



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square
New Britain, Connecticut 06051
Phone: (860) 827-2935
Fax: (860) 827-2950

August 13, 2001

Julie M. Donaldson, Esq.
Hurwitz & Sagarin LLC
147 North Broad Street
P.O. Box 112
Milford, CT 06460-0112

RE: **EM-SPRINT-158-010510** - Sprint Spectrum LP notice of intent to modify an existing telecommunications facility located at 180a Bayberry Lane, Westport, Connecticut.

Dear Attorney Donaldson:

At a public meeting held on August 8, 2001, the Connecticut Siting Council (Council) acknowledged your notice to modify this existing telecommunications facility, pursuant to Section 16-50j-73 of the Regulations of Connecticut State Agencies.

The proposed modifications are to be implemented as specified here and in your notices dated May 10, 2001, May 12, 2001, and June 14, 2001. The modifications are in compliance with the exception criteria in Section 16-50j-72 (b) of the Regulations of Connecticut State Agencies as changes to an existing facility site that would not increase tower height, extend the boundaries of the tower site, increase noise levels at the tower site boundary by six decibels, and increase the total radio frequencies electromagnetic radiation power density measured at the tower site boundary to or above the standard adopted by the State Department of Environmental Protection pursuant to General Statutes § 22a-162. This facility has also been carefully modeled to ensure that radio frequency emissions are conservatively below State and federal standards applicable to the frequencies now used on this tower.

This decision is under the exclusive jurisdiction of the Council. Any additional change to this facility will require explicit notice to this agency pursuant to Regulations of Connecticut State Agencies Section 16-50j-73. Such notice shall include all relevant information regarding the proposed change with cumulative worst-case modeling of radio frequency exposure at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin 65. Any deviation from this format may result in the Council implementing enforcement proceedings pursuant to General Statutes § 16-50u including, without limitation, imposition of expenses resulting from such failure and of civil penalties in an amount not less than one thousand dollars per day for each day of construction or operation in material violation.

Thank you for your attention and cooperation.

Very truly yours,

Mortimer A. Gelston
Chairman

MAG/RKE/laf

c: Honorable Diane G. Farrell, First Selectman, Town of Westport
Katherine Barnard, Director, Planning & Zoning, Town of Westport
Maureen Woodstrom, Spectrasite Communications, Inc.
Michele Briggs, SNET Mobility LLC
Sandy M. Carter, Verizon Wireless

HURWITZ & SAGARIN LLC

May 10, 2001

Hand Delivered

Mr. Joel M. Rinebold
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



**Re: Notice of Exempt Modification
Spectrasite Telecommunications Facility
180a Bayberry Lane
Westport, Connecticut**

Dear Mr. Rinebold:

On behalf of Sprint Spectrum L.P. ("Sprint PCS"), I am pleased to submit this notification of proposed co-location on a telecommunications facility which constitutes an exempt modification. Enclosed are an original plus twenty (20) copies of a letter requesting acknowledgement that the addition of Sprint PCS's antennas and related equipment to the existing telecommunications facility located at 180a Bayberry Lane, Westport Connecticut, satisfies the requirements set forth in R.C.S.A. §16-50j-72(b)(2). A check in the amount of \$500.00 to cover the filing fee is also enclosed.

The First Selectwoman of Westport, has been sent a copy of this exempt modification filing by certified mail.

Sincerely,

JULIE M. DONALDSON

JMD/dsw

Enc.

cc: Diane G. Farrell, Westport First Selectwoman
Maureen Woodstrom, Spectrasite Communications, Inc.
Kim Filomia, Sprint Spectrum, LP
Lynn Lorimer, Atlantic Western

HURWITZ & SAGARIN LLC

May 10, 2000

Mr. Joel M. Rinebold
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

**Re: Notice of Exempt Modification
Spectrasite Telecommunications Facility
180a Bayberry Lane
Westport, Connecticut
(Docket 45)**



Dear Mr. Rinebold:

