CUDDY& FEDER LLP

445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Tel 914.761.1300 Fax 914.761.5372
www.cuddyfeder.com

August 26, 2009

BY FEDERAL EXPRESS
Mr. S. Derek Phelps
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, Connecticut 06051

Re: Docket No. 366
Development & Management Plan
52 Stadley Rough Road, Danbury, Connecticut

Dear Mr. Phelps:

On behalf of Optasite Towers LLC,[1] the Certificate holder, we are writing in response to comments filed by the City of Danbury on the development and management plan ("D&M") materials filed in Docket No. 366.

I. City Planning Department Comments

1. The P.E. materials prepared by Rohn note that the lower sections of the monopole, which is a slip joint design, are overdesigned thereby creating a yield point. The CHA drawings reflect that by reference to an engineered yield point on drawing C-5 at the 100' elevation. CHA construction drawings to be submitted to the City for a building permit will note the slip joint design (as opposed to a flange plate as shown) and a copy of revised sheet C-5 is enclosed for the Siting Council.

2. The Rohn monopole slip joint design and initially designed structural loading for more than the number of antennas shown on CHA drawing C-5 is industry practice and does not affect the structural sufficiency of the tower or antenna locations as shown by CHA on drawing C-5.

3. As noted in the Rohn materials, the tower is designed to ANSI/TIA/EIA-222-G-2005 for a 110MPH gust with no ice and 50MPH gust with .75 inches of radial ice. Upon filing of a building permit application with the City of Danbury, Optasite will consult with the City Building Department regarding these requirements.

[1] Optasite Towers LLC is wholly owned by SBA Towers II, LLC.

4. Attached is the log boring which is the geotechnical material referenced and will be submitted as part of a building permit application to the City.

5. CHA drawing C-5 and the elevation are revised as noted in point 1.

6. Noted.

7. The CHA drawings show an access drive with a hammerhead turnaround for ease of access to the site which is not a material change in the overall development which involves a reduced site footprint per Council Order #2. The added spur is further away from adjacent properties. The lease area and lease are not implicated by the potential change to the access and incorporation of a hammerhead turnaround. If required by the Siting Council, the single spur turnaround/parking space as shown on the drawings included in the Certificate application can be implemented as a condition of D&M Plan approval.

8. Geotextile filter fabric is standard in a tower compound for overall site weed control. See CHA Sheet C-6 for details.

9. Optasite has no objection to tagging those trees to remain in the field and adding a note to the CHA construction drawings to be submitted as part of a building permit application with a copy to be provided to the Council.

10. The boulder is to remain. Sheet C-4 is just an enlarged site plan and does not shown many existing conditions to remain including the boulder, trees, stone walls, etc.

11. The utility and meter board is required to be outside of the compound as part of CL&P requirements in serving the site. Optasite can incorporate a separate fenced area around the meter board which effectively extends the compound fencing for purposes of any views into the site. If required by the Siting Council, these details will be added to the CHA construction drawings to be submitted as part of a building permit application with a copy to be provided to the Siting Council.

12. The fence is a "dog ear" solid wood privacy fence typical of a residential area and its modesty should bring less attention to it. In the event the City has other standard residential fence requirements or suggestions, they will be taken under advisement by Optasite.

13. An evergreen species with a significant potential for height was selected for long term tower screening. The compound is being screened with a fence so understory loses over time are not significantly a concern. Other and/or additional species can be incorporated into the landscape plan to the extent the City has preferences or the Council requires same as part of the

D&M plan. Optasite respectfully submits that a RLA is not necessary to implement a screening plan for the site.

14. Comment Noted.

15. The overall site disturbance of 0.4 acres during construction is below the 0.5 acres or more noted on page 3-2 of the 2002 CT Erosion Control Guidelines.

16. Comment Noted.

II. Danzer Comments on City's Behalf

1. Reconfiguration of the Compound

We note that the August 25, 2009 memorandum prepared by Steven Danzer is largely an attempt to reargue matters decided by the Siting Council as part of its issuance of a Certificate in Docket No. 366. Moreover, we note that these arguments were considered and rejected by the Council in its Findings of Fact, Opinion and Decision & Order in Docket No. 366 when it concluded the best balance was to reconfigure the compound to add buffer to the west and notwithstanding that moved the compound closer to artificially induced wetlands pockets on-site and within the lease parcel. We also note that City arguments about the Council's conditions requiring reconfiguration of the compound would only have been timely if made in a motion for reconsideration under Section of the Connecticut General Statutes.4-181a. As such, Optasite submits that it is not within the scope of D&M Plan to address Danzer comment 1 and any detailed wetlands comments related thereto which were already dismissed by the Siting Council as part of its deliberations on the Docket.

