmental issues, all before they make contact with the owners. She said that 155 Grieb Road has 7.3 acres and from their perspective that is a large piece of property, and it was rejected because it was open space. 18 Taylor Lane has 2.5 acres -open space- driving by it, which is exactly how their site acquisition people work, and then the research. The result is one or two or three parcels.

**Attorney Small** asked if there were any parcels that were looked at that were not residential. Attorney Kohler said that all of the property in that search ring is residential. Attorney Small said that the search ring touches the I-X zone and the Barnes area. Attorney Kohler said that you can say it touches. She said that everyone has stretched this coverage area to its limits. She said that the transmission lines are several miles away and the Barnes area is one half mile outside of it, and the problem is that the towers need to be in the coverage area and she said that after eleven years of experience she would not be putting a tower in a residential area if they could put it anywhere else.

**Attorney Small** asked if the analysis that was done establishes that there isn't a single piece of property that is not residential where this tower could go, and Attorney Kohler said absolutely. Attorney Small asked if there was any written analysis. Attorney Kohler said that it is done by induction. Attorney Kohler said that ACTION has said that has not been proven, it's because it's technically proven and the technical report does that, and when it gets to the Siting Council, it's understood because it's technical. She said that it is unfortunate that it is but when you look at the coverage plots they understand that T-Mobile is on all those adjacent towers. There are no adjacent towers that they could go on that would provide more coverage. If there were, they would go on them. She said there are no smokestacks or tall structures or transmission lines that they could go on. She said that the transmission lines and Barnes Park are farther away than the existing towers. She said that if they located in the I-X area, which would be an easy solution, but all it would provide would be redundant coverage in that area but not provide coverage to *this* area. She said that the problem is the federal law that went through this whole thing about not discriminating, and it really is true that we can't discriminate about not providing coverage in residential areas. T-Mobile has to provide E-911 coverage, and it has provided coverage everywhere and around this area except to this residential area.

**Chairman Parisi** asked why Mortgage Lenders in the I-X Zone wasn't available. Mr. Flynn said that it is outside the search ring and is too far north, and it is much closer to the site on Northrup Road where T-Mobile already is located. He

referred to the pink and green charts. Chairman Parisi said that this location doesn't appear to be in the center of this proposed coverage area and asked how far do these towers reach, considering how many towers are in town already. Mr. Overbee said that the frequency has a major impact on how they provide coverage. He said that the terrain, hills, buildings and structures impede the signal and on how their signal propagates. For example, a rooftop on Center may cover one-half mile. The distance from the proposed site to all of the existing towers is about two miles. He said that where the proposed tower is located is relative to the terrain, not that it has to be in the center. Chairman Parisi said that it seems to him that there are other areas that should be acceptable. Mr. Overbee said that they have already explored all those areas.

**Mayor Dickinson** asked about their reference to the federal law requiring extension of coverage so that no one is discriminated against. He asked if every carrier was mandated by law to fill in all gaps in any area where they provide, and that certainly that can't be all over the entire United States. Attorney Kohler said that she was referencing the Telecom Act that has talked about not discriminating against residential areas versus other types of areas, which is why residential was stuck in the lowest preference, and also that T-Mobile as part of its licensure has to provide E-911 service, and it cannot provide E-911 service in that area because it doesn't have coverage in that area. Mayor Dickinson said that other areas in the United States where you wouldn't have coverage and asked if there is a mandate that T-Mobile provide coverage everywhere in the United States. Attorney Kohler said not in areas where it doesn't have a license. Mayor Dickinson asked if it was the law that you must provide coverage uniformly if you have a license in that area and wanted to know if that was a law. Attorney Kohler said that according to their license they have to be given the opportunity to provide reliable service and to provide E-911 service given their responsibility to provide E-911 service reliably. Mayor Dickinson said that is the opportunity to provide but that is not a mandate for the company to provide it. He said in other words if you choose to want to do it, you must be given the opportunity by Siting Council or by whoever is making the decision, and that is different than saying, it's mandated that you provide it. Attorney Kohler agreed but added that under the Telecom Act, you cannot discriminate against a provider coming to an area from providing services in that area. Mayor Dickinson said that is from the decision maker's standpoint, and there isn't a mandate on the company to provide this telephone coverage because of a discrimination issue. He said you have to have the opportunity to provide it if you chose to. Attorney Kohler said they are choosing to. Mayor Dickinson said but it's your choice; it's the choice of the company; it's not that there's a law that says you must do it.

