

**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  
OPTASITE FACILITY AT 425 LITCHFIELD ROAD,  
NEW MILFORD, CONNECTICUT

DOCKET NO. 342

APPLICATION OF CELLCO PARTNERSHIP  
D/B/A VERIZON WIRELESS FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AND PUBLIC NEED FOR  
THE CONSTRUCTION, MAINTENANCE  
AND OPERATION OF A WIRELESS  
TELECOMMUNICATIONS FACILITY AT 359  
LITCHFIELD ROAD IN NEW MILFORD,  
CONNECTICUT

DOCKET NO. 355

Date: MAY 5, 2008

**ADDITIONAL PROPOSED FINDINGS OF FACT**

Pursuant to § 16-50j-31 of the Regulations of Connecticut State Agencies, Optasite Site Towers LLC and Omnipoint Communications, Inc. (the "Co-Applicants"), the Co-Applicants in Docket 342, submit these Proposed Findings of Fact ("Proposed Findings") in connection with the consolidated proceedings in docket 342 and docket 355. These are in addition to the Co-Applicants' Proposed findings of fact submitted to the Council on or about October 8, 2007, a copy of which is attached hereto as Exhibit A.

**INTRODUCTION**

1. The Co-Applicants, in accordance with provisions of Connecticut General Statutes ("C.G.S.") §§ 16-50g through 16-50aa and §§ 16-50j-1 through 16-50j-34 of the Regulations of Connecticut State Agencies ("R.C.S.A."), applied to the Connecticut Siting Council ("Council") on June 22, 2007 for a Certificate of Environmental Compatibility and Public Need

- (“Certificate”) for the construction, operation and maintenance of a 140-foot monopole wireless telecommunications facility (“Optasite Facility”) at 425 Litchfield Road, New Milford, Connecticut (the “Property”). (Co-Applicants’ Exhibit 1 (“App.”) at 1).
2. The site is located in the central portion of the Property and consists of a 70-foot by 70-foot equipment compound in a 100-foot by 100-foot leased area (the “Optasite Site”). (App. at 2).
  3. The purpose of the proposed Facility is to provide wireless coverage service to this area for Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc. d/b/a T-Mobile (hereinafter “T-Mobile”). (App. at 1, Exhibit G; Co-Applicants’ Exhibit 2; Pre-Filed Testimony of Scott Heffernan “Heffernan Testimony”).
  4. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on Monday, September 10, 2007, beginning at 4:00 p.m. and continued at 7:00 p.m., at New Milford High School, Lecture Room, 388 Danbury Road, New Milford, Connecticut (“Hearing”). (Hearing Notice; September 10, 2007, 4:00 p.m. Transcript [“Tr.”] at 3).
  5. The Council and its staff made an inspection of the Optasite Site on September 10, 2007 at 3:00 p.m. (Hearing Notice).
  6. The Co-Applicants flew a balloon, four feet in diameter, at a height of 140 feet at the Site from 8 am to 6 pm on September 10, 2007. (September 10, 2007, 7:00 p.m. Tr. at 19; Co-Applicants’ Exhibit 10).
  7. On or about December 7, 2007, Cellico Partnership d/b/a Verizon Wireless (“Verizon”) submitted an application for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, operation and maintenance of a 150-foot monopole wireless telecommunications facility (“Verizon Facility”) at 359 Litchfield Road, New Milford, Connecticut (the “Verizon Property”). (Verizon Exhibit 1 (“App.”) at 1).

8. Pursuant to Connecticut General Statutes § 16-50m (d), the Council held the Optasite Application open to hold a common hearing. (March 11, 2008 Tr. at 5).
9. The Council, after giving due notice thereof, held a public hearing on Tuesday, March 11, 2008, beginning at 3:00 p.m. and continued at 7:00 p.m., at New Milford High School Cafeteria, 388 Danbury Road, New Milford, Connecticut ("Hearing"). (Hearing Notice; March 11, 2008 ,3:00 p.m. Tr. at 3).
10. The Council and its staff made an inspection of the Verizon Site on March 11, 2008 at 2:00 p.m. (Hearing Notice).
11. The Council continued the common public hearing on April 4, 2008. (April 4, 2008 Tr. at 4).

