

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

**IN RE:**

**APPLICATION OF WIRELESS *EDGE* FAIRFIELD  
GROUP LLC FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY AND  
PUBLIC NEED FOR THE CONSTRUCTION,  
MAINTENANCE AND OPERATION OF A  
TELECOMMUNICATIONS FACILITY AT  
PECK ROAD, DANBURY, CONNECTICUT**

**DOCKET NO. \_\_\_\_\_**

**Date: February 15, 2008**

**APPLICATION FOR CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

**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, Wireless *EDGE* Fairfield Group LLC (the “Applicant” or “Wireless *EDGE*”) hereby submits 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 City of Danbury. The proposed Facility is a necessary component in the network plan of Nextel Communications of the Mid-Atlantic, Inc., d/b/a Sprint/Nextel (“Sprint/Nextel”) to provide

personal wireless communications services in the State of Connecticut and Fairfield County. The proposed Facility will provide service in the City of Danbury, specifically along Route 37 and the surrounding areas.

**B. Executive Summary**

The proposed Facility will consist of a 150 foot, self-supporting monopole, antennas, associated equipment and other site improvements integral to a wireless communications facility. The proposed Facility is located on property owned by the City of Danbury at the Margerie Reservoir adjacent to Peck Road, across from the Margerie Water Filtration Plant. The Margerie Reservoir property comprises several hundred acres of wooded and undeveloped area and includes the Margerie Reservoir itself. The individual parcel on which the Facility is located consists of 71.14 acres (the "Property"). Wireless *EDGE* and the City of Danbury entered into a certain Wireless Telecommunications Facility Lease Agreement dated August 11, 2006, a copy of which is attached hereto as Exhibit A, for an area of 10,000 square feet in the eastern portion of the Property (the "Site" or "Leased Area"). The Property is located in the RA-40 zone.

Wireless *EDGE* proposes to install a monopole with appurtenances extending to approximately 150 feet in height (up to 170 feet with municipal whips) and a 92 foot by 92 foot fenced equipment compound (the "Site"). The compound will be enclosed by an 8-foot high security fence. Vehicular access to the facility would extend from Peck Road over a proposed gravel driveway to the Site. Underground utility connections would extend underground from existing utility service on Peck Road to the Site.

The monopole and compound area are designed to accommodate use by all of the wireless carriers active in Connecticut, as well as the City of Danbury public safety communications systems, if requested. Sprint/Nextel has entered into a Site Agreement with Wireless *EDGE* to

install a site at the Facility and Sprint/Nextel will serve as the anchor tenant. Sprint/Nextel'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 a tree removal letter, attached hereto as Exhibit U, and other information detailing the Facility and potential environmental impacts associated therewith. Wireless *EDGE* respectfully submits 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 Applicant**

Wireless *EDGE* is a New York limited liability company with its home office located at 270 North Avenue, New Rochelle, New York 10801. Wireless *EDGE* is a tower development company that specializes in providing wireless infrastructure to municipalities, wireless carriers and data providers. It has developed multiple carrier wireless telecommunications tower sites on municipal properties, including a facility in Salisbury, Connecticut. Wireless *EDGE* has substantial wireless experience and Wireless *EDGE*'s solid relationships with the FCC licensed carriers enhance Wireless *EDGE*'s ability to successfully locate single facilities in areas where multiple wireless needs exist. As discussed above, Sprint/Nextel has entered into a Site Agreement with Wireless *EDGE* to install a site at the Facility and Sprint/Nextel will serve as the anchor tenant.

Wireless *EDGE* will construct and maintain the proposed Facility. Wireless *EDGE* does not conduct any other business in the State of Connecticut other than the provision of tower development services for cellular services under FCC rules and regulations.

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

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

With a copy to:

John Arthur  
Wireless *EDGE* Fairfield Group LLC  
270 North Avenue  
New Rochelle, NY 10801  
(914) 712-0000

**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 \$350,000. As such, the applicable application fee is \$1,000.00 in accordance with RCSA Section 16-50v-1a(b).