**Chairman Parisi** turned to the Council and said that they would go down the line with one question each, and keep going until they were done.

**Mr. Farrell** said for better understanding of the coverage issue in relation to terrain that there is one location where there is a high-tension electrical tower on the top of a ridge and asked if locating at such a height helped to expand the coverage. It was determined that it was the ridgeline on Mt. Beseck. Mr.

Overbee said that additional height above an area does provide more coverage; however, if it's on either of the ridge lines that abut or parallel Wallingford's boundaries those are on the other side of the sites they are already on within that kind of square that they depicted. He said that if you put a site on those it actually causes interference to the entire network and doesn't actually provide any reliable coverage. He said that you need to be much closer than what those types of facilities would provide. He said that it's a great concept to go up on a mountain but it doesn't work.

**Ms. Rascati** asked about the length of the lease. Attorney Kohler said that she thinks it's fifty years, a ten-year term with four ten-year options. Ms. Rascati asked what happens in fifty years. Attorney Kohler said that if they didn't extend it further than that, Optasite would remove the tower. She said that they only have the right to keep it there for fifty years. Attorney Kohler said the Siting Council also requires removal of the tower if they are not using it within the fifty-year period as part of their certificate approval.

**Mr. Knight** referred to the two maps that Optasite presented that show the coverage area with the proposed tower and said that there is still an uncovered area on I-91 which he considers to be an important market and asked why wouldn't they focus on that area rather than in a residential area where usage is less. Mr. Overbee said the I-91 area was in the first build out phase, and that is not the focus of their coverage objective here. Attorney Kohler said that in hearings they are asked by towns what about their residents.

**Ms. Papale** confirmed that the location of the proposed tower was by elimination. She reminded everyone that about ten years ago that the town declined to put a tower on Woodhouse Avenue and lost the case in federal court under the FCC laws and it cost the town \$40,000. She said that she doesn't want to repeat that. She said that it seems that Optasite didn't look far enough. She mentioned farmland in the area. She asked if they would go out and look again. Attorney Kohler said that the area that ACTION talked about is not the coverage area, and she said that they will track down every possible site, and that they have followed up on every call that they have had and visited their properties. She said that they will look at any site and run the RF modeling on it. She said that they welcome other possibilities.

**Mr. DiNatale** said that he does not believe they have looked hard enough and asked why the Council could not have received the same kind of pre and post cell tower map for the alternative sites as they did for the proposed site so that they could see that the alternative areas do not work, for example in the IX-Zone. Attorney Kohler said that if the Council is not used to reading those coverage maps that they are probably difficult to understand how they work. She said that if you read those coverage maps, it explains why it does not work. Mr. DiNatale said the one that Optasite is proposing shows a radius of influence of the proposed cell tower and that it is pretty clear to him what it shows. He said that he would have thought that they would have put together a map showing the radius of influence outside of this residential area to give the Council a level of comfort.

**Attorney Kohler** said that maybe this would be helpful and she spoke about the filing of the technical report to the Siting Council that that is the report that the Council has. She said that it's different than the local process and is part of that they filed that is called the municipal consultation. She said that they file material that indicates need; they file pre and post coverage plots; they file information about environmental impact; they file information about FCC compliance; and they file basic information about what the site will look like. She said that when they file the application, there is a voluminous amount of information. She said that the technical report is very basic.

**Mr. Testa** asked how far from the center of the zone does the tower have to be and mentioned that the coverage is going to be affected by the height. **Mr. Overbee** said that the distance to all of their existing facilities is between 1<sup>1/2</sup> to 2 miles from the current site. **Mr. Testa** asked again how far from the center of their identified zone would the tower need to be located. **Mr. Overbee** said 1/4 to 1/2 mile and that height does compensate. **Mr. Testa** asked if two towers on the edges of the zone could accomplish the same thing if there were two acceptable sites available. He explained that limited number of frequencies in their system and that would cause interference and decreased quality in that area.

**Attorney Kohler** said that in the next week or so they will run some plots from the periphery of the IX-Zone for the Council. **Mr. DiNatale** suggested that they contact the ACTION group for sites and **Chairman Parisi** asked for nine copies.

