



**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

IN RE:

APPLICATION OF OPTASITE TOWERS LLC
AND OMNIPOINT COMMUNICATIONS, INC.
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 425 LITCHFIELD ROAD,
NEW MILFORD, CONNECTICUT

DOCKET NO. _____

Date: JUNE 22, 2007

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ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

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**APPLICATION FOR CERTIFICATE OF
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I. Introduction

A. Purpose and Authority

Pursuant to Chapter 277a, Sections 16-50g *et seq.* of the Connecticut General Statutes ("CGS"), as amended, and Sections 16-50j-1 *et seq.* of the Regulations of Connecticut State Agencies ("RCSA"), as amended, Optasite Towers LLC ("Optasite") and Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc., d/b/a T-Mobile ("T-Mobile") (collectively the "Applicants") hereby submit an application and supporting documentation (collectively, the "Application") for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless communications facility (the "Facility") in the Town of New Milford. The proposed Facility is a necessary component in the network plan of T-Mobile to provide personal wireless communications services in the State of Connecticut and Litchfield County. The proposed Facility will provide service in the Town of New Milford and particularly along and surrounding Litchfield Road/Route 202.

B. Executive Summary

Optasite and T-Mobile are joint applicants for the proposed Facility. Optasite was responsible for the site search in the area. Optasite will be the certificate holder and, as such, will be responsible for the construction and maintenance of the Facility. T-Mobile has agreed to serve as a co-applicant and has committed to locating at the Site and will serve as the anchor tenant on the proposed Facility.

The proposed Facility will consist of a 140 foot, self-supporting monopole, antennas, associated equipment and other site improvements integral to a wireless communications facility. Optasite identified the property owned by the Estate of Edward J. Drazl at 425 Litchfield Road (the "Property") for the construction and operation of its proposed Facility. The Property consists of 28.86 acres and is currently undeveloped and wooded.¹ The Property is located in the B-2 general business district.

The leased area is located in the central-western portion of the Property. A copy of Optasite's Notice of Lease is attached hereto as Exhibit A. Optasite proposes to install a monopole with appurtenances extending to approximately 140 feet in height and an equipment shelter at grade within a 70 foot by 70 foot fenced equipment compound (the "Site") within its 100 foot by 100 foot leased area. Vehicular access to the Facility would extend from Litchfield Road partially over an existing gravel driveway a distance of 205 feet, and partially over a proposed gravel driveway a distance of approximately 1,002 feet. Above-ground utility connections would extend from existing service on Litchfield Road to the Site.

¹ The actual acreage of the Property is 28.86 acres based upon survey. The New Milford Assessor's map shows the acreage of the Property as 28.48 while the New Milford Assessor's card shows the acreage of the Property as 29.5.

The monopole and compound area will be designed to accommodate use by all of the wireless carriers active in Connecticut and the New Milford public safety communications, if requested. T-Mobile has committed to locating at the Site and will serve as the anchor tenant. The compound will be enclosed by an 8-foot high security fence and gate. T-Mobile's equipment would be monitored 24 hours a day, 7 days a week from a remote location.

Included in this Application and the exhibits attached hereto, are survey-based plans, attached hereto as Exhibit B, and other information detailing the Facility proposed at the Site and potential environmental impacts associated therewith. The Applicants respectfully submit that the reports and other supporting documentation included in this Application contain relevant site specific information as required by Statute and the regulations of the Connecticut Siting Council (the "Siting Council" or "Council"). A copy of the Council's Community Antenna Television and Telecommunication Facilities Application Guide with page references from this Application is also included in Exhibit C.

C. The Applicants

The co-applicant Optasite is a Delaware limited liability company with offices at One Research Drive, Suite 200C, Westborough, Massachusetts 01581. Optasite will construct and maintain the proposed Facility. The co-applicant T-Mobile is a Delaware corporation with a Connecticut office at 35 Griffin Road South, Bloomfield, Connecticut, 06002. The company and its affiliated entities are licensed by the Federal Communications Commission ("FCC") to construct and operate a personal wireless services system in Connecticut, which has been interpreted as a "cellular system" within the meaning of CGS Section 16-50i(a)(6). T-Mobile does not conduct any other business in the State of Connecticut other than the provision of cellular services under FCC rules

and regulations. T-Mobile is committed to use the proposed Facility as the anchor tenant.