#### THE VERIZON SITE

12. The Verizon Site is located at 359 Litchfield Road in New Milford (the "Verizon Site"). (Verizon App.).
13. The Verizon Site is owned by the Northville Fire Department and consists of a 3.85 acre parcel. (Verizon App. at 1).
14. The Verizon Site is located in the R-80 residential zone. (Verizon App. at Tab 1).
15. Verizon proposes to construct a 150-foot steel monopole and associated equipment compound (the "Verizon Facility"). (Verizon App. at Tab 1).
16. There are wetlands located on the Verizon Site and located within 50 feet of the Verizon Facility. (April 4, 2008 Tr. at 31).
17. Construction of the Verizon Facility will be as close as 40 feet away from the wetlands at the Verizon Site. (April 4, 2008 at 31).
18. Construction of the Verizon Site will require the construction of a 15 foot high by 100 foot long retaining wall in close proximity to an adjoining property boundary. (April 4, 2008 Tr. at 25-27; Verizon Exhibit 2 at Tab 1).
19. Due to the height of the proposed retaining wall at the Verizon Site, Verizon's proposed landscaping will not shield views of the retaining wall from neighboring properties. (April 4, 2008 Tr. at 27-28).

20. There will be 17 residences within 1000 feet of the Verizon Site. (Verizon App. at 13).
21. The closest residence to the Verizon Site is less than 200 feet away. (March 11, 2008 3:00 Tr. at 41-42).
22. The Verizon Site is over 200 feet lower in ground elevation than the Optasite Site. (Verizon App. at Tab 13; Co-Applicants' Exhibit 4).

## **PUBLIC NEED CONSIDERATIONS**

### **T-Mobile Coverage**

23. T-Mobile's coverage objective in this area of New Milford is to fill its coverage gap heading north out of New Milford center along Route 202 and the surrounding areas. (Heffernan Testimony; April 4, 2008 Tr. at 44-45).
24. T-Mobile testified that they need to locate at a minimum height of 137 feet on the Optasite Facility (as proposed in docket 342) to minimize the number and height of future telecommunications towers in this area. (Heffernan Testimony at 4; September 10, 2007, 4:00 p.m. Tr. at 41-42).
25. T-Mobile testified that, at 127 feet AGL and below at the Optasite Site, T-Mobile's predicted coverage would break up for 2/10 of a mile along Route 202 to the south of the proposed Optasite Site. (September 10, 2007, 4:00 Tr. at 42-43, 50).
26. T-Mobile testified that it could not co-locate on the site proposed by Cellco Partnership d/b/a Verizon Wireless in Docket 332, located north of the Optasite Site on Route 202, in lieu of the proposed Optasite Facility because such co-location would not fill T-Mobile's coverage gap along Route 202, particularly to the south of the Optasite Site. (Co-Applicants' Exhibit 11; 7:00 Tr. at 29).
27. T-Mobile testified that even if it co-located on the docket 332 site, it would still have a coverage gap along Route 202 and need to be located at the Optasite Site at 140 feet AGL. (Heffernan Testimony; September 10, 2007, 4:00 Tr. at 47; Co-Applicants' Exhibit 16).

28. T-Mobile testified that the Optasite Site would provide a much bigger coverage footprint for T-Mobile when compared to the Verizon Site. (April 4, 2008 Tr. at 45).
29. T-Mobile testified that the Optasite Site would provide T-Mobile an additional 2.5 miles of coverage along Route 202 in comparison to the Verizon Site. (Co-Applicants' Exhibit 12; April 4, 2008 Tr. at 45).
30. T-Mobile testified that if it co-located at the Verizon Site at 140 feet, the Verizon Site would provide T-Mobile with handoff to the south but T-Mobile would lose approximately 2.5 miles of coverage to the north along Route 202 when compared to the Optasite Site. (Co-Applicants' Exhibit 12).
31. T-Mobile testified that, if the Optasite Site was approved, T-Mobile could utilize the site approved in Docket 332 as its next site to the north along Route 202. (April 4, 2008 Tr. at 48, 52).