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

Wireless *EDGE* is not 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 16-50l(c).

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

Pursuant to CGS Section 16-50l(b), copies of this Application have been sent by overnight courier 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 16-50l(b), notice of the Applicant's intent to submit this application was published on two

occasions in The Danbury News Times. Copies of the published legal notice 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, 104<sup>th</sup> 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 Sprint/Nextel's wireless network in this area of the State of Connecticut. Currently, a gap in coverage exists in Sprint/Nextel's network in the Danbury area, specifically along State Highway 37 and the surrounding areas. The proposed Facility, in conjunction with other existing and future facilities

in Danbury and surrounding towns, is needed by Sprint/Nextel to provide its wireless services to people living in and traveling through this area of the State.

Sprint/Nextel's need for the proposed Facility is detailed in the propagation plots, attached hereto as Exhibit G, which identify Sprint/Nextel's specific need for this Facility in the Danbury area. The monopole design and the size of the equipment compound accommodate Sprint/Nextel, all of the other major telecommunications carriers and the City of Danbury public service communications systems, thus eliminating any potential for the proliferation of towers. Wireless *EDGE* has agreed in the lease with the City of Danbury to provide space at the Facility free of charge for the City's public service antenna systems. Wireless *EDGE* cannot readily predict a point in time at which the Facility might reach maximum capacity.

**B. Statement of Benefits**

Sprint/Nextel is a leading provider of advanced wireless voice and data services throughout the United States. 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 Sprint/Nextel, 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. Sprint/Nextel has deployed and continues to deploy network technologies to implement the FCC’s E911 mandates. The proposed Facility in Danbury will become an integral component of Sprint/Nextel’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 Danbury area through the proposed Facility.

**C. Technological Alternatives**

The FCC licenses granted to Sprint/Nextel 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 Sprint/Nextel’s wireless network. The proposed Facility also will 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 Danbury 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 Applicant submits that there are no equally effective technological alternatives to construction of a new monopole at the Facility for providing reliable personal wireless services in this area of Connecticut.

#### **IV. Site Selection and Tower Sharing**

##### **A. Site Selection**

The unique characteristics of the area of the Margerie Reservoir present a challenging environment for siting a telecommunications facility that would serve the needs of the City and multiple carriers. The Margerie Reservoir and Margerie Water Filtration Plant complex, located on Peck Road, including the reservoir itself and the water filtration plant, consist of several hundred acres. A large portion of the area in the vicinity of the Site is wetlands and/or Class I and II watershed property and is not available for development (See Site Selection: “Watershed Areas in Vicinity of Site” in Exhibit I). Another large portion of the area, consisting of approximately 324 acres, is occupied by the Danbury Federal Correctional Institution. The federal government has been unresponsive to frequent requests for a potential site at Danbury Federal Correctional Institution. Other than the Margerie Reservoir complex and the Danbury Federal Correctional Institution, the remaining portions of the surrounding area are densely populated residential areas of predominately single family homes and low rise apartments. The location of the Site, as well as the locations and uses of the surrounding properties discussed above, are shown on “Tax Assessor’s Maps G-4, G-5 & G6” included in Exhibit I.

In an effort to provide wireless telecommunications facilities that will be a benefit to the community as well as to the service providers, Wireless *EDGE* engages in significant site research, consultation with local municipalities, and communication with the carriers prior to developing a new site. Wireless *EDGE* identified twenty-five (25) 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. There are no existing towers or other tall structures within approximately four miles of the proposed site sufficient for the operations of Sprint/Nextel and no



wireless facilities exist in this area of Danbury that can provide the coverage Sprint/Nextel requires.