Correspondence and/or communications regarding this Application shall be addressed to the attorneys for the applicants:

Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604
Attention: Julie Kohler, Esq.
Carrie L. Larson, Esq.

D. Application Fee

Pursuant to RCSA Section 16-50v-1a(b), a check made payable to the Siting Council in the amount of \$1,000.00 accompanies this Application. The estimated total construction cost is \$168,000.00. As such, the applicable application fee is \$1,000.00 in accordance with RCSA Section 16-50v-1a(b).

E. Compliance with CGS Section 16-50/(c)

Neither Optasite nor T-Mobile is engaged in generating electric power in the State of Connecticut. As such, the proposed Facility is not subject to CGS Section 16-50r. The proposed Facility has not been identified in any annual forecast reports. As such, the proposed Facility is not subject to CGS Section 16-50/(c).

II. Service and Notice Required by CGS Section 16-50/(b)

Pursuant to CGS Section 16-50/(b), copies of this Application have been sent by certified mail, return receipt requested, to municipal, regional, State, and Federal officials. A certificate of service, along with a list of the parties served with a copy of the Application is included in Exhibit D. Pursuant to CGS 16-50/(b), notice of the Applicants' intent to submit this application was published on two occasions in The News-Times and on one occasion in The New Milford Spectrum. Copies of the published legal notices are

included in Exhibit E. The publisher's affidavit of service will be forwarded upon receipt. Further, in compliance with CGS 16-50/(b), notices were sent to each person appearing of record as owner of a property which abuts the Site. Certification of such notice, a sample notice letter, and the list of property owners to whom the notice was mailed are included in Exhibit F.

III. Statements of Need and Benefits

A. Statement of Need

As the Council is aware, the United States Congress, through adoption of the Telecommunications Act of 1996, recognized the important public need for high quality telecommunication services throughout the United States. The purpose of the Telecommunication Act's overhaul of the Communications Act of 1934 was to "provide for a competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies to all Americans." H.R. Conf. Rep. No. 104-458, 206, 104th Cong., Sess. 1 (1996). With respect to wireless communications services, the Telecommunications Act of 1996 expressly preserved State and/or local land use authority over wireless facilities, placed several requirements and legal limitations on the exercise of such authority and preempted State or local regulatory oversight in the area of emissions as more fully set forth in 47 U.S.C. § 332(c)(7). In essence, Congress struck a balance between legitimate areas of State and/or local regulatory control over wireless infrastructure and the public's interest in its timely deployment to meet the public need for wireless services.

The Facility proposed in this Application is an integral component of T-Mobile's wireless network in this area of the State of Connecticut. Currently, a gap in coverage exists in T-Mobile's network in the New Milford area, specifically along Litchfield

Road/Route 202. The proposed Facility, in conjunction with other existing and future facilities in New Milford and surrounding towns, is needed by T-Mobile to provide its wireless services to people living in and traveling through this area of the State.

T-Mobile's specific need for the proposed Facility is detailed in the propagation plots which identify T-Mobile's specific need for this Facility in the New Milford area attached hereto as Exhibit G. Based on the location of the proposed Facility and the lack of coverage in this area, Optasite can not readily predict a point in time at which the Facility might reach maximum capacity.

B. Statement of Benefits

T-Mobile is a leading provider of advanced wireless voice and data services throughout the United States with over 20 million subscribers. T-Mobile and its corporate predecessors constructed one of the first wireless networks in Connecticut and is actively involved today in the deployment of next generation wireless services. Over the past two decades, T-Mobile has seen the public's demand for traditional cellular telephone services in a highly mobile environment migrate to a demand for anytime-anywhere wireless connectivity with the ability to send and receive voice, text, image and video. People today are using their wireless devices more and more as their primary form of communication for both personal and business needs. Modern devices allow for calls to be made, the internet to be reached and other services to be provided irrespective of whether a user is mobile or stationary and provided network service is available.