#### **Verizon Coverage**

32. Verizon's coverage objective is to provide coverage in the northeast portion of the Town of New Milford along Route 202, Route 109 and the surrounding area. (Verizon App. at i).
33. Verizon currently experiences a coverage gap from its existing New Milford (Elkington Farm Road) and New Milford East (Chestnut Lane) sites and its site recently approved in docket 332, specifically along Route 202, Route 109 and the surrounding area. (Verizon App. at 2).
34. Verizon proposes to locate twelve antennas at top of the Verizon Facility (150 feet AGL). (Verizon App. at 2).
35. Verizon testified that co-location at the Optasite Site at 117 feet AGL would fill Verizon's existing coverage gap and meet Verizon's coverage objectives in this area. (March 11, 2008, 3:00 Tr. at 55; Verizon Exhibit 7).
36. Verizon could satisfy its coverage objectives in this area by co-locating on the Optasite Site at a height 30 feet lower than what would be required at the Verizon Site. (March 11, 2008, 3:00 Tr. at 55; Verizon Exhibit 7).

### **Town of New Milford Emergency Services**

37. The Town has expressed its desire to locate its emergency services equipment on either the Optasite Site or the Verizon Site. (March 11, 2008, 3:00 Tr. at 39; Pre-filed Testimony of Charles Regulbuto (“Regulbuto Testimony”) at 6).
38. Both Verizon and Optasite would provide space at their respective facilities for the Town of New Milford’s emergency services equipment free of charge. (March 11, 2008, 3:00 Tr. at 39; Regulbuto Testimony at 6).

### **ENVIRONMENTAL CONSIDERATIONS**

#### **Visibility-Optasite Site**

39. The Optasite Facility is proposed to be located at the Property in order to minimize impact to residential receptors; the Optasite Facility will be located as low as it can be while still providing the necessary coverage to the area. The topography and the mature vegetation at the Property will significantly limit the visual impact of the Optasite Facility. (App. at 11-13; Exhibit J).
40. The proposed Optasite Facility at the Optasite Site will be visible from only 38 acres within a two-mile radius of the tower, which is less than one percent of the study area. The majority of the visibility will occur within .5 miles of the Optasite Site. In addition, the Optasite Facility will be visible from an additional 18 acres seasonally. (App. at 12, Exhibit J).
41. Views from the Optasite Facility are expected to be limited primarily to the Property itself, area within .5 miles of the Optasite Facility. (App. at 12, Exhibit J).
42. The compound area will have a de minimis visual impact because of the location of the Optasite Site on the Property, which is over 28 acres in size. (App. at 12, Exhibit J).
43. The Town’s planning and zoning commission acknowledged that there would be minimal visual impact. (Co-Applicants’ Exhibit 7).

44. There are only 7 residences within 1000 feet of the Optasite Site. (Co-Applicants' Exhibit 2).
45. The closest residence to the Optasite Site is 590 feet away. (Co-Applicants' Exhibit 2).

**Visibility-Verizon Site**

46. The proposed Verizon Facility at the Verizon Site will be visible from 23 acres within a 2-mile radius year round and an additional 30 acres within a 2-mile radius seasonally. (Verizon App. at Tab 10).
47. The Verizon Site will be visible from ten residences year round and from an additional eight residences seasonally. (Verizon App. at Tab 10).
48. There are 17 residences within 1,000 feet of the Verizon Site. (Verizon App. at 13).
49. The closest residence to the Verizon Site is less than 200 feet away. (March 11, 2008, 3:00 Tr. at 43).
50. At least two residences will have unobstructed views of the Verizon Facility. (March 11, 2008, 3:00 Tr. at 43).
51. Construction of the Verizon Site will require the construction of a 15 foot high by 100 foot long retaining wall in close proximity to an adjoining property boundary. (April 4, 2008 Tr. at 25-27; Verizon Exhibit 2 at Tab 1).
52. Due to the height of the proposed retaining wall at the Verizon Site, Verizon's proposed landscaping will not shield views of the retaining wall from neighboring properties. (April 4, 2008 Tr. at 27-28).