Wireless *EDGE* initially met with officials of the City of Danbury on September 15, 2005. The City requested that Wireless *EDGE* investigate numerous alternate sites at the Margerie Reservoir complex. The goal in selecting a location for the Facility was to allow both the City and telecommunication carriers to build and operate high-quality communication systems with the least impact to the environment and to City operations. As part of the site selection process, Wireless *EDGE* sought to locate the Facility such that it is outside of the wetlands delineation and outside of the restricted watershed boundary. Wireless *EDGE* thoroughly reviewed the alternate sites and provided the City with results of that investigation. As discussed above, the parcel on which the Site located is a portion of the City's Margerie Reservoir complex and that parcel alone consists of 71.14 acres (shown on Assessor's Map F05, parcel 27). The City and Wireless *EDGE* reached the mutual conclusion that the alternate sites were less desirable than the proposed Site. Wireless *EDGE* and the City determined that the proposed Site for the Facility would satisfy the goals for the project. The Site Selection analysis and related maps in Exhibit I, provide a complete explanation of Wireless *EDGE*'s methodology and review of potential sites in Danbury during Wireless *EDGE*'s search and the reasons for elimination from consideration of all but the proposed Site.

As part of the specific site identification within the 71 acre Property, watershed boundaries were reviewed and a primary candidate location was selected by City engineers and Wireless *EDGE*. On December 19, 2006, Wireless *EDGE* filed an application on behalf of the City of Danbury to the Connecticut Department of Public Health for "Verification of Class III Water Company Land". On January 17, 2007, Wireless *EDGE* conducted a site visit with the Connecticut Department of Public Health (DPH), Source Water Protection Unit, and the City of

Danbury Public Utilities Department to review the site location. On March 9, 2007, DPH issued a letter of concurrence, included in Exhibit P, that the site was Class III, and therefore is suitable for development of the Facility.

The proposed location for the Site is in an existing clearing which is surrounded by a natural buffer of woods, as shown in the Site Photos in Exhibit J. The proposed location is separated by the vegetation buffer from the residential areas as shown in the Site Plans in Exhibit B and the List of Residential Structures within 1,000 Feet of the Site in Exhibit K. The Facility will permit telecommunications carriers to provide coverage in the most inconspicuous manner possible because only one Facility is required, the monopole is as low as it can be while still providing the necessary coverage, and the site is proposed to be located off of Peck Road in a wooded area to minimize any potential visual impact to residential receptors. No alternate site is proposed as the City has identified this location as being the best location for this Facility.

#### **B. Tower Sharing**

To promote the sharing of wireless facilities in the Danbury area, Wireless *EDGE* has proposed a Facility that can accommodate antennas and equipment for Sprint/Nextel and an additional five (5) wireless carriers in the Connecticut marketplace, as well as the City of Danbury public safety communications antennas. Details of the design are included in Exhibit B.

#### **V. Facility Design**

Wireless *EDGE*'s Leased Area consists of 10,000 square feet within the approximately 71.14 acre Property. The proposed Facility would, at a minimum, require the construction of a 150 foot high self-supporting monopole. Sprint/Nextel would install up to twelve panel antennas mounted at 144' AGL and occupy an equipment shelter, approximately 12 foot by 20 foot in size, within the 92 foot by 92 foot equipment compound. The monopole at the Facility is designed to accommodate the antennas of five (5) additional carriers at 134 feet AGL, 124 feet AGL, 114 feet

AGL, 104 feet AGL and 94 feet AGL. The available space in the equipment compound will be sufficient to house the ground equipment of the carriers. The compound would be enclosed by a security fence, eight (8) feet in height.

Vehicular access to the Site would extend from Peck Road along an existing gravel driveway and would require no additional construction or clearing. Construction will result in the removal of nine (9) trees of 6" in diameter or greater. See Exhibit U, tree inventory letter. Underground utility connections would extend from existing service along Peck Road. 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 L contains visual resources evaluation including a computer-based, predictive viewshed model and photo simulations. Exhibit M contains an Environmental Summary and Checklist pursuant to the requirements of the National Environmental Policy Act. Exhibit N contains extracts of the applicable zoning map and wetlands map. Some of the relevant information included in these exhibits for the Site reveals that:

- The Property is classified in the RA-40 residential zoning district;
- No wetlands are found within 100 feet of the proposed Site;
- The Property is and will continue to be used as part of the Margerie reservoir and remain largely undeveloped and wooded;
- Minimal grading and minimal clearing would be required for construction of the proposed access drive and of the proposed compound area for the construction of the proposed Facility;
- The proposed Facility will have no adverse effect on historic or architectural resources according to the State Historic Preservation Officer; and

- The proposed Facility will have no impact on water flow, water quality, or air quality and will not emit any noise.