Wireless devices have become integral to the telecommunications needs of the public and their benefits can no longer be considered a luxury. Indeed, in an effort to ensure the benefits of wireless technologies to all Americans, Congress enacted the Wireless Communications and Public Safety Act of 1999 (the "911 Act"). The purpose of

this legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. In enacting the 911 Act, Congress found that networks that would provide for the rapid, efficient deployment of emergency services would enable faster delivery of emergency care with reduced fatalities and severity of injuries. With each year since passage of the 911 Act, additional anecdotal evidence supports the public safety value of improved wireless communications in aiding lost, ill or injured individuals such as motorists, hikers and boaters.

As an outgrowth of the 911 Act, the FCC mandated wireless carriers, such as T-Mobile, to provide enhanced 911 services (“E911”) as part of their communications networks. These services ultimately allow 911 public safety dispatchers to identify a wireless caller’s geographical location within several hundred feet. T-Mobile has deployed and continues to deploy network technologies to implement the FCC’s E911 mandates. The proposed Facility in New Milford will become an integral component of T-Mobile’s E911 network in this area of the state. These factors will apply equally to other wireless carriers as they expand their service in the New Milford area through the proposed Facility.

C. Technological Alternatives

The FCC licenses granted to T-Mobile and other wireless carriers authorize them to provide cellular and PCS services in this area of the State through deployment of a network of wireless transmitting sites. The proposed Facility is a necessary component of T-Mobile’s wireless network. The proposed Facility will also allow other wireless carriers to provide services in this area.

Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means to providing service within the sizeable coverage gap in this area. Significant terrain variations and tree cover in New Milford and the surrounding area, as well as other practical considerations limit the use of such technologies. As such, they are not an alternative to the proposed Facility. The Applicants submit that there are no equally effective technological alternatives to construction of a new tower Facility for providing reliable personal wireless services in this area of Connecticut.

IV. Site Selection and Tower Sharing

A. Site Selection

Optasite conducted the site search for this Facility in this area of New Milford. A search area is an area where a coverage and/or capacity problem exists within a carrier's network and where a new wireless facility is needed to provide service to the public. In general, wireless carriers and developers attempt to identify any existing towers or other structures of adequate height in a site search area and the surrounding environs which might accommodate the height and structural requirements for a wireless facility. There are no existing towers or other tall structures within approximately four miles of the proposed site sufficient for the operations of T-Mobile and no wireless facilities exist in this area of New Milford.

Initially, both individual carriers and Optasite seek to identify any existing towers or other structures of adequate height in a site search area and the surrounding environs that may accommodate a wireless facility. Optasite identified seven (7) towers, either existing or proposed, within approximately 4 miles of the site search area. All are shown

in the table of "Surrounding Site Information" included in Exhibit H as well as plotted on a topographical map also included in Exhibit H.

Once it was determined that a new tower facility was required, Optasite's goal was to find properties upon which a tower could be constructed and provide service to the public while at the same time minimizing any potential environmental impact to the extent practicable and feasible. The Site Selection narrative and map of rejected sites, attached hereto as Exhibit I, provides a complete explanation of Optasite's methodology and actual search for potential sites in New Milford and depicts the locations reviewed during Optasite's search and the reasons for elimination from consideration of all but the proposed Site.

B. Tower Sharing

To promote the sharing of wireless facilities in the New Milford area, Optasite has proposed a Facility that can accommodate up to four antenna platforms and equipment for the wireless carriers in the Connecticut marketplace and the New Milford public safety functions, if requested. T-Mobile has committed to use the Facility, if approved. Details of the design are included in Exhibit B. Optasite has committed to provide, free of charge, space on the proposed monopole for the New Milford public safety communications antennas.

V. Facility Design

Optasite has leased a 100 foot by 100 foot parcel within the approximately 28.86 acre Property. The proposed Facility would at a minimum require the construction of a 140 foot high self-supporting monopole. T-Mobile would install up to six panel antennas at 137 feet AGL and occupy an equipment shelter, approximately 5 foot by 10 foot in size, within the 70 foot by 70 foot equipment compound. The compound would be

enclosed by a security fence, eight (8) feet in height. The monopole and equipment compound are designed to accommodate the facilities of all wireless carriers active in the Connecticut marketplace and New Milford emergency services, if requested.