**Chairman Parisi** said, hypothetically, suppose that there was no one who would accept a cell phone tower and asked what would their option be. **Attorney Kohler** said that in 12 years that has never happened and that they always ended up with a lease. She said that they would have to revisit it and try to figure out what else to do. **Chairman Parisi** said they would find an alternative site. She said that they have never run into a mile and one half area in which they have not been able to get a lease, not in 12 years. **Chairman Parisi** asked if they would go back and review the sites that they disqualified before and with their engineer make them work. **Attorney Kohler** said that the sites that they have disqualified have not always been rejected for engineering reasons but were rejected for environmental reasons and she said that the engineer is not going to be able to answer it because it depends on the facts of the case. She said that in this case that they have a lease and they don't have to worry about it. She said that they have a done deal with a signed lease.

**Mr. Farrell** said that Planning and Zoning has their hands tied by statute and the Siting Council has their hands tied and that asked **Attorney Small** that in terms of the Town Council making its opinions known to the Siting Council if there was anything that ties the Council's hands. **Attorney Small** said that the Council as part of this process can give comments to the applicant and from there once the application is filed, the Council can then comment and participate in the Siting Council process but the decision belongs to the Siting Council. **Mr. Farrell** said

that this comes up on another agenda and asked if the intention that tonight the Council is just hearing opinions or is the Council forming consensus on this.

**Chairman Parisi** said that he hopes that the Council will form a consensus following the Council's questions and comments and those of the public.

**Mr. Farrell** said that with all due respect to everyone that the reason he is elected, and the rest of the Council, is to bring some common sense approach to the policies that govern our town on how development is going to occur. He said that from a common sense perspective if someone asked for an opinion, that he thinks that for all of the reasons that have been cited that the opinion of the Council should be that this is *not* a good idea and he stated that this is his direction and that he says that with all due respect in understanding the complexity of the technology and the marketplace which is not what he is elected to look at. He said he is elected to look at what is in the best interest of the townspeople of Wallingford.

**Chairman Parisi** noted that he did not get an answer to his question and asked Attorney Kohler if what wanted to write one. She said that she would and that he can count on it.

**Ms. Rascati** confirmed that they would look at other sites and then asked how that works in light of the fact that they already have a lease. Attorney Kohler said that this is not the appropriate forum to talk about that lease but that she suspects that it would not be a problem. Ms. Rascati asked how they would get other sites to look at. Attorney Kohler said that people have contacted her office, Optasite's office and that of T-Mobile and she said that they have looked at those sites to see if they would work. She described some of those parcels – smaller parcels, parcels too far away. She said that if they found a site that was technically acceptable and that everyone found acceptable, they would consider it. She said that they are still willing to look and that this is the point of this municipal consultation and that the technical report is information to start the discussion.

**Mr. Knight** said that he doesn't think that there is anybody in the room that is convinced. He said he thinks that their most important mission is to convince the people most effected that there is 'no other way.' He said at this point that they have not convinced him. He said that the Council looks at the maps and they say there's got to be another way near I-91 that is unobtrusive, acceptable and technically feasible. He said that he expects Optasite to provide more of that sort of information so that the Council understands that in order to have the cellular system network that there is no other alternative.

**Ms. Papale** talked about the lease and asked how they can go look at other property. Mr. Keith Coppins, Vice President of Development for Optasite, said that they have an option to lease that they have the right to exercise the option at any time during the next two years. He said that the option includes the lease and if they exercise the option, then the lease, which is signed, is in place.

**Attorney Small** likened it to a developer who purchases property for a development and that purchase is conditioned upon getting all of the zoning approvals, etc. She said that Optasite is not going to be committed to a 40-year lease if they haven't gotten the Siting Council approval.

**Mr. Testa** said that he understands that in effect the Council can't do anything other than offer commentary and that if the Council formally objects to the plan if that if the Council has the ability to recommend alternatives, then the objection carries more weight. He said that he doesn't want to vote to object and then not be effective in any other way. He said if the Council can come up with alternatives, then he thinks that the Council is doing something. He asked what property is 63 Grieb Road. Attorney Kohler said that is the pump house. Mr. Testa read from page 6 of the technical report, "... that the acreage of the property not already slated for development has been set aside as open space and is not developable for a proposed facility," and asked according to whom. Mr. Flynn said he thinks he is mixing a couple of different sites and said that the pump house site is under 6/10 of an acre with underground pipes and easements that cut through that property, and that he is not sure that is usable. They talked about the OSPRD development, Field Stone Farms and part of that is open space and can't be used and next to that is a Wallingford Land Trust parcel that can't be used either. Mr. Flynn said that he does not know of any town-owned land that would be potentially usable in that area and that the closest town-owned land would be Marcus Cooke Park. Mr. Testa asked if they had a real picture of what the brown stick pole looks like and has anyone done any simulation photos of what the site will *really* look like. Attorney Kohler said they would need to perform the balloon test first to get the simulated photos, which will occur in about two weeks. Mr. Testa asked about the diameter of the pole, and Attorney Kohler said that the tower specs are on page 11, 4.5 feet at the base and 1.5 at the top, that it's a straight, brown pole going straight up and that the antennae are flush mounted without the platforms. She said that they would provide a photo.