Sprint Spectrum L.P. ("Sprint") hereby requests acknowledgement that Sprint's proposed co-location on the telecommunications facility owned by Spectrasite Communications ("Spectrasite") of 100 Regency Forest Drive, Carey, North Carolina located at 180a Bayberry Lane, Westport, Connecticut ("Spectrasite Facility") constitutes an exempt modification pursuant to R.C.S.A. § 16-50j-72(b)(2). Sprint files this request as agent for Spectrasite. Please find a letter of authorization attached hereto as Exhibit A. Under this request for acknowledgment, Spectrasite intends to allow Sprint to install antennas and related equipment at this existing telecommunications facility in Westport. The facility was previously certificated and owned by Springwich Cellular Limited Partnership, but has since been purchased by Spectrasite. Please accept this letter as notification, pursuant to R.C.S.A. § 16-50j-73, of modification to an existing telecommunications tower, which constitutes an exempt modification pursuant to R.C.S.A. § 16-50j-72(b)(2). In accordance with R.C.S.A. § 16-50j-73, a copy of this letter is being sent to the First Selectwoman of Westport, Diane G. Farrell.

The existing facility consists of a 100-foot monopole and related equipment located at 180a Bayberry Lane Westport, Connecticut. This tower currently contains antenna arrays operated by SNET, Verizon and as well as several Town and State uses. Sprint plans to attach three panel antennas to the tower at a height of 60 feet as depicted on the site plans attached hereto as Exhibit B. The tower will support the proposed equipment as evidenced by the letter dated April 26, 2001 from Manzi Engineering attached hereto as Exhibit C. In addition to the antennas, Sprint may install up to seven equipment cabinets on a frame near the base of the tower within the existing site compound.

The proposed modifications to the Spectrasite Facility fall squarely within and satisfy the requirements set forth in R.C.S.A. § 16-50j-72(b)(2):

1. The proposed modifications will not increase the height of the tower. Sprint's antennas will be installed at a centerline of approximately 60 feet above ground level (AGL). Sprint's GPS antenna will be mounted to the tower at a height of 50 feet AGL. The site plan, attached as Exhibit B, confirms that the proposed Sprint installation will not increase the overall height of the tower.
2. The installation of Sprint's equipment near the base of the tower, as reflected on the attached site plan, will not require an extension of the site boundaries. Sprint's proposed equipment location, access and utility routing will be located entirely within the existing site.
3. The proposed modifications will not increase the noise levels at the Spectrasite Facility by six decibels or more.
4. The operation of the additional antennas will not increase the total radio frequency (RF) power density, measured at the site boundary, to a level at or above the applicable standard. The "worst-case" RF power density calculation for a point at the tower base would be .000277 mW/cm² for the Sprint antennas, and the calculated "worst-case" power density for the combined operations at the site is 56.93 % of the standard for general population/uncontrolled exposure as evidenced by the power density analysis attached hereto as Exhibit D .

For the foregoing reasons, Sprint respectfully submits that the proposed addition of Sprint's antennas and equipment at the Spectrasite Facility constitutes an exempt modification pursuant to R.C.S.A. § 16-50j-72(b)(2).

Sincerely,



Julie M. Donaldson

cc: Diane G. Farrell, Westport First Selectwoman
Maureen Woodstrom, Spectrasite Communications, Inc.
Kim Filomia, Sprint Spectrum, LP
Lynn Lorimer, Atlantic Western

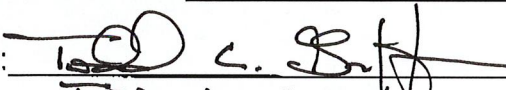
Municipality:

Tax Assessor's Parcel Number:

Re.: Building Permits and Land Use Approvals

SpectraSite Communications, Inc. the Landlord/Owner of 184 Bayberry Lane, Westport, CT 06880 (the "Property") does hereby appoint Sprint Spectrum, LP ("Sprint") and its agents and representatives as Owner's Agent for the purpose of completing, executing, and/or filing any application, form, map, approval, variance, special permit or other land use approval or building permit ("Approvals") required to provide Sprint with lawful access to, and the ability to use the Property for the purpose of installing, erecting, or otherwise placing antennae, support structures and related equipment on the Property. Owner shall fully cooperate with Sprint and its agents and representatives in obtaining any required Approvals. Sprint shall be responsible for all costs, filing fees, or any expense incurred in connection with securing any approvals.

Landlord/Owner: ^{TOWER} SPECTRASITE COMMUNICATIONS, INC.