Vehicular access to the Facility would extend from Litchfield Road partially over an existing gravel driveway a distance of 205 feet, and partially over a proposed gravel driveway a distance of 1,002 feet. Construction will result in the removal of twenty-three (23) trees of 6" in diameter or greater. See Exhibit B, tree inventory letter. Overhead utility connections would extend from existing service on Litchfield Road to the compound. Exhibit B contains the specifications for the proposed Facility at the Site including a site plan, a compound plan, tower elevation, access map and other relevant information. Exhibit J contains visual resources evaluation including a computer-based, predictive viewshed model and photosimulations. Some of the relevant information included in these exhibits for the Site reveals that:

- The Property is classified in the B-2 general business zoning district;
- No wetlands are found within 650 feet of the proposed Site;
- The Property is and will continue to be undeveloped, partially wooded land;
- The closest residence is 590 feet away from the proposed Site;
- Minimal grading of the proposed access drive and minimal grading of the proposed compound area would be required for the construction of the proposed Facility;
- It is expected that the proposed Facility will have no effect on historic or architectural resources; and
- The proposed Facility will have no impact on water flow, water quality, or air quality and will not emit any noise.

VI. Environmental Compatibility

Pursuant to CGS Section 16-50p, the Council is required to find and to determine as part of the Application process any probable environmental impact of the Facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity and fish and wildlife. As demonstrated in this Application and the accompanying Attachments and documentation, the proposed Facility will have no significant adverse environmental impacts.

A. Visual Assessment

The visual impact of the proposed Facility would vary from different locations around the towers depending upon factors such as vegetation, topography, distance from the towers, and the location of structures around the towers. Exhibit J contains a computer-based, predictive viewshed model which depicts the potential impact of the proposed Facility from surrounding views for the Site as well as a Visual Resource Evaluation.

Optasite retained Vanasse Hangen Brustlin ("VHB") to prepare the Visual Resource Evaluation. On June 8, 2007, VHB conducted a balloon test at 140 feet AGL at the proposed Site in order to evaluate the potential viewshed associated with the proposed Facility. VHB sought to determine the visibility impact of the Facility, accounting for local, state and federal historic, hiking and recreational sites within the study area, as well as within a two-mile radius of the proposed Site ("Study Area").

The Visual Resources Evaluation demonstrates that the Facility will be as inconspicuous as possible. The topography and the mature vegetation at the proposed Site will significantly limit the visual impact of the proposed Facility.

The existing vegetation in the area of the proposed Site is mature, mixed deciduous hardwood species with an average estimated height of 65 feet. Based on the viewshed analysis contained in Exhibit J, areas from which the proposed Site will be at least partially visible comprise only 38 acres, which is less than one percent (<1%) of the entire Study Area. The visibility of the tower at the proposed Site will be minimized due largely to the topography and extent of tree cover found within the Study Area and particularly on the Property itself, which is 28.86 acres. The Facility at the proposed Site will be visible above the tree canopy from portions of Litchfield Road/Route 202, but views from the proposed Facility are expected to be limited to primarily within 0.5 miles of the proposed Facility and much of the anticipated visibility will occur on the host Property itself. Overall, twenty five (25) residences will have partial year round views of the Facility and ten (10) additional residences will have partial, seasonal views of the Facility.

The compound area will have a de minimis visual impact as it will be screened by the extensive vegetation that exists on the Property. In addition, the large size of the Property (28+ acres) will minimize, if not eliminate, any potential visual impact of the equipment compound on surrounding parcels.

These Visual Resources demonstrate that, even from most of the areas where the Facility will be visible, the tower is unobtrusive. Accordingly, the proposed Facility will not result in an unacceptable adverse visual impact.

As the Visual Resources confirm, the location of the proposed Facility at the proposed Site will not have a significant visual impact on the surrounding area. In addition, the Visual Resources confirm that the location of the proposed Facility at the proposed Site will not have a significant visual impact on any hiking or recreational sites, scenic highways or historic sites. There are several locally-designated scenic roads

within the Study Area that are depicted on the viewshed map included in Exhibit J. These include Sandpit Road, Cherniske Road, Old Mill Road, Walker Brook Road, Crossmon Road and Wheaton Road. The proposed Facility will be partially visible year round from Sandpit Road and Wheaton Road. However, these views will be limited to small segments of the roadways. In addition, the proposed Facility will be visible during leaf off conditions on portions of several of these locally-designated scenic roads. Even during leaf off conditions, however, views from these roads will be mostly obstructed by existing vegetation and therefore will not have a significant visual impact.