### **Wetlands Impacts-Optasite Site**

53. There are no wetlands located within 650 feet of the Optasite Site. (Optasite App. at 10).

### **Wetlands Impacts-Verizon Site**


54. There are wetlands located on the Verizon Site and located within 50 feet of the Verizon Facility. (April 4, 2008 Tr. at 31).
55. Construction of the Verizon Facility will be as close as 40 feet away from the wetlands at the Verizon Site. (April 4, 2008 Tr. at 31).
56. Verizon did not conduct a wetlands impact study. (April 4, 2008 Tr. at 31).

### **TOWERSHARING**

57. This Optasite Facility will provide co-location opportunities for public safety communications systems and four (4) wireless carriers, thus avoiding the proliferation of towers. (App. at Exhibit B).
58. The Town of New Milford's Police Department has expressed its interest in locating its emergency service equipment on the proposed Optasite Facility. (Coppins Testimony at 4; September 10, 2007 4:00 Tr. at 46; Regulbuto Testimony at 6).
59. T-Mobile testified that it can co-locate on the facility approved in Docket 332 to provide coverage to the north of the Optasite Site on Route 202. (September 10, 2007, 4:00 Tr. at 47; April 4, 2008 Tr. at 46).
60. T-Mobile will only need one site between its existing coverage in New Milford center and the facility approved in Docket 332. (April 4, 2008 Tr. at 46).
61. Both T-Mobile and Verizon testified that they will only need one facility between their respective existing coverage in New Milford center and the facility approved in Docket 332. (April 4, 2008 Tr. at 46; March 11, 2008, 3:00 Tr. at 59).



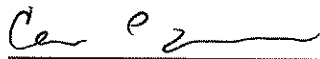
**OPTASITE TOWERS LLC AND  
OMNIPOINT COMMUNICATIONS, INC.**

By:   
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**CERTIFICATE OF SERVICE**

I hereby certify that on this day a copy of the foregoing was delivered by regular mail, postage prepaid, to all parties and intervenors of record.

Kenneth C. Baldwin  
Robinson & Cole LLP  
280 Trumbull Street  
Hartford, CT 06103-3597

  
\_\_\_\_\_  
Carrie L. Larson, Esq.

# **EXHIBIT A**

**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. 342

Date: OCTOBER 10, 2007

**PROPOSED FINDINGS OF FACT**

Pursuant to § 16-50j-31 of the Regulations of Connecticut State Agencies, Optasite Towers LLC and Omnipoint Communications, Inc. (the "Co-Applicants") submit these Proposed Findings of Fact ("Proposed Findings").

**Introduction**

1. The Co-Applicants, in accordance with provisions of Connecticut General Statutes ("C.G.S.") §§ 16-50g through 16-50aa and §§ 16-50j-1 through 16-50j-34 of the Regulations of Connecticut State Agencies ("R.C.S.A."), applied to the Connecticut Siting Council ("Council") on June 22, 2007 for a Certificate of Environmental Compatibility and Public Need ("Certificate") for the construction, operation and maintenance of a 140-foot monopole wireless telecommunications facility ("Facility") at 425 Litchfield Road, New Milford, Connecticut (the "Property"). (Co-Applicants' Exhibit 1 ("App.") at 1).
2. The site is located in the central portion of the Property and consists of a 70-foot by 70-foot equipment compound in a 100-foot by 100-foot leased area (the "Site"). (App. at 2).
3. The purpose of the proposed Facility is to provide wireless coverage service to this area for Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc. d/b/a T-Mobile (hereinafter "T-Mobile"). (App. at 1,

Exhibit G; T-Mobile Interrogatory Responses; Pre-Filed Testimony of Scott Heffernan "Heffernan Testimony").