Exhibit O contains the following addition information:

- A U.S.G.S. topographical quadrangle map; and
- Aerial photographs showing the Site, access road, adjoining public roads and all abutting properties.

## **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 monopole depending upon factors such as vegetation, topography, distance from the monopole, and the location of structures around the monopole. Exhibit L contains a computer-based, predictive viewshed model which depicts the potential impact of the proposed Facility from surrounding views of the Site, as well as a Visual Resource Evaluation.

Wireless *EDGE* retained Vanasse Hangen Brustlin (“VHB”) to prepare the Visual Resource Evaluation. On March 21, 2007, VHB conducted a balloon float test at 150 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 in the vicinity of the proposed Site will significantly limit the visual impact of the proposed Facility. Additionally, the anticipated visibility of the equipment compound will occur almost entirely on the Margerie Reservoir property itself.

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 L, areas from which the proposed Site will be at least partially visible comprise only 262 acres, which is less than four percent (>4%) of the entire Study Area. Of that anticipated visibility, 202 acres occurs on the Margerie Reservoir property itself and an additional 20 acres occurs at the Danbury Federal Corrections Institution. The remaining areas of visibility occur on publicly accessible lands consisting of only 40 acres, which is less than one half of one percent (>0.5%) of the entire Study Area. The Facility at the proposed Site will be visible above the tree canopy from portions of Route 37, Huntington Drive, Bridle Ridge Road, Kevin Road and Margerie View Drive, but views from the proposed Facility are expected to be limited to primarily within 0.25 miles of the proposed Facility. Overall, eighteen (18) residential properties will have partial year round views of the Facility (including 10 units within an adjacent condominium complex) and twelve (12) additional residences will have partial, seasonal views of the Facility.

The compound area will have a de minimis visual impact due to its location on the Property and the existing vegetation on the Property.

These Visual Resources demonstrate that, even from most of the areas where the Facility will be visible, the monopole 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.

Weather permitting, Wireless EDGE 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**

Wireless *EDGE* submitted a request for review and comment for the proposed Site to the Connecticut State Historic Preservation Officer ("SHPO"). In addition, because the Property is located in a Class III Watershed, Wireless EDGE submitted a request for review and comment to the Department of Public Health ("DPH"), which responded that no permit was necessary from that department.

A copy of the correspondence from SHPO and DPH is included in Exhibit P.

**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, Wireless EDGE engaged R C Petersen Associates LLC to perform maximum power density calculations for the proposed Facility assuming that the antennas were pointed at the base of the monopole and all channels were operating simultaneously. The resulting power density for Sprint/Nextel's operations at the proposed Site would be less than

0.05% of the applicable MPE standards and less than 1.54% of the applicable MPE standards in combination with five additional future wireless carriers operating on the site. A copy of the Power Density Calculations is included in Exhibit Q.

**D. Other Environmental Factors**

The proposed Facility would be unmanned, requiring monthly maintenance visits by each carrier that will last approximately one hour. Sprint/Nextel'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.

Wireless *EDGE* has evaluated the Site in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969 ("NEPA"). A copy of the NEPA report is attached hereto as Exhibit M. 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. Further, according to the site survey, no federally regulated wetlands or watercourses will be impacted by the proposed Facility. In addition, the NEPA report indicates that 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, the Site is categorically excluded from any requirement for further environmental review by the FCC in accordance with NEPA and no permit is 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 Danbury 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. Danbury Plan of Conservation and Development**

The Danbury Plan of Conservation and Development (the "Plan"), a copy of which is included in the bulk filing, was adopted on March 1, 2001. Wireless communications facilities are not specifically addressed in the Plan. However, the Plan does state that I-84 and Route 7 are the two major regional highways that dominate the transportation system in Danbury. See Bulk Filing, Plan of Conservation and Development at 45. Since the proposed Facility is designed to coverage Route 37, a major road servicing Interstate I-84, the Applicant respectfully submits that the proposed Facility, which will provide needed wireless communications service within the City along major arterial regional highways within the City, is consistent with the City's Plan.