By: 
Name: TODD C. GRIFFIN
NATIONAL ZONING MANAGER


Its: _____

Date: APRIL 10, 2001

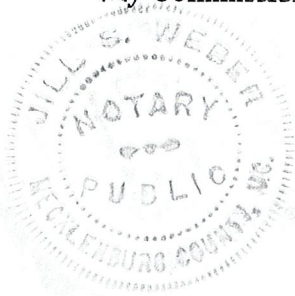
STATE OF North Carolina

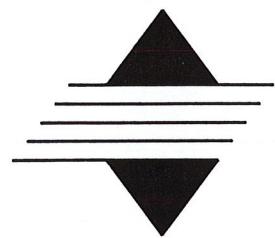
COUNTY OF Mecklenburg

Signed and Sworn to before me this 10th the day of April, 2001


Notary Public

My Commission expires: 11/17/04

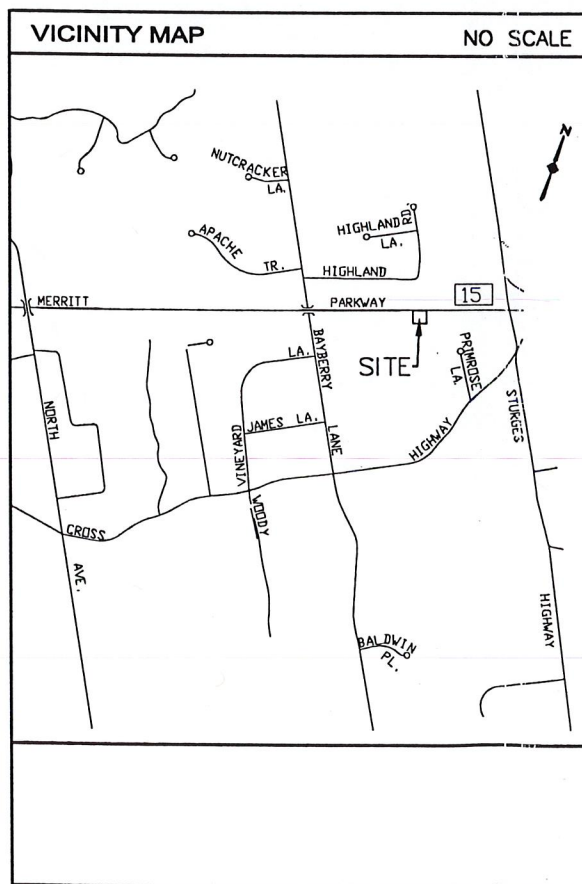




Sprint PCS

SITE I.D.# CT03XC347

WESTPORT SITE 180a BAYBERRY LANE WESTPORT, CONNECTICUT 06880



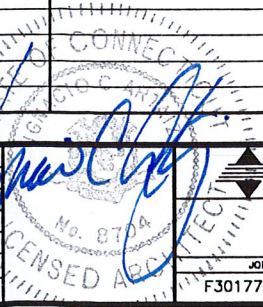
GENERAL NOTES	
1. ADA COMPLIANCE: FACILITY IS NOT STAFFED AND NOT NORMALLY OCCUPIED. 2. REFERENCE IS MADE TO THE SURVEY MAP ENTITLED "PROPERTY AND TOPOGRAPHIC SURVEY TOWER SITE BAYBERRY LANE, WESTPORT, CONNECTICUT PREPARED FOR SNET MOBILITY, BY URS GREINER WOODWARD CLYDE INC. A.E.S. DATED JANUARY 1999.	
PROJECT DESCRIPTION	
PROPOSED INSTALLATION OF UNMANNED WIRELESS COMMUNICATIONS FACILITY LOCATED ON CONCRETE EQUIPMENT PAD IN SNET COMPOUND WITH ANTENNAS MOUNTED ON EXISTING MONOPOLE.	
LEGAL DESCRIPTION	
SITE NAME:	WESTPORT SITE
PROPERTY OWNER:	TOWN OF WESTPORT
PROJECT INFORMATION	
SITE ADDRESS:	180a BAYBERRY LANE WESTPORT, CT 06880
PROJECT DIRECTORY	
APPLICANT:	SPRINT PCS 9 BARNES INDUSTRIAL ROAD WALLINGFORD, CT 06492 (203) 294-5600
ENGINEER:	URS CORPORATION AES 500 ENTERPRISE DRIVE ROCKY HILL, CT 06067 (860) 529-8882
LAND SURVEYOR:	URS CORPORATION AES 500 ENTERPRISE DRIVE ROCKY HILL, CT 06067 (860) 529-8882
SHEET INDEX	
T-1	TITLE SHEET
SC-1	SITE PLAN AND ELEVATION