**Chairman Parisi** asked the public for questions and comments.

**The following townspeople spoke.**

**Daniela Tristine**, 19 Taylor Lane, health ramifications in regard to her children and that the pole would be easily be seen from her home. She presented 40 case studies of children with leukemia as a result of being near towers. Chairman Parisi asked if Optasite could address her concern. Tony Wells said that health issues are constantly under review and are at higher levels than what would be at the base of the tower, and when you double the distance the levels are reduced by a factor of four. Chairman Parisi asked if he would study and comment to the Council on the case studies by letter, and Mr. Wells said that he would. Attorney Kohler said that they are regulated by the FCC. She said that Mr. Wells isn't going to come to any different conclusions than the FCC but that they will take it. Chairman Parisi said that if they would study it and respond to it that they can say that at least you answered our questions. Attorney Kohler said that they would take it and file it with the (Siting) Council. Chairman Parisi said that he said that

he would respond. Attorney Kohler said that Mr. Wells is not going to be able to respond to it as his opinion to those studies but he can receive it. Mr. Wells said that he would review them and comment on them. Ms Tristine said that Optasite in doing this to benefit the homeowners, to provides services to the residents, and the residents feel that this is not healthy or something that they just don't want.

**Linda Karl**, 91 Mapleview Road, asked about the noise generated by the tower and its ancillary buildings. Mr. Flynn said that there is not much equipment and so there is not mechanical noise.

**Jason Zandri**, Lincoln Drive, asked about radial and directional signals and how many T-Mobile residents are there that will be positively impacted by the proposed tower. Mr. Overbee said that antennae proposed are directional that focus in all directions. Mr. Overbee said that they do not divulge customer information because of their confidentiality agreements with the customers and that there company according to FCC regulations has a right to provide service in that area even if there are no customers in that area.

**Ron Chuba**, 9 Perkins Drive, asked why the company did not plan for this problem when going from installations on Woodhouse and on Rt. 68 and asked what might they be missing now with this tower.

**Frank Papale**, 38 Laurelwood Drive, in the heart of the area in question, said that he is the T-Mobile customer that everyone has been dying to hear from and that he is quite confused when the entire justification for this proposal is to provide service and up until tonight he has been a very happy T-Mobile customer. He said that from inside his house, from outside his house or in the car, he communicates wherever he wants to two daughters in California, colleagues in Hamden and business acquaintances in New Haven and Cheshire, relatives in Massachusetts, and conversely from my car in communicating to his wife at home and he seriously questions the one particular schematic that shows a void and he asked that a more comprehensive and less biased study be made as to the actual need.

**Attorney Kohler** in answer to Chairman Parisi's question that there isn't a legal aspect to it but when it goes to the Siting Council, the Council will do an evaluation of its plots and its modeling, a technical review. She said that T-Mobile does the modeling of it and determines where the coverage gap is. She said that there is no point in locating a site unless it absolutely needs to do that. Chairman Parisi said that T-Mobile's model and study would favor the company's position and asked if it would be truly representative of this group and asked if the Siting Council has the expertise. Attorney Kohler said that they do that they have siting analysts with technical expertise and the Council has their own plotting system and their own maps to determine where coverage is and where it isn't, and this is accessible to the public.

**Mike Jewcyzn**, 39 Mapleview Road and one of the owners of 53 Mapleview Road in conjunction with his wife and asked the Town Council if any Councilor

was directly related to anyone in the ACTION group; and asked if any Councilor lives in the neighborhood; and then if there is any Councilor with family that lives in the neighborhood. Chairman Parisi said yes to all questions and that they have all been cleared by the Town Attorney. Mr. Jewcyzn read a statement regarding protecting private property rights from regulatory takings, courtesy of the Cato Institute, Center for Constitutional Studies, from a handbook for Congress in regard to judiciary obligations to uphold the 5<sup>th</sup> Amendment of the U.S. Constitution.