### **A. Danbury Zoning Regulations and Zoning Classification**

According to the City's zoning map and municipal tax records, the Site is classified in RA-40 residential zoning district. Section 3.E.6 of the City's Zoning Regulations discusses wireless telecommunications facilities and lays out the City's standards for permitting such facilities.

Sections 3.E.6(a) through 3.E.6(h) of the City's Zoning Regulations set forth the City's recommended zoning requirements for new wireless communications facilities. See Bulk Filing, Zoning Regulations, Sec. 3.E.6. Consistency of the proposed Facility at the Site with these standards and dimensional requirements are illustrated in the following table.



### Standards and Dimensional Requirements

<b>Regulation Section</b>	<b>Requirement of Regulation</b>	<b>Requirement</b>	<b>Proposed</b>
<b>Section 3.E.6(d)</b>	<b>(1) Maximum Height of Tower</b>	Minimum height necessary to satisfy technical requirements.	150 feet
	<b>(2) Setback from property lines</b>	Min. Setback from property lines is the monopole height plus 25 feet.	Minimum: 170 feet (150' + 20') Proposed: 234 feet
	<b>(3) Minimum lot area</b>	Same as zoning district (see 5.A.3 below)	Complies
	<b>(4) Tower Design</b>	Must be Monopole unless otherwise approved	Monopole
	<b>(5) Fencing</b>	Security fence required	Complies
	<b>(6) Landscaping</b>	Landscaping required around fence	Existing natural buffer
	<b>(7) Accessory buildings</b>		
	<b>(7) (a) Size &amp; Height</b>	Each maximum 360 SF 12 feet high	Complies 240 SF 11 feet high
	<b>(7) (b) Setbacks</b>	Must comply with principal yard setbacks for district (see 5.A.3 below)	Complies
	<b>(7) (c) Rooftop Standards</b>	Maximum 12 feet above highest point and design to blend	Not applicable
	<b>(7) (d) Ground Standards</b>	Requires fence and landscaping	Complies
	<b>(7) (e) Building design</b>	Design compatible with nearby residential structures	Not applicable
	<b>(8) View</b>	May not protrude above tree cover within identified view corridor or vista	Not applicable
<b>(9) Lighting</b>	None permitted unless required by the FAA	None	

	<b>(10) Signs</b>	No advertising and other signs not to exceed 6 feet AGL	Complies
	<b>(11) Collocation</b>	Design for minimum of 3 users	Complies 6 plus public safety
	<b>(12) ANSI</b>	Design to all applicable ANSI standards	Complies
	<b>(13) Airport Protection Zones</b>	Comply with Section 7.B, Airport Protection Zones	Complies (Outside AP Zones)
<b>Section 5.A.3</b>	<b>(a) Minimum Lot Area (RA-40)</b>	40,000 square feet (0.92 acres)	3.5M square feet (71.14 acres)
	<b>(a) Minimum Setbacks (based on principal building and structures)</b>		
	<b>Minimum front yard</b>	40 feet	212 feet
	<b>Minimum side yard</b>	25 feet	194 feet
	<b>Minimum rear yard</b>	35 feet	>1000 feet

**C. Planned and Existing Land Uses**

The proposed Site will be located in the southeastern portion of an approximately 71 acre property. The Property is currently used as a reservoir and large portions of the Property are wooded and undeveloped. No development other than the proposed Facility is planned. Consultation with municipal officials and observations did not indicate any known or planned changes in surrounding land uses.