2. Erosion Control Plan

As noted above in response to City Planning Comments, the erosion control plan is appropriate given the limited amount of disturbance which is under 0.5 acre in total. Additionally, the foundation was specifically designed in this case as a pier foundation to limit the potential need for any dewatering. Nevertheless, a revised sheet C-3 grading plan is enclosed which shows the location of a temporary stilling basin in the event dewatering is necessary as part of tower construction. Additionally, the following narrative and construction sequencing was provided by CHA:

1. MOBILIZATION: BRING MATERIAL AND EQUIPMENT TO SITE
2. INSTALL TEMPORARY EROSION AND SEDIMENTATION CONTROL BARRIERS
3. CLEAR AND ROUGH GRADE THE ACCESS DRIVEWAY AND EQUIPMENT COMPOUND
4. EXCAVATION FOR TOWER FOUNDATION AND UTILITIES
5. INSTALL FORMS, STEEL REINFORCING, AND CONCRETE FOR TOWER FOUNDATION

6. INSTALL BURIED GROUND RINGS, GROUND RODS, GROUND LEADS, UTILITY CONDUITS, AND UTILITY EQUIPMENT
7. BACK FILL FOUNDATION AND UTILITY TRENCHES
8. ERECT TOWER OR MONOPOLE
9. INSTALL TELECOMMUNICATIONS EQUIPMENT ON TOWER AND IN COMPOUND
10. INSTALL COMPOUND AND ROAD GRAVEL SURFACES
11. INSTALL FENCING
12. CONNECT GROUNDING LEADS AND LIGHTNING PROTECTION
13. FINAL GRADING AROUND COMPOUND AND ROAD
14. INSTALL LANDSCAPING AND MULCH
15. LOAM AND SEED DISTURBED AREAS OUTSIDE COMPOUND AND ACCESS DRIVEWAY
16. REMOVE SILT FENCING AFTER SEEDED AREAS HAVE ESTABLISHED VEGETATION
17. FINAL CLEANUP AND EQUIPMENT TESTING

A construction contact was also included in the original D&M plan filing.

3. Landscape Plan Comments

The Council ultimately concluded that wetland mitigation was not required as part of its Decision & Order for the upland disturbances. This given the lack of quality and quantity of the isolated on-site wetlands pockets that are already highly disturbed. Indeed, these isolated wetlands could qualify for a general USACOE permit to fill them entirely without the need for City measures being suggested. Given the foregoing, Kleinfelder comments were not incorporated into the D&M Plan.

As noted in response to City Planning Comments, additional varieties of plantings can be incorporated into the screening component of the plan if required by the Council. Maintenance of any plantings approved as part of the D&M Plan will be subject to the Council's enforcement powers and bonds or other requirements are unnecessary to ensure compliance.

Thank you in advance for your consideration of the D&M plan in Docket 366. We respectfully submit that the plan with any reasonable Council modifications can and should be approved given its consistency with the Decision & Order in Docket 366.

Respectfully Submitted,

Christopher B. Fisher

Enclosures
cc: Parties & Intervenors

GRADING NOTES:

1. ALL ELEVATIONS ARE FINISHED GRADE. ENSURE POSITIVE DRAINAGE FROM SITE AT ALL TIMES.
2. PLACE GEOTEXTILE FILTER UNDER COMPOUND.
3. USE TYPAR 3401 OR EQUIVALENT.

SLOPES 2:1 OR STEEPER MUST BE LINED WITH GEO FABRIC, MIRAFI 60 MIL OR EQUIVALENT, AND HEAVY RIP-RAP STONE PLACED ON TOP OF FABRIC TO STABILIZE SLOPE.