**Jon Walworth**, 28 Laurelwood Drive, thanked the Town Council, the Mayor and the staff for the good questions and said that there is a block here for T-Mobile and an open area for 15 different carriers so this opens up a whole new opportunity for multiple towers four on the T-Mobile tower and then many, many more. He pointed to East Wallingford represented by the white area on the map and that we have consumed all available sites – commercial, industrial – so now it's the residential properties where the business exists but we are not able to see the view and that the consultant has had two months to produce that and it is an insult to the Council and everyone in attendance.

**Bob Hogan**, Grieb Road, said that he is not convinced that the Mortgage Lenders property is out of range of dead center and would like the company to prove to him that it is out of range. He said that he thinks that it is an eighth of a mile from 53 Mapleview Road to the southern edge of the Mortgage Lenders property. Attorney Kohler said that they have added it to their list and they will check it.

**Kevin Ditten**, 32 Mapleview Road, offered his barn that will have a roof that is 120 higher than the proposed elevation of the proposed tower, and that he would build a cupola to accommodate antennae. He said that the chimney on his house is 110 feet higher than the property proposed according to Google. He said his property has about 16 acres of trees around it where no one can see his chimney or barn and that he is about 1200 feet from the road. He said that he called Optasite and asked them to come and look at his property. He said that he was told that his house is too nice and that from his perspective it really hasn't been investigated. He said that he has 4 acres and that there are 14 acres of open land around it. Attorney Kohler said that Optasite rejected this site for a tower but they will look at the barn.

**Chairman Parisi** asked Don Harwood if ACTION had any sites that they want to have checked further. Don Harwood talked about proper program plans for cell tower communication and that there are some sites – Mortgage Lenders, which is away from some of the residences, Grieb Road, Thurston Drive, the rest area.

**Attorney Small** said in answer to a question that Councilman Testa asked Optasite, that she thought that they said the coverage area was ¼ mile to ½ mile from the pole and that the bottom line to this is that everybody in this room wants to help you find another location in their coverage area yet the town doesn't have a definitive map that shows the perimeters of what Optasite considers the coverage area to be. Mr. Overbee said that they look at two areas – one is the

coverage area that a proposed facility within that area would actually provide coverage to once installed, and there is also what they refer to as a *search area*, which is a smaller circle which when a tower is located within that area, it would provide service to that intended coverage area. Attorney Small said – so the perimeters of the actual coverage area is  $\frac{1}{4}$  to  $\frac{1}{2}$  mile. Mr. Overbee said that they are that they can search for a tower is within that  $\frac{1}{4}$  to  $\frac{1}{2}$  mile radius of the current location. He said that if they install a tower that meets the coverage objectives, it will cover more than  $\frac{1}{2}$  mile. Attorney Small said that she needs the perimeters of the entire area that could locate this tower. Mr. Overbee said a rough within  $\frac{1}{2}$  mile of the current property, and any property within that radius would have a better chance of working. It still is dependent on individual terrain and characteristics. Attorney Small said so they would not look beyond  $\frac{1}{2}$  mile from that location. Mr. Overbee said that they would be more than happy to look at any of those options but the likelihood of them providing the service that they need is very low if it's beyond  $\frac{1}{2}$  mile. He said that's a rough number. Attorney Small said that she was just trying to isolate the area that they should all be looking at.

**Nick Economopoulos**, 3 Woodman's Trail Road, asked if Optasite would abandon this site even if no other site becomes available. Attorney Kohler said that they would not. He next asked how Cheshire stop this. Attorney Small said that they are looking into this issue and the Branford site. Chairman Parisi said that the impression of Representative Mushinsky is that the attendance of the public at the Siting Council meeting creates influence on the Siting Council.

**Ms. Sullivan**, 119 Mapleview Road, retired from Choate, inquired about why Choate has not been explored and said that there is a 120 foot water tower on the campus. Attorney Kohler said that Choate was contacted in the past for a site, and she has been told that Choate was not interested. She said that they have not heard back from a recent contact to the school. Chairman Parisi asked who contacted Choate School, and he asked to be telephoned with the specific person who contacted Choate, who they called and who they spoke to. Attorney Kohler said OK.