**D. Danbury Inland Wetlands and Watercourses Regulations**

The Danbury 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 or watercourse involving removal or deposition of materials, or any obstruction, construction, alteration or pollution, of such wetland or watercourse, or any operation within or use of any land which may disturb the natural and indigenous character of a wetland or watercourse.” See Bulk Filing, Inland Wetlands and Watercourses Regulations, § 2. Wetlands Upland Review Areas are defined as being “a) within 100 feet of the outer boundary of a wetland, b) within 200 feet of the mean high water line of

Candlewood Lake, Lake Kenosia, Still River, and all public water supply reservoirs, and c) within 100 feet of the mean high water line of any other watercourse” See Bulk Filing, Inland Wetlands and Watercourses Regulations, § 2.

According to the site survey, field investigations conducted at the Site, there are wetlands on the Property; however, no wetlands are located within 100 feet of the proposed Site and the site is over 200 feet of the mean high water line of Margerie Reservoir. 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 16-50l(e) requires an applicant to consult with the local municipality in which a proposed facility may be located.

On May 21, 2007, Wireless *EDGE* submitted a letter and a technical report to the City of Danbury with respect to the proposed Facility at the Site. A copy of the letter to the City of Danbury is attached hereto as Exhibit R. 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.

Wireless *EDGE* originally met with officials from the City of Danbury, including Ms. Dena Diorio, the Director of Finance and Mr. William Buckley, Director of Public Works and City Engineer, on September 15, 2005 to discuss the possibility of locating a telecommunications facility on City-owned property in the vicinity of the Property. After exploring numerous potential locations in the area, the City and Wireless *EDGE* agreed that the proposed Facility at the Site was the most desirable location with the least amount of environmental and visual impact

to the surrounding area. The lease for the Site was approved by the City of Danbury on May 23, 2006. On June 9, 2006, pursuant to the requirements of Connecticut General Statutes § 8-24, the City of Danbury held a public hearing and approved the lease.

**B. Consultations with State Officials**

As noted in Section VI.B of this Application, Wireless *EDGE* consulted with and requested review of the proposed Site Facility from SHPO and DPH. Exhibit P contains SHPO's and DPH's correspondence for the proposed Site.

**C. Consultation with Federal Agencies**

Wireless *EDGE* has received a determination from the Federal Aviation Administration ("FAA") for the Site, which is included in Exhibit S. The results indicate the proposed Facility would not require FAA registration, let alone FAA review as a potential air navigation obstruction or hazard.<sup>1</sup> As such, no FAA lighting or marking would be required for the monopole proposed in this Application.

Sprint/Nextel'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, Wireless *EDGE* conducted a review for the Site and determined that the Site does not fall under any of the NEPA "listed" categories of 47 CFR

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<sup>1</sup> While the proposed Facility is only 150 feet in height, Wireless *EDGE* received a determination from the FAA up to 199 feet in height. This was done prior to the final determination of the minimum height required by Sprint/Nextel and the City of Danbury.

§1.1307. Therefore, the proposed Facility does not require review by the FCC pursuant to NEPA. A copy of the NEPA report is attached hereto as Exhibit M.

In addition, the Applicant has consulted United States Department of the Interior, Fish and Wildlife Service. They have confirmed that no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Services are known to occur on the Property. See Exhibit M.

**IX. Estimated Cost and Schedule**

**A. Overall Estimated Cost**

The total estimated cost of construction for the proposed Site facility is \$350,000. This estimate includes:

- (1) Monopole and foundation costs (including installation) of approximately \$245,000;
- (2) Site development costs of approximately \$73,000; and
- (3) Utility installation costs of approximately \$32,000.

**B. Overall Scheduling**

Site preparation and engineering would commence immediately following Council approval of Wireless *EDGE*'s Development and Management ("D&M") Plan and is expected to be completed within fifteen (15) weeks as set forth in the Tower Construction Schedule attached hereto as Exhibit T.

**X. Conclusion**

This Application and the accompanying materials and documentation clearly demonstrate that a public need exists in the Danbury 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 Applicant respectfully submits 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 Applicant respectfully requests that the Council grant a Certificate of Environmental Compatibility and Public Need to Wireless *EDGE* for a proposed wireless telecommunication facility at Peck Road, Danbury, Connecticut.

Respectfully Submitted,

By:  \_\_\_\_\_

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