Weather permitting, Optasite will raise a balloon with a diameter of at least three (3) feet at the proposed Site on the day of the Council's first hearing session on this Application, or at a time otherwise specified by the Council.

B. Solicitation of State Agency Comments

Optasite submitted a request for review and comment for the proposed Site to the Connecticut State Historic Preservation Officer ("SHPO") and the Connecticut Department of Environmental Protection ("DEP"). Reviews by the SHPO and the DEP are currently pending and their reports will be forwarded to the Council upon completion. However, VHB conducted a preliminary assessment of the Property in conformance with the requirements of the National Environmental Policy Act ("NEPA"). A copy of VHB's report is included in Exhibit K. Given the nature of the terrain and soil on the Property, there appears to be a low probability of impacting any historic or cultural resources on or in the vicinity of the Property. In addition, VHB anticipates that the construction, maintenance and operation of the Facility will not impact any known occurrence of listed species or significant natural community.

C. Power Density Analysis

In August 1996, the FCC adopted a standard for exposure to Radio Frequency ("RF") emissions from telecommunications facilities like those proposed in this Application. To ensure compliance with applicable standards, T-Mobile has performed maximum power density calculations for the proposed Facility assuming that the antennas were pointed at the base of the tower and all channels were operating simultaneously. The resulting power density for T-Mobile's operations at the proposed site would be approximately 3.5654% of the applicable MPE standards. Copies of the Power Density Calculations and Memorandum attached hereto as Exhibit L.

D. Other Environmental Factors

The proposed Facility would be unmanned, requiring monthly maintenance visits by each carrier that will last approximately one hour. T-Mobile's equipment at the Facility will be monitored 24 hours a day, 7 days a week from a remote location. The proposed Facility at the Site would not require a water supply or wastewater utilities. No outdoor storage or solid waste receptacles will be needed. Further, the proposed Facility will not create or emit any smoke, gas, dust or other air contaminants, noise, odors or vibrations. The construction and operation of the proposed Facility will have no significant impact on the air, water, or noise quality at the Site.

Optasite has commenced evaluation of the Site in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969 ("NEPA"). A copy of the NEPA report will be forwarded to the Council upon completion. Of note, the Site was not identified as a wilderness area. No National Parks, National Forests, National Parkways or Scenic Rivers, State Forest, State Designated Scenic Rivers or State Gamelands are located in the vicinity of the Site. The Site is not located in or

adjacent to any areas identified as a federal wildlife preserve. In addition, according to the site survey and investigation conducted by Clough Harbour there are no wetlands located on the 28+ acre Property. Therefore, no federally regulated wetlands or watercourses will be impacted by the proposed Facility. In addition, the proposed Facility is not located in a floodplain as defined by the Federal Emergency Management Agency ("FEMA"). As such, and based on the information contained in other reports included in this Application, Optasite expects that the Site will be categorically excluded from any requirement for further environmental review by the FCC in accordance with NEPA and no permit will be required by that agency prior to construction of the proposed Facility. See 47 C.F.R. §§ 1.1306(b) and 1.1307(a).

VII. Consistency with the New Milford Land Use Regulations

Pursuant to the Council's Application Guide, included in this section is a narrative summary of the consistency of the project with the local municipality's zoning and wetland regulations and plan of conservation and development. A description of the zoning classification of the Site and the planned and existing uses of the proposed Site locations are also detailed in this section.

A. New Milford Plan of Conservation and Development

The New Milford Plan of Conservation and Development (the "Plan"), a copy of which is included in the bulk filing, was adopted on October 29, 1997. Wireless communications facilities are not specifically addressed in the Plan. However, the Plan does reference the fact that Litchfield Road/Route 202 has "heavy traffic" and that the development along Litchfield Road/Route 202 is comprised of various retail and service establishments. See Bulk Filing, Plan of Conservation and Development at 55.