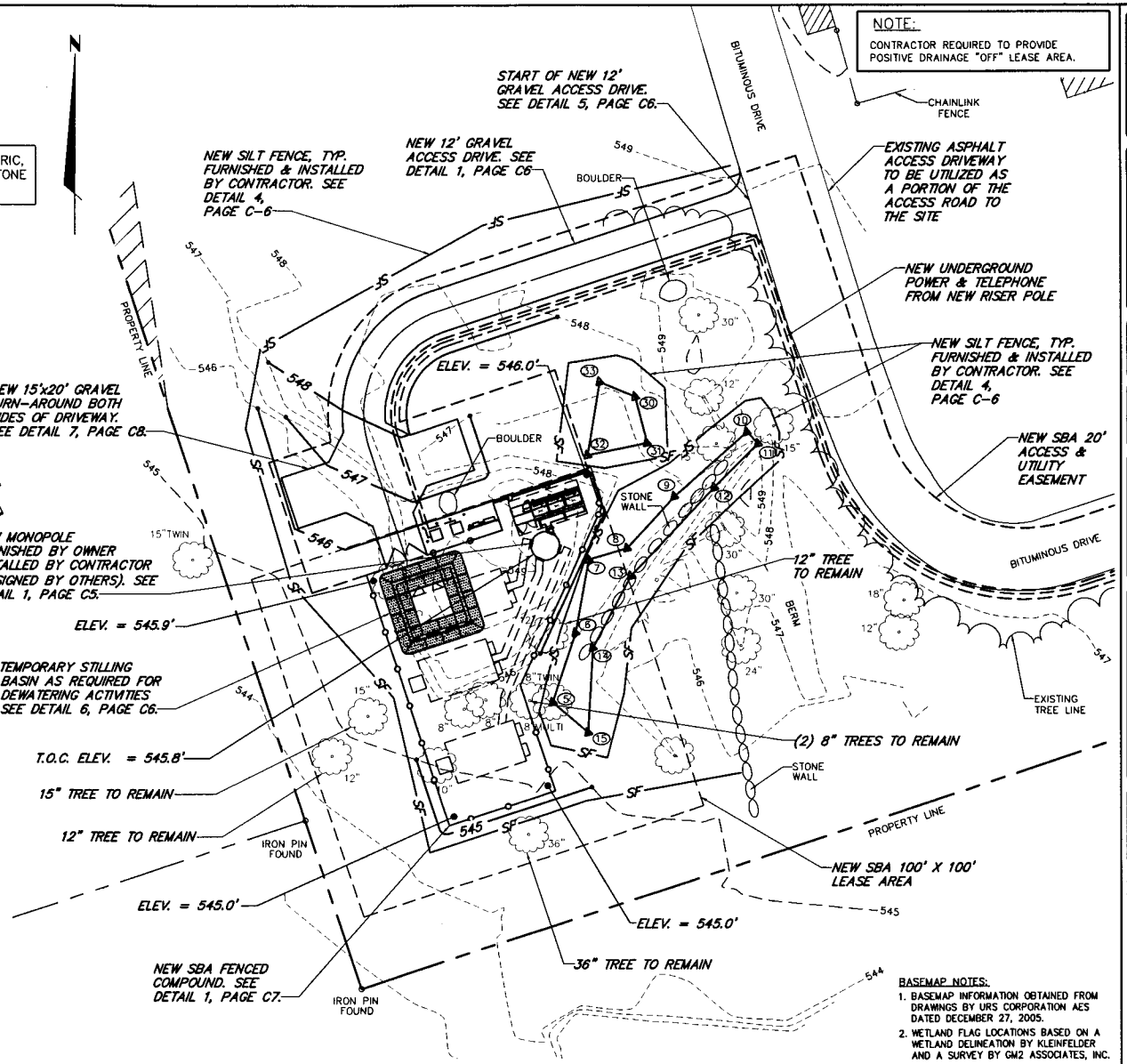
EROSION CONTROL NOTES:

1. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES SHALL BE IN CONFORMANCE WITH STATE OF CONNECTICUT GUIDELINES FOR EROSION AND SEDIMENT CONTROL AND COORDINATED WITH THE TOWN/COUNTY CODE ENFORCEMENT OFFICE.
2. TEMPORARY SILT FENCE EROSION CONTROL BARRIER SHALL BE MAINTAINED THROUGHOUT SITE CONSTRUCTION. STOCK PILE ON SITE 100 FT. OF SILT FENCE FOR EMERGENCY USE. TEMPORARY EROSION BARRIERS SHALL REMAIN IN PLACE UNTIL PERMANENT VEGETATIVE GROUND COVER IS ESTABLISHED.
3. ALL DISTURBED AREAS OUTSIDE THE LIMITS OF THE EQUIPMENT LEASE AREA AND ACCESS ROADWAY SHALL BE PERMANENTLY ESTABLISHED WITH A VEGETATIVE GROUND COVER.
4. STILLING BASIN SHALL BE UTILIZED FOR ANY DE-WATERING DISCHARGE WHICH MAY OCCUR DURING CONSTRUCTION OPERATIONS.
5. PROPOSED CONSTRUCTION IMPACTS AND PERMANENT IMPROVEMENTS SHALL NOT SIGNIFICANTLY IMPACT STORM WATER RUNOFF PATTERNS, VOLUME OR PEAK FLOW RATES. THE FLAT GRADE OF THE EQUIPMENT COMPOUND AND STONE SURFACE WILL PROMOTE STORM WATER INFILTRATION.
6. CONTRACTOR SHALL INSTALL ALL EROSION AND SEDIMENTATION CONTROL MEASURES PRIOR TO ANY GRADING ACTIVITIES IN LOCATIONS SHOWN ON THIS PLAN.
7. SILT FENCES SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REPAIRS THAT ARE REQUIRED SHALL BE MADE IMMEDIATELY.
8. IF THE FABRIC ON A SILT FENCE SHOULD DECOMPOSE OR BECOME INEFFECTIVE DURING THE EXPECTED LIFE OF THE FENCE, THE FABRIC SHALL BE REPLACED PROMPTLY.
9. SEDIMENT DEPOSITS SHOULD BE INSPECTED AFTER EVERY STORM EVENT. THE DEPOSITS SHOULD BE REMOVED WHEN THEY REACH APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER.
10. SEDIMENT DEPOSITS THAT ARE REMOVED OR LEFT IN PLACE AFTER THE FABRIC HAS BEEN REMOVED SHALL BE GRADED TO CONFORM WITH THE EXISTING TOPOGRAPHY AND VEGETATION.
11. NO GREATER THAN 80,000 SQUARE FEET OF LAND SHALL BE EXPOSED AT ANY ONE TIME DURING DEVELOPMENT. WHEN LAND IS EXPOSED DURING DEVELOPMENT, THE EXPOSURE SHOULD BE KEPT TO THE SHORTEST PRACTICAL PERIOD OF TIME AND SHALL NOT EXCEED 90 DAYS. LAND SHOULD NOT BE LEFT EXPOSED DURING THE WINTER MONTHS.
12. ANY DISTURBED AREAS WHICH ARE TO BE LEFT TEMPORARILY, AND WHICH WILL BE REGRADED LATER DURING CONSTRUCTION SHALL BE MACHINE HAY MULCHED AND SEEDED WITH RYE GRASS TO PREVENT EROSION. HAY OR STRAW MULCH SHALL BE APPLIED TO ALL FRESHLY SEEDED AREAS AT A RATE OF 2 TONS PER ACRES. BALES SHALL BE UNSPOILED, AIR-DRIED, AND FREE FROM WEED, SEEDS, AND ANY COARSE MATERIAL.

0.04 ACRES OF LAND WILL BE DISTURBED DURING CONSTRUCTION ACTIVITIES, WHICH IS BELOW THE 0.5 ACRE LIMIT NOTED ON PAGE 3-2 OF THE 2002 CT EROSION AND SEDIMENT CONTROL GUIDELINES.

0 30' 60' 90'

1" = 30'



BASEMAP NOTES:

1. BASEMAP INFORMATION OBTAINED FROM DRAWINGS BY URS CORPORATION AES DATED DECEMBER 27, 2005.
2. WETLAND FLAG LOCATIONS BASED ON A WETLAND DELINEATION BY KLEINFELDER AND A SURVEY BY GM2 ASSOCIATES, INC.

1 SITE GRADING PLAN

SBA TOWERS II LLC
5900 BROKEN SOUND PARKWAY, NW
BOCA RATON, FL 33487-2797
TEL: (561) 226-9523
FAX: (561) 226-9368

CHA
2139 Silas Deane Highway, Suite 212 - Rocky Hill, CT 06067-2338
Main: (860) 257-4267 - www.chacompanies.com

A&E PROJECT #:	15363-1030-1601
DRAWN BY:	PAL
CHECKED BY:	JPS

REVISIONS

NO.	DATE	DESCRIPTION
A	08/21/09	ISSUED FOR CONSTRUCTION

PROJECT No.
15363-1030-1601

SITE NAME:
DANBURY-1

SITE NUMBER:
CT13549

SITE ADDRESS:
52 STADLEY ROUGH ROAD
DANBURY, CT 06811

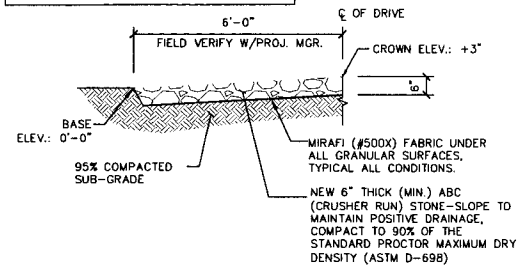
DESIGN TYPE:
RAW LAND

SHEET TITLE:
SITE GRADING PLAN

DRAWING NO.
C-3

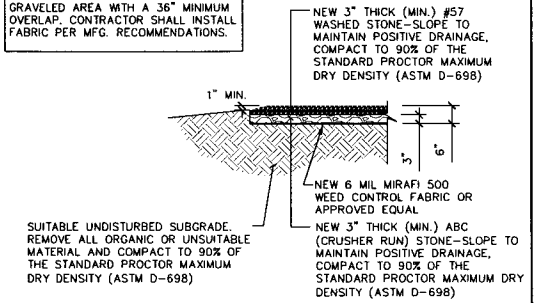
REVISION:
A

NOTE:
WEED CONTROL FABRIC SHALL BE USED UNDER ACCESS DRIVE WITH A 36" MINIMUM OVERLAP. CONTRACTOR SHALL INSTALL FABRIC PER MFG. RECOMMENDATIONS.