4. Pursuant to General Statutes § 16-50m, the Council, after giving due notice thereof, held a public hearing on Monday, September 10, 2007, beginning at 4:00 p.m. and continued at 7:00 p.m., at New Milford High School, Lecture Room, 388 Danbury Road, New Milford, Connecticut ("Hearing"). (Hearing Notice; 4:00 p.m. Transcript ["Tr."] at 3).
5. The Council and its staff made an inspection of the Site on September 10, 2007 at 3:00 p.m. (Hearing Notice).
6. The Applicants flew a balloon, four feet in diameter, at a height of 140 feet at the Site from 8 am to 6 pm on September 10, 2007. (7:00 p.m. Tr. at 19; Applicants' Exhibit 10).

#### Need

7. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services. Through the Federal Telecommunications Act of 1996 (the "Act"), Congress seeks to promote competition, reduce regulation to encourage technical innovation, and foster lower prices for wireless telecommunications services. The Act pre-empts any state or local determination of public need. (App. at 5-6; 4:00 p.m. Tr. at 3-4; Telecommunications Act of 1996).
8. A Facility at the Site will provide coverage for a significant coverage gap experienced by T-Mobile in New Milford specifically along Route 202 and the surrounding area. (App. at 6-7, Exhibit G; Interrogatory Responses; Heffernan Testimony).
9. Cellco Partnership d/b/a Verizon Wireless has expressed a need for a facility in this area of New Milford. (Pre-Field Testimony of Keith Coppins ("Coppins Testimony") at 5; 7:00 Tr. at 38-39).
10. The Town of New Milford's Police Department has expressed its interest in locating its emergency services on the proposed Facility. (Coppins Testimony at 4; 4:00 Tr. at 46).

11. At least one neighbor expressed his support for the proposed Facility because he lives in the vicinity of the Site and does not currently have coverage at his home. (7:00 Tr. at 17).

### Coverage

12. T-Mobile testified that they need to locate at a minimum height of 137 feet on this Facility at the Site to minimize the number and height of future telecommunications towers in this area. (Heffernan Testimony at 4; 4:00 p.m. Tr. at 41-42).
13. T-Mobile testified that, at 127 feet AGL and below, T-Mobile's predicted coverage would break up for 2/10 of a mile along Route 202 to the south of the proposed Site. (4:00 Tr. at 42-43, 50).
14. T-Mobile testified that it could not co-locate on an existing tower located to the east of the proposed site at Chestnut Land Road in lieu of the proposed Facility because it would not fill T-Mobile's coverage gap along Route 202. (4:00 Tr. at 70; 7:00 Tr. at 48; Applicants' Exhibit 12).
15. T-Mobile testified that the Chestnut Land Road existing tower is a completely separate design area and search ring for T-Mobile. (4:00 Tr. at 22).
16. T-Mobile testified even if to co-located at 170 feet, 10 feet higher than the existing Chestnut Land Road tower, the terrain between that existing tower and Route 202 would clip the coverage off and T-Mobile would not be able to provide reliable coverage to Route 202 (4:00 Tr. at 25, 29; 7:00 Tr. at 32).
17. T-Mobile testified that it could not co-locate on the site proposed by Cellco Partnership d/b/a Verizon Wireless in Docket 332, located north of the Site on Route 202, in lieu of the proposed Facility because such co-location would not fill T-Mobile's coverage gap along Route 202, particularly to the south of the Site. (Applicants' Exhibit 11; 7:00 Tr. at 29).
18. Verizon Wireless is currently located on the Chestnut Land Road tower, has submitted the application to the Council for Docket 332 and has still

expressed its interest in co-locating on the proposed Facility at 127 feet AGL. (7:00 Tr. at 29).