Accordingly, the Applicants respectfully submit that the proposed Facility, which will

provide needed wireless communications service, including E911 service, within the Town along a heavily traveled road within the Town, is consistent with the Town's Plan.

B. New Milford Zoning Regulations and Zoning Classification

According to the Town's zoning map and municipal tax records, the Site is classified in the B-2 general business zoning district. Article V, Chapter 150 of the Town's Zoning Regulations discusses telecommunications facilities and lays out the Town's standards for permitting such facilities.

Sections 020-010, 150-040 and 150-050 of the Town's Zoning Regulations set forth the Town's recommended zoning requirements for new wireless communications facilities. See Bulk Filing, Zoning Regulations, ART V, Chapter 150. Consistency of the proposed Facility at the Site with these standards and dimensional requirements are illustrated in the following table.

Standards and Dimensional Requirements

Regulation Section	Requirement of Regulation	Proposal
Section 020-010 (B)	Maximum Height of Tower	Site
	Max. Bldg. height of 35 feet. No new towers or antennas shall exceed the height limitation by more than 10 feet without a special permit.	Proposed Height is 140 feet.
Section 020-010 (B)	Minimum Lot Area	Site
	None, except 40,000sq.ft. for Residential Use only.	Lot size is 28.86 acres.
Section 150-040(5)	Setback from Residences	Site
	Min. Setback from all property lines of 1.5 times the tower height	Proposed is 272 feet from closest property line.

Section 020-010(B)	Setbacks	Site
	<u>Front yard</u> : Min. 50 foot setback. <u>Side yard</u> : none, except 30 foot residential use only. <u>Rear yard</u> : Min 30 foot setback.	Minimum setback distances are: 596 foot front yard 405 foot rear yard 272 foot side yard
Section 150-040 (10)(B)	Lighting	Site
	None permitted unless required by the FAA	None proposed.
Section 150-040(3)	Additional Antennas	Site
	Must be designed to hold additional antennas for other wireless communication companies and local emergency services.	Designed to hold 3 sets of additional antennas as well as local emergency services equipment, if requested.
Section 150-050(12)	Screening	Site
	8 foot fence. Evergreen screen: 10 feet on center minimum, and evergreens shall have a minimum height of six feet.	Proposed 8 foot high security fence and gate. If requested by the Council, the Applicants are willing to provide additional vegetative screening.

C. Planned and Existing Land Uses

The proposed Site will be located in the central-western portion of an approximately 28.86 acre property. The Property contains no development and no development other than the proposed Facility is planned. Of note, the Property currently has not been well maintained. There are three dilapidated barns on the Property as well as several broken down vehicles and miscellaneous debris. As part of the municipal consultation process, Optasite has committed to New Milford that it will remove the existing debris on the Property and improve the appearance of the Property, particularly where the Property abuts Litchfield Road/Route 202. Small commercial development is found in the surrounding area to the east of the Property and residential development is

found in the surrounding areas. Consultation with municipal officials and observations did not indicate any known or planned changes in surrounding land uses.

D. New Milford Inland Wetlands and Watercourses Regulations

The New Milford Inland Wetlands and Watercourses Regulations (“Local Wetlands Regulations”) regulate certain activities conducted in or adjacent to “wetlands” as defined therein. One such regulated activity is “any operation within or use of a wetland, watercourse or regulated area involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands, watercourses or regulated area, or any operation or use of land that may disturb the natural and indigenous character of a wetland, watercourse or regulated area but shall not include the specified activities in Section 4 of these regulations.” See Bulk Filing, Inland Wetlands and Watercourses Regulations, § 2.28. Regulated areas are defined to include any wetland, watercourse or adjacent area within 100 feet from the high waterline of any watercourse or 100 feet from the boundary of any wetland. See Bulk Filing, Inland Wetlands and Watercourses Regulations, § 2.29.

According to the site survey and field investigations conducted at the Site, no watercourses or wetlands are located anywhere on the 28+ acre Property. See Exhibit B. In accordance with the Connecticut Soil Erosion Control Guidelines, as established by the Council of Soil and Water Conservation, soil erosion control measures and other best management practices will be established and maintained throughout the construction of the proposed Facility.