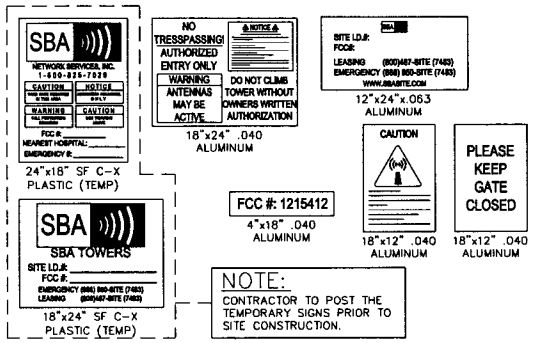


1 ACCESS DRIVE DETAIL SCALE: N.T.S.

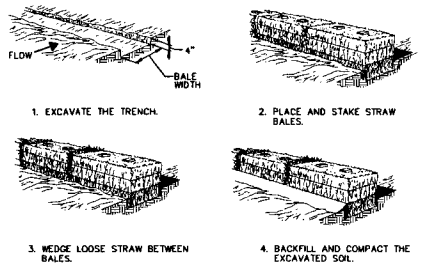
NOTE:
WEED CONTROL FABRIC SHALL BE USED UNDER ENTIRE PROPOSED GRAVELED AREA WITH A 36" MINIMUM OVERLAP. CONTRACTOR SHALL INSTALL FABRIC PER MFG. RECOMMENDATIONS.



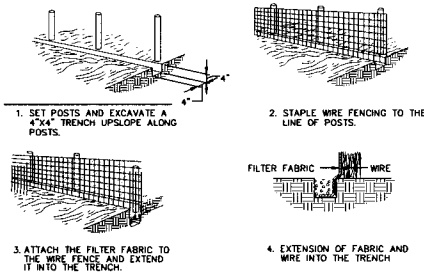
2 COMPOUND FINISH DETAIL SCALE: N.T.S.



3 SIGN DETAIL SCALE: N.T.S.

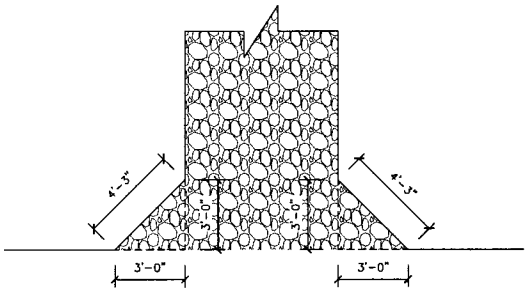


STRAW BALE BARRIER

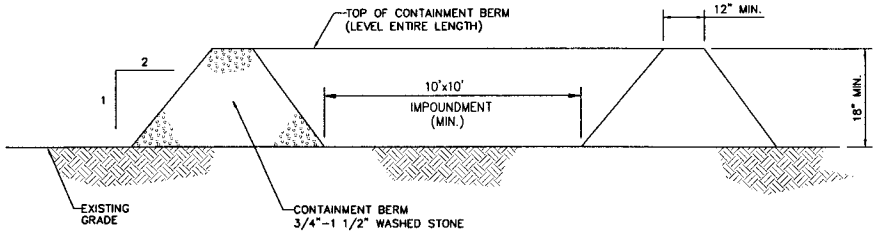


SILT FENCE

4 EROSION CONTROL DETAIL SCALE: N.T.S.



5 TYPICAL ROAD ENTRY SCALE: N.T.S.



6 TEMPORARY STILLING BASIN

SBA
SBA TOWERS II LLC
5900 BROKEN SOUND PARKWAY, NW
BOCA RATON, FL 33487-2797
TEL: (561) 226-9523
FAX: (561) 226-9368

CHA
2139 Silas Deane Highway, Suite 212 · Rocky Hill, CT 06067-2336
Main: (860) 257-4057 · www.chacompanies.com