### **Site Search**

19. Optasite determined that there were no existing structures of a suitable height or location from which the existing lack of coverage experienced by licensed telecommunications carriers in this area of New Milford could be remedied. (App. at 8-9, Exhibit I; 7; Coppins Testimony at 3).
20. Only after determining that there were no existing structures available for co-location did Optasite search for an appropriate location for a new telecommunications facility. (App. at 8-9; Coppins Testimony at 3).
21. Optasite conducted a survey of property within the area to identify the best possible location to serve the needs of T-Mobile and other wireless carriers. Optasite's site search was limited by the significant terrain in the area. (Coppins Testimony at 3-4; 4:00 Tr. at 29).
22. The Property was uniquely suited for the development of a Facility due to its large size, location in a commercial zone and location along the significant terrain surrounding Route 202. (App. at 8-9, Exhibit I; Coppins Testimony at 4; 4:00 Tr. at 29; 7:00 Tr. at 40).
23. Optasite investigated the possibility of locating the proposed Facility at the Northville Fire Department. The owners of the property did not respond to Optasite's attempts to contact them. (3:00 Tr. at 22).

### **The Site**

24. Optasite proposes to construct the Facility at the Site located in the central-western portion of a 28.86 acre parcel of land owned by the Estate of Edward J. Drzal known as 425 Litchfield Road, Assessors Id Map 80, Lot 1 of the New Milford Tax Assessor's Records. (App. at 2, Exhibit B).
25. The Property is located within the B-2 general business zone. The New Milford Zoning Regulations (the "Regulations") do not prohibit facilities in the Ind. zone. (App. at 2, 16-18; Regulations).

26. The Property is currently undeveloped and is in the process of being cleaned up. The Property owner has undertaken to remove old debris from the Property. (App. at 17; 09/10/07 Site Review; 4:00 Tr. at 53-55).
27. The area surrounding the Property is primarily composed of commercial uses and undeveloped land along the Route 202 corridor as well as residential uses in the surrounding area. (App. at Exhibit J).
28. The proposed Facility has been designed to accommodate T-Mobile, and the equipment of three (3) other telecommunications carriers as well as the Town of New Milford emergency services equipment, if requested. (App. at 2, Exhibit B, 7:00 p.m. Tr. at 8).
29. The proposed Facility will accommodate the antennas and equipment of T-Mobile at an antenna centerline of 137 feet AGL and three (3) other wireless carriers at antenna centerline heights of 127 feet AGL, 117 feet AGL and 107 feet AGL. (App. at 2, Exhibit B; 7:00 Tr. at 8).
30. The compound area at the base of the Facility will include locations for T-Mobile, and the equipment of three (3) other telecommunications carriers. The compound will be enclosed by a new eight-foot security fence. (App. at 2, Exhibit B).
31. Cellco Partnership d/b/a Verizon Wireless has expressed its need to co-locate on the proposed facility and reserved its location at an antenna centerline of 127 feet AGL. (Coppins Testimony at 5; 4:00 Tr. at 34).
32. The Town of New Milford's Police Department has expressed its interest to locate emergency service equipment on the proposed Facility. (Coppins Testimony at 5; 4:00 Tr. at 46).
33. Vehicular access is proposed from Litchfield Road partially over the existing driveway and, beyond the existing driveway, along a new gravel driveway. (App. at 2, 10, Exhibit B).
34. Utility service will run underground from existing utility service currently located on Litchfield. No water or sanitary facilities are required and, once built, the Facility will generate minimal traffic because each of the co-locating entities will only need to visit the Site about once a month to

perform routine maintenance and inspection. (App. at 9-12, Exhibit B; 7:00 Tr. at 22).

35. The total estimated cost of the proposed Facility is approximately \$168,000.00. The total duration of the construction would be approximately eight weeks. (App. at 21).