VIII. Consultations with Local, State and Federal Officials

A. Local Consultations

CGS Section 16-50/(e) requires an applicant to consult with the local municipality in which a proposed facility may be located and with any adjoining municipality having a boundary of 2,500 feet from the proposed facility concerning the proposed and alternate sites of the facility.

On March 16, 2007, Optasite submitted a letter and a technical report to the Town of New Milford with respect to the proposed Facility at the Site. A copy of the letter to the Town of New Milford is attached hereto as Exhibit M. The technical report, a copy of which is being bulk filed, included specifics about the proposed Site and addressed the public need for the facility, the site selection process and the environmental effects of the proposed Facility.

On April 24, 2007, Optasite met with New Milford Mayor Pat Murphy. Mayor Murphy did not express any opposition regarding the proposed Facility. In fact she expressed concern regarding the dilapidated state of the Property in general, and was pleased that this project would include improvements to the current Property condition. Included in Exhibit M are two photographs of the existing conditions on the Property. As noted above, Optasite has committed to remove the debris that currently exists on the Property. No other comments have been received from New Milford as of the date of this filing but Optasite will follow-up with the Town.

B. Consultations with State Officials

As noted in Section VI.B of this Application, Optasite consulted with and requested review of the proposed Site Facility from SHPO and the DEP. A copy of the reports by SHPO and the DEP will be forwarded to the Council upon completion.

C. Consultation with Federal Agencies

Optasite has received a preliminary determination from the Federal Aviation Administration (“FAA”) for the Site, which is included in Exhibit N. The results indicate the proposed Facility would not require FAA registration, let alone FAA review as a potential air navigation obstruction or hazard. As such, no FAA lighting or marking would be required for the towers proposed in this Application. The final determination from the FAA will be forwarded to the Council upon receipt.

T-Mobile’s FCC license permits it to modify its network by building wireless facilities within its licensed area without prior approval from the FCC provided that a proposed facility does not fall within one of the “listed” categories requiring review under NEPA. The “listed” categories, included in 47 CFR §1.1307, are activities that may affect wilderness areas, wilderness preserves, endangered or threatened species, critical habitats, National Register historic districts, sites, buildings, structures or objects, Indian religious sites, flood plains and federal wetlands. As noted in Section VI.D of this Application, Optasite commenced a review for the Site to determine if the Site falls under any of the NEPA “listed” categories of 47 CFR §1.1307. As demonstrated in the report from VHB at Exhibit K, VHB expects that the Site will not fall under any of the NEPA “listed” categories. Therefore, Optasite believes that the proposed Facility will not require review by the FCC pursuant to NEPA. A copy of the NEPA report will be forwarded to the council upon completion.

IX. Estimated Cost and Schedule

A. Overall Estimated Cost

The total estimated cost of construction for the proposed Site facility is \$168,000.00. This estimate includes:

- (1) Tower and foundation costs (including installation) of approximately \$74,000.00;
- (2) Site development costs of approximately \$66,000.00; and
- (3) Utility installation costs of approximately \$28,000.00.

B. Overall Scheduling

Site preparation and engineering would commence immediately following Council approval of Optasite's Development and Management ("D&M") Plan and is expected to be completed within three (3) to four (4) weeks. Installation of the monopole, antennas and associated equipment is expected to take eight (8) weeks. The duration of the total construction schedule is approximately eight (8) weeks. Facility integration and system testing is expected to require an additional two (2) weeks after the construction is completed.

X. Conclusion

This Application and the accompanying materials and documentation clearly demonstrate that a public need exists in the New Milford area for improved wireless services. The foregoing information and attachments also demonstrate that the proposed Facility will not have any substantial adverse environmental effects. The Applicants respectfully submit that the public need for the proposed Facility outweighs any potential environmental effects resulting from the construction of the proposed Facility at the Site. As such, the Applicants respectfully request that the Council grant a Certificate of Environmental Compatibility and Public Need to Optasite for a proposed wireless telecommunication facility at 425 Litchfield Road, New Milford, Connecticut.

Respectfully Submitted,

By:  _____

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