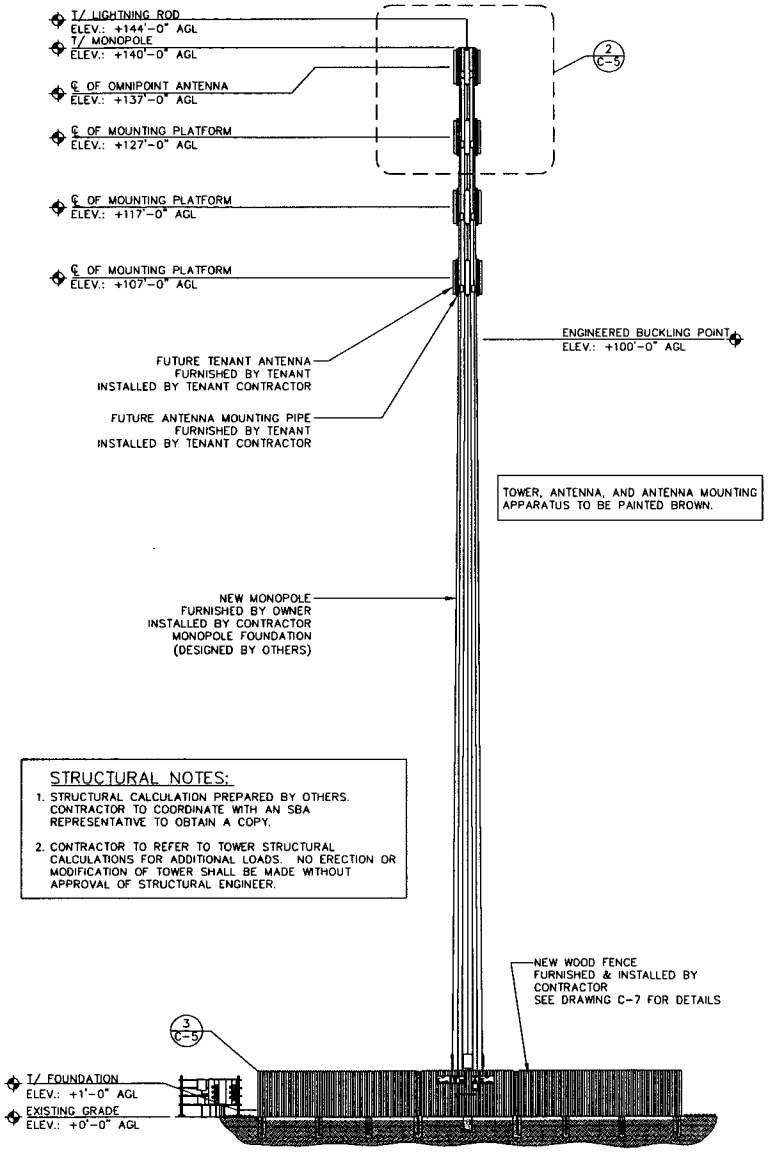
A&E PROJECT #:	15363-1030-1601
DRAWN BY:	PAL
CHECKED BY:	JPS

REVISIONS

NO.	DATE	DESCRIPTION
1	08/21/09	ISSUED FOR CONSTRUCTION

PROJECT No.: 15363-1030-1601
SITE NAME: DANBURY-1
SITE NUMBER: CT13549
SITE ADDRESS: 52 STADLEY ROUGH ROAD DANBURY, CT 06811
DESIGN TYPE: RAW LAND
SHEET TITLE: SITE DETAILS