#### **Municipal Consultation**

36. Optasite first met with the Town of New Milford on April 24, 2007. (App. at 19).
37. In additional follow-up with the Town of New Milford, the Town's Police Department has indicated has a need to locate its emergency equipment on the Facility and is reserving its right to do so. (Coppins Testimony at 4; 4:00 Tr. at 46).
38. On August 14, 2007, the Co-Applicants attended an informational meeting with the New Milford planning and zoning commission (the "Commission"). (Co-Applicants' Exhibit 7).
39. The Commission acknowledged that the proposed Facility will have a de minimis visual impact. (Co-Applicants' Exhibit 7).
40. The Commission acknowledged that the Property owner has begun clean-up of the debris on the Property. (Co-Applicants' Exhibit 7).
41. The Co-Applicants have closely examined other facilities along the Route 202 corridor, as requested by the Commission, and have conclusively established that the proposed Facility is needed to fill T-Mobile's existing coverage gap along Route 202. (Co-Applicants' Exhibit 7; 4:00 Tr. at 25, 29; 7:00 Tr. at 32; Applicants' Exhibit 11; 7:00 Tr. at 29).

#### **Environmental Considerations**

42. The Property contains no known existing populations of Federal or State Endangered, Threatened or Special Concern Species, according to the Connecticut Department of Environmental Protection Diversity Database. (App. at 19, Exhibit K; Co-Applicants' Exhibit 6; 4:00 Tr. at 11-12).



43. The proposed development will not directly or indirectly affect any wetlands or watercourses. (App. at 10; Libertine Testimony at Exhibit 1).
44. The proposed Facility is not located in a floodplain or a floodway. (Co-Applicants' Exhibit 6).
45. The State Historic Preservation Officer (SHPO) has determined that the construction of the Facility will have no adverse effect on historic, architectural, or archaeological resources listed on or eligible for the National Register of Historic Places. (Co-Applicants' Exhibit 6; 4:00 Tr. at 11-12).
46. According to an aeronautical study conducted by the Federal Aviation Administration (FAA), the proposed Facility would not require marking or lighting. (App. at 20, Exhibit N; Applicants' Exhibit 4).
47. There would be no impact on any known scenic, historic or recreational areas. (App. at Exhibit J, Exhibit K; Co-Applicants' Exhibit 6).
48. A study prepared by T-Mobile indicates that maximum emissions levels from the proposed Facility would be less than 4% of the safety criteria adopted by the FCC. (App. at 14, Exhibit L).

#### Visibility

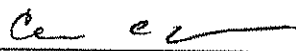
49. The Facility is proposed to be located at the Property in order to minimize impact to residential receptors; the Facility will be located as low as it can be while still providing the necessary coverage to the area. The topography and the mature vegetation at the Property will significantly limit the visual impact of the Facility. (App. at 11-13; Exhibit J).
50. The proposed Facility at the Site will be visible from only 38 acres within a two-mile radius of the tower, which is less than one percent of the study area. The majority of the visibility will occur within .5 miles of the Site. (App. at 12, Exhibit J).
51. Views from the Facility are expected to be limited primarily to the Property itself, area within .5 miles of the Facility. (App. at 12, Exhibit J)

52. The compound area will have a de minimis visual impact because of the location of the Site on the Property, which is over 28 acres in size. (App. at 12; Exhibit J).
53. The Town's planning and zoning commission acknowledged that there would be minimal visual impact. (Co-Applicants' Exhibit 7).

**Towersharing**


54. This Facility will provide co-location opportunities for public safety communications systems and four (4) wireless carriers, thus avoiding the proliferation of towers. (App. at Exhibit B).
55. Cellco Partnership d/b/a Verizon Wireless has expressed its need to co-locate on the proposed Facility at 127' AGL. (Coppins Testimony at 5; 7:00 Tr. at 33).
56. The Town of New Milford's Police Department has expressed its interest in locating its emergency service equipment on the proposed Facility. (Coppins Testimony at 4; 4:00 Tr. at 46).

**OPTASITE TOWERS LLC AND  
OMNIPOINT COMMUNICATIONS, INC.**

By:   
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**CERTIFICATE OF SERVICE**

I hereby certify that on this day a copy of the foregoing was delivered by regular mail, postage prepaid, to all parties and intervenors of record.

  
Carrie L. Larson, Esq.