**Thomas Smith**, 81 Mapleview Road, said he finds it baffling that the federal government has taken away from local zoning commissions the right to make decisions about what happens in the community and asked if the FCC Act also take away that right from the individual – could it be mandated that a tower be put on my property and would I have the right to say no. Attorney Small said that she doesn't think that the federal law has gone to the extent that one can be forced to put a tower on one's property but some of the utilities do in fact have condemnation powers.

**Mayor Dickinson** said that one thing that is reasonable action if the Council wants to take this course is to frame comments to our Congressional delegation to Representative DeLauro. He said that Congress passed a law that took out of contention, or the basic issue of, decision-making the local government. The

Federal Law is where the issue really is and we can request that the law be modified to allow more input and decision making at the local level.

**Bob Carbone**, 10 Chestnut Lane, said that he didn't see anything presented except residential and asked if it was just residential properties that were researched. He commented on the small area that this tower will cover and doesn't understand the motivation of T-Mobile. He said we all agree that they have the right to communicate in that area but asked if the company has the right to make money by bringing in other companies to rent space. He asked if they really need that area since it's so small for such a large investment. Attorney Kohler said that the entire search area is all residential. She said that in terms of finances and area size that Optasite owns the tower and T-Mobile is the co-applicant and will be a co-locator on the tower. She said that that the size of the search ring is fairly regular and not small. She said that Wallingford's regulations have asked them to go on every possible structure, every commercial area that they could, and they did. She said that she doesn't think that the neighbors and the town want to say to Optasite legally that they don't want Optasite in a residential area because Optasite has done exactly what the town told Optasite to do.

**Attorney Small** said that Optasite owns the tower, so Optasite is not on any other tower in the Town of Wallingford. Optasite builds a tower, and T-Mobile is a tenant. Attorney Kohler said that Optasite develops the tower, has relationships with all of the various carriers, coordinates all the carriers and finds locations in which the carriers need location sites. Attorney Small said so Optasite wouldn't be going to any of these other towers because they are in the business of building the towers and renting the space. Attorney Kohler said Optasite has no spectrum; T-Mobile has the spectrum and in fact right now Wallingford does not have a tower in that area and somewhere, sometime, someone, a carrier, is going to come to that area and say that they need a tower in this residential area but Optasite is proposing this tower in this area, and it has co-location opportunities for three other carriers, and if this tower is developed, whether on this parcel, or whether on one other parcel, then Wallingford is going to be able to say, according to the Siting Council Regulations and Requirements for co-location, that you have to go to that tower because you have to co-locate on that tower. And that's it. Optasite has covered that residential area, and she said they are done. She said that there are four FCC licensed carriers. This tower has co-location spots for all four and compound spaces for all four.

**Sharon Mooney**, 11 Taylor Lane, said that she checked the Optasite's website and she clicked on 'Find a Site' and 53 Mapleview Road came up for Wallingford. She said that she agrees with her neighbors to not put this tower here, and she thinks that it is a commercial project that is serving the company and that she doesn't have a lot of faith in this company. Attorney Kohler said that they have to notify other carriers that they are locating a site if other carriers are interested in co-locating.

**Cathy Lezon**, 5 Cedar Street, and owns property at 61 Maplevue Road, and was a neighbor to the subject property owners. She expressed a concern about the health issues especially in regard to the fact that she has only one child. In relation to the map that Optasite displayed, she spoke about the access road from Maplevue Road and asked if that is the driveway for the yellow house. Mr. Flynn said that the access would be the existing driveway at 53 Maplevue Road, which would be extended further via gravel road across about 150 of grass and then into the trees and down to the location of the site. Ms. Lezon said that in the picture that she saw, it appeared that it ran along her property line and then back directly toward the site, and to clarify she said that Optasite is saying that it goes down by the driveway by the yellow house and continues, and she asked straight or does it make a turn. Mr. Flynn said that the technical report drawings show roughly a straight line along the property line that is being referred to and when it gets to the site it makes a 90 degree turn to the tower location that is further into the property, and there is a vehicle turnaround there. Ms. Lezon said that her son plays in the backyard where the access road will be going and she wants to know if there will be trucks going in and out as well as a lot of strangers entering our neighborhood. She wanted to know about vehicles, the frequency of the vehicles, who are the people and what is going to happen in her backyard. Mr. Flynn said that during construction there will be some fairly significant activity and once the site is constructed the carriers are at a site about once a month. She said that it goes the entire length of her property line, her backyard, and she again spoke about safety and health issues. Chairman Parisi said that the Fire and Police Departments were contacted and that they have no issues with the location. Next she spoke about the issues of property values. Attorney Kohler said that they do a study on property values but that they do have studies that they can provide information that say the telecom facilities do not effect property values. She also said that Optasite will have a project manager on site and that all of the construction will be on the Wallace property.