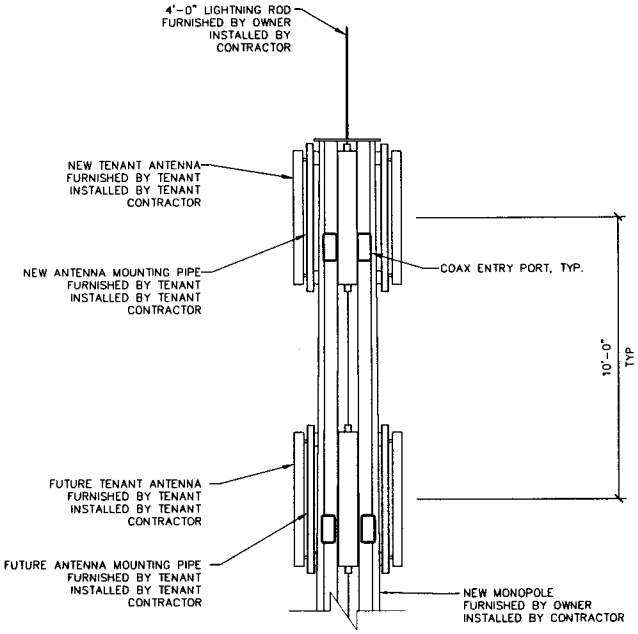
DRAWING NO.: C-6
REVISION: A



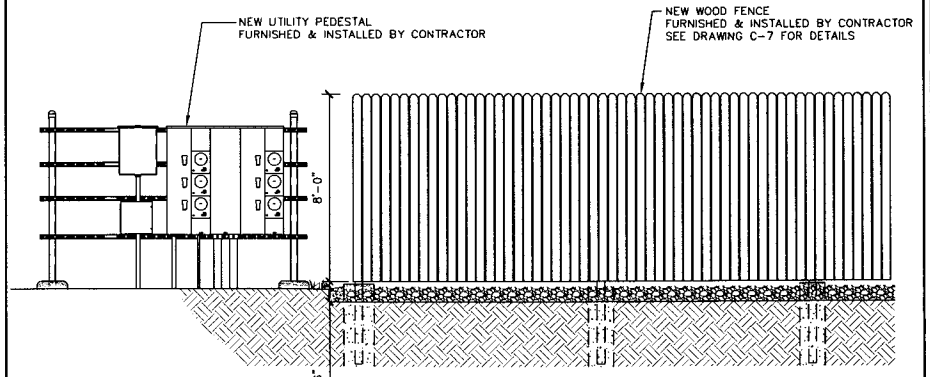
1 ELEVATION VIEW SCALE: N.T.S.

STRUCTURAL NOTES:

1. STRUCTURAL CALCULATION PREPARED BY OTHERS. CONTRACTOR TO COORDINATE WITH AN SBA REPRESENTATIVE TO OBTAIN A COPY.
2. CONTRACTOR TO REFER TO TOWER STRUCTURAL CALCULATIONS FOR ADDITIONAL LOADS. NO ERECTION OR MODIFICATION OF TOWER SHALL BE MADE WITHOUT APPROVAL OF STRUCTURAL ENGINEER.



2 ELEVATION VIEW @ TOP OF TOWER SCALE: N.T.S.



3 ELEVATION VIEW @ UTILITY H-FRAME SCALE: N.T.S.

SBA TOWERS II LLC
5900 BROKEN SOUND
PARKWAY, NW
BOCA RATON, FL 33487-2797
TEL: (561) 226-9523
FAX: (561) 226-9368

CHA

A&E PROJECT #:	15363-1030-1601
DRAWN BY:	PAL
CHECKED BY:	JPS

REVISIONS

NO.	DATE	DESCRIPTION
1	09/21/09	ISSUED FOR CONSTRUCTION

PROJECT No.: 15363-1030-1601
SITE NAME: DANBURY-1
SITE NUMBER: CT13549
SITE ADDRESS: 52 STADLEY ROUGH ROAD
DANBURY, CT 06811
DESIGN TYPE: RAW LAND
SHEET TITLE: SITE ELEVATIONS

DRAWING NO.: C-5
REVISION: A

Project: Danbury CT 11546-S (SBA)
Project Location: Danbury, Connecticut
Project Number: 091184.01

Key to Log of Boring

Sheet 1 of 1

Elevation, feet	Depth, feet	Sample Type	Sample Number	Sampling Resistance, blows/foot	Relative Consistency	USCS Symbol	Graphic Log	MATERIAL DESCRIPTION	REMARKS AND OTHER TESTS
1	2	3	4	5	6	7	8	9	10

COLUMN DESCRIPTIONS

1. **Elevation, feet:** Elevation (MSL, feet)
2. **Depth, feet:** Depth in feet below the ground surface.
3. **Sample Type:** Type of soil sample collected at the depth interval shown.
4. **Sample Number:** Sample identification number.
5. **Sampling Resistance, blows/foot:** Number of blows to advance driven sampler foot (or distance shown) beyond seating interval using the hammer identified on the boring log.
6. **Relative Consistency:** Relative consistency of the subsurface material.
7. **USCS Symbol:** USCS symbol of the subsurface material.
8. **Graphic Log:** Graphic depiction of the subsurface material encountered.
9. **MATERIAL DESCRIPTION:** Description of material encountered. May include consistency, moisture, color, and other descriptive text.
10. **REMARKS AND OTHER TESTS:** Comments and observations regarding drilling or sampling made by driller or field personnel.

FIELD AND LABORATORY TEST ABBREVIATIONS

CHEM: Chemical tests to assess corrosivity
COMP: Compaction test
CONS: One-dimensional consolidation test
LL: Liquid Limit, percent
PI: Plasticity Index, percent
SA: Sieve analysis (percent passing No. 200 Sieve)
UC: Unconfined compressive strength test, Qu, in ksf
WA: Wash sieve (percent passing No. 200 Sieve)

TYPICAL MATERIAL GRAPHIC SYMBOLS

- Well graded GRAVEL (GW)
- Poorly graded GRAVEL (GP)
- Well graded GRAVEL with Silt (GW-GM)
- Well graded GRAVEL with Clay (GW-GC)
- Poorly graded GRAVEL with Silt (GP-GM)
- Poorly graded GRAVEL with Clay (GP-GC)
- Silty GRAVEL (GM)
- Clayey GRAVEL (GC)
- Well graded SAND (SW)
- Poorly graded SAND (SP)
- Well graded SAND with Silt (SW-SM)
- Well graded SAND with Clay (SW-SC)
- Poorly graded SAND with Silt (SP-SM)
- Poorly graded SAND with Clay (SP-SC)
- Silty SAND (SM)
- Clayey SAND (SC)
- SILT, SILT w/SAND, SANDY SILT (ML)
- Lean CLAY, CLAY w/SAND, SANDY CLAY (CL)
- SILT, SILT w/SAND, SANDY SILT (MH)
- Fat CLAY, CLAY w/SAND, SANDY CLAY (CH)
- SILT, SILT with SAND, SANDY SILT (ML-MH)
- Lean-Fat CLAY, CLAY w/SAND, SANDY CLAY (CL-CH)
- SILTY CLAY (CL-ML)
- Lean CLAY/PEAT (CL-OL)
- Fat CLAY/SILT (CH-MH)
- Fat CLAY/PEAT (CH-OH)
- Silty SAND to Sandy SILT (SM-ML)
- Silty SAND to Sandy SILT (SM-MH)
- Clayey SAND to Sandy CLAY (SC-CL)
- Clayey SAND to Sandy CLAY (SC-CH)
- SILT to CLAY (CL/ML)
- Silty to Clayey SAND (SC/SM)

TYPICAL SAMPLER GRAPHIC SYMBOLS

- 2-inch-OD unlined split spoon (SPT)
- 2.5-inch-OD Modified California w/ brass liners
- 3-inch-OD California w/ brass rings
- Shelby Tube (Thin-walled, fixed head)
- Grab Sample
- Bulk Sample
- Pitcher Sample
- Other sampler

OTHER GRAPHIC SYMBOLS

- Water level (at time of drilling, ATD)
- Water level (after waiting a given time)
- Minor change in material properties within a stratum
- Inferred or gradational contact between strata
- ? Queried contact between strata

GENERAL NOTES

1. Soil classifications are based on the Unified Soil Classification System. Descriptions and stratum lines are interpretive, and actual lithologic changes may be gradual. Field descriptions may have been modified to reflect results of lab tests.
2. Descriptions on these logs apply only at the specific boring locations and at the time the borings were advanced. They are not warranted to be representative of subsurface conditions at other locations or times.

Figure 1

H:\2009\11184_Danbury,CT\13549-S\Geotech\Issued Documents\Boring 1.bgs [Basic Boring Log.tpl]

Project: Danbury CT 11546-S (SBA) Project Location: Danbury, Connecticut Project Number: 091184.01	**Log of Boring 1** Sheet 1 of 1

Date(s) Drilled **May 6, 2009**	Logged By **T. McGovern**	Checked By **Tom Tobin**
Drilling Method **Hollow Stem Auger**	Drill Bit Size/Type **4.5 inch H.S.A**	Total Depth of Borehole **37 feet bgs**
Drill Rig Type **Truck Mounted**	Drilling Contractor **General Borings**	Approximate Surface Elevation
Groundwater Level and Date Measured **15 feet ATD**	Sampling Method(s) **SPT**	Hammer Data **140 lb, 30 in drop, Hammer**
Borehole Backfill **Cuttings**	Location **Approximately 90 Feet North East of Proposed Monopole Tower**	

Elevation, feet	Depth, feet	Sample Type	Sample Number	Sampling Resistance, blows/foot	Relative Consistency	USCS Symbol	Graphic Log	MATERIAL DESCRIPTION	REMARKS AND OTHER TESTS
	0		1	32	Dense	SM		Brown Silty Sand with Gravel and Organics	
	5		2	23	Medium Dense	SM		Brown Silty Sand with Gravel	
	10		3	41	Dense				
	15		4	100/3	Very Dense	SM		(ATD) ▽ WET -- Brown Silty Sand with Gravel	
	20		5	52	Very Dense				
	25		6	44	Dense	SM		WET -- Brown Gray Silty Sand with Rock Fragments	
	30		7	67	Very Dense				
	35		8	100/5	Very Dense	SM		WET -- Brown Gray Silty Sand with Weathered Rock Fragments	
	40							Auger Refusal at 37.0 Feet -- Boring Terminated at 37.0 Feet	

H:\2009\1184 Danbury CT13549-S\GeotechIssued Documents\Boring 1.bgs [Basic Boring Log.tpl]

Figure 1