**Dianne Saunders**, 72 Northford Road, said that she gets signal in the entire zone in addition to low parts of Cooke Road. She talked about signals and that it is less expensive to purchase residential property that commercial and wanted to know what guarantee there is that carriers won't jump poles thereby causing poor signals. Mr. Farrell said that the State of Connecticut Department of Consumer Protection has authority over advertising cell phone companies and he named also a council on the DPUC that consumers can contact. Ms. Saunders asked if the town can amend the Planning and Zoning regulations going forward. Mayor Dickinson said that basically there is no process that involves Planning and Zoning at this time. The applicant will not be applying to Planning and Zoning and our regulations have no impact and the only reason the regulation is on the books is that it was adopted at an earlier time when there was an effort to restrict or control as much as possible the placement of the towers, and the result was a lost court case and prior to that time the interpretation of that law changed and local government is out of the process. Ms. Saunders said that as long as it's a question of economics, she asked if there was a way to prevent/control the trend for cell tower companies from abandoning commercial/industrial sites and replacing them with residential locations that they must keep existing sites for a

minimum of 10 or 20 years. Mayor Dickinson said that could be proposed to the Siting Council but whether they could enforce it is an issue that would be under FCC and federal law but it could be proposed.

**Bill Spence**, 126 Mapleview Road, commented on future scenarios in that the pole that is constructed now may in the future have more height, arms, satellites on it. He also made personal statements regarding regulations and mentioned Optasite's website and that Highland area was also mentioned.

**David Vilianti**, 101 Mapleview Road, said that he understands what the engineer has presented for this site that will work and asked the engineer if they looked at any other application or technology that did not involve a single tower that could have covered that area. Mr. Overbee said that they are willing to look at any options and alternatives that are viable and are presented here, and to this point they have not seen another solution that would satisfy their coverage needs there. He said that they are willing to work with the Council and other groups to see if there is another option.

**Edward Sass**, 177 Mapleview Road, as a licensed appraiser and realtor, talked about external factors that effect a property value that are noted during an appraisal and said that this type of construction will effect property value negatively. He said that the property owners have said they have a right to generate income but that also generates a diminishing property value for their neighbors.

**Bob Hogan**, Grieb Road, made a comment about Mortgage Lenders.

**Chairman Parisi** thanked everyone.

#### MOTION

**Mr. Knight** made a motion to direct the Town Attorney to draw up a Resolution for the Town Council to vote on in Tuesday's meeting (*January 23, 2007*) opposing the Optasite proposal as it is written at this time. Ms. Rascati seconded.

**Attorney Kohler** asked why the Council was voting on it now if Optasite is giving the Council additional information.

**Chairman Parisi** said that they are not voting on it that they were voting on a motion to direct the Town Attorney and that it will be contingent upon their information forthcoming because we are on a timeline. This is not the resolution.

#### ROLL CALL VOTE

DiNatale - yes; Farrell - yes; Knight - yes; Papale - yes; Rascati - yes; Testa - yes; Parisi - yes

Mr. Brodinsky and Ms. Doherty were absent. Vote: 7 Yes; 2 Absent  
The motion passed.

**Mr. Testa** asked what do we want the Resolution to say, what direction are we giving the Town Attorney. Chairman Parisi said that we will let her write it first and then we will have a discussion with her that she got a flavor of what to write from the discussion tonight. Mr. Testa said that what we convey to the Siting Council is critical if we want to have any kind of impact. Chairman Parisi said that we'll have her write it and we'll send it out to everyone in draft form and make comments and send it back. Mr. Testa said that he thought would have some discussions like Tuesday about what point we want to make. Attorney Small said that if you talking about doing a Resolution that they are also talking about preparing an actual report that would be submitted, an entire package for the Siting Council and that the Resolution would be the starting point. Mr. Testa said that the reason he brought it up is in preparing the Resolution he doesn't think it's a good idea for the Council to specifically object to *this* application without explaining that we are against *any* site in *any* residential area because if we say no to this one they turn around and put it somewhere else, then we will be in a position to be doing this to everyone of them and what if say yes to another one and to have impact with the Siting Council it should be on a general principle that has some merit.

**Chairman Parisi** asked about the deadline. Attorney Small said that the first response is comments back to the applicant within 60 days of the commencement of the initial consultation. She said if it runs from date of receipt of that first report it would be February 15, 2007. She said that once the application is filed, the town still has the opportunity to participate in the actual proceeding. She said that the town would do the initial comments. Chairman Parisi asked when the town would have the most impact. Attorney Small said that the applicant has to report as part of the application the comments of the municipality. Attorney Kohler said that when they finish the 60-day period is the first time that they can file the application and that as part of that application they file all the comments back from the municipality. She said that they don't see that 60-day mark as being magical, or they don't see the need to rush right out and file on the 61<sup>st</sup> day. She said they will send information. Chairman Parisi said the next meeting was next Tuesday but if they are working together then the first meeting in February is on the 13<sup>th</sup>. Attorney Kohler said that if they get the Council the information a week in advance of February 13<sup>th</sup> so there will be time to distribute it and they will be here on 13<sup>th</sup>. Chairman Parisi said that even sooner and that it will get out. Attorney Kohler said that they should have everything together by then and they will not plan on filing on Feb. 14<sup>th</sup>, which is the 60<sup>th</sup> day, and they will be here for that meeting, and they can determine together what to do from there. She asked for an email for the sites suggestions from ACTION and anyone else.

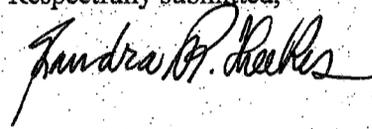
**MOTION**

Mr. Farrell moved to adjourn the meeting. Mr. Testa seconded.

**VOTE**

All Councilors present (7) voted aye and the motion passed. The meeting adjourned at 10:50 P.M.

Respectfully submitted,



Sandra R. Weekes  
Town Council Secretary

Meeting recorded by Sandra Weekes

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Robert F. Parisi, Chairman

Date

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Barbara Thompson, Town Clerk

Date

**TOWN COUNCIL SPECIAL MEETING  
January 18, 2007**

**CELL TOWER – Residential area location discussion**

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REPRESENTATIVES appearing before the Council

Optasite and T-Mobile

Attorney Julie D. Kohler, Cohen and Wolf, Counsel for Optasite  
and T-Mobile, Bridgeport, CT  
Keith Coppins, Vice President Development, Optasite Towers,  
LLC, Westborough, MA  
Thomas Flynn, Consultant with Optasite  
Michael A Koperwhats, II, Planner, Vanasse Hangen Brustlin, Inc.,  
Middletown, CT  
Jason Overbee, RF Manager with T-Mobile  
Tony Wells, Principal with C Squared and RF Engineer  
Victoria Schneider, Paralegal

Site Location Property Owners

Carol P. Wallace, 39 & 53 Mapleview Road; and  
President and CEO, Cooper-Atkins Corp, Middlefield, CT  
Mike Jewczyn, 39 & 53 Mapleview Road

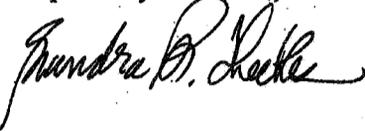
ACTION Group

Ann Leslie – 5 Taylor Lane  
Christine Grochowski - 7 Taylor Lane  
Donald Harwood – 14 Taylor Lane

**VOTE**

All Councilors present (7) voted aye and the motion passed. The meeting adjourned at 10:50 P.M.

Respectfully submitted,



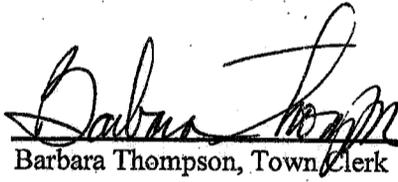
Sandra R. Weekes  
Town Council Secretary

Meeting recorded by Sandra Weekes



Robert F. Parisi, Chairman

3-13-07  
Date



Barbara Thompson, Town Clerk

3-13-07  
Date

RECEIVED FOR RECORD 2-21-07

AT 12:20 M. P. M. AND RECORDED BY

Barbara Thompson TOWN CLERK