URS CORPORATION AES
 500 ENTERPRISE DRIVE
 ROCKY HILL, CONNECTICUT
 1-(860)-529-8882

WESTPORT SITE
 180a BAYBERRY LANE
 WESTPORT, CONNECTICUT 06880
 SITE NO. CT03XC347

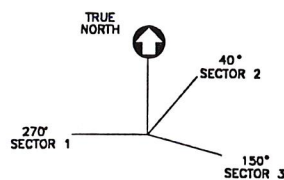
Sprint PCS
 HARTFORD MTA

03-01-01	ISSUED FOR SITING COUNCIL	FLM	AA		
02-21-01	ISSUED FOR REVIEW	FLM	AA		
NO.	DATE	REVISIONS	BY	CHK	APP
SCALE:	AS NOTED	DESIGNED	DJR	DRAWN	FLM

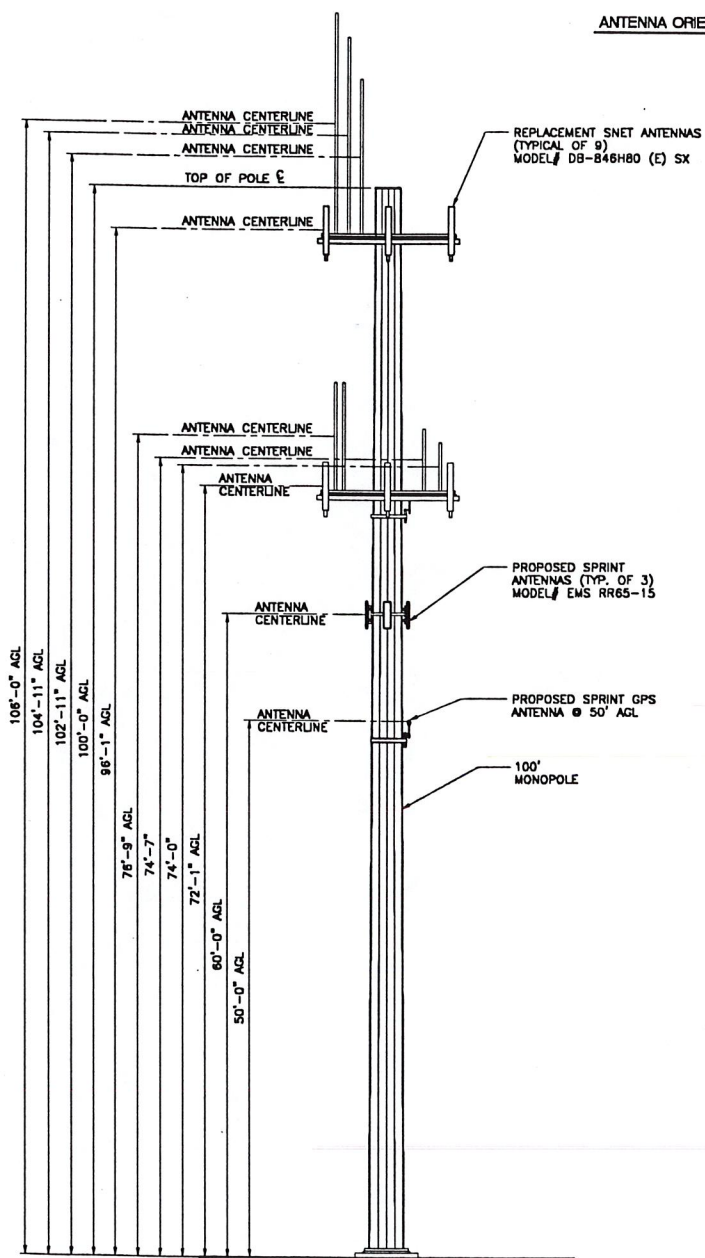


Sprint PCS
 TITLE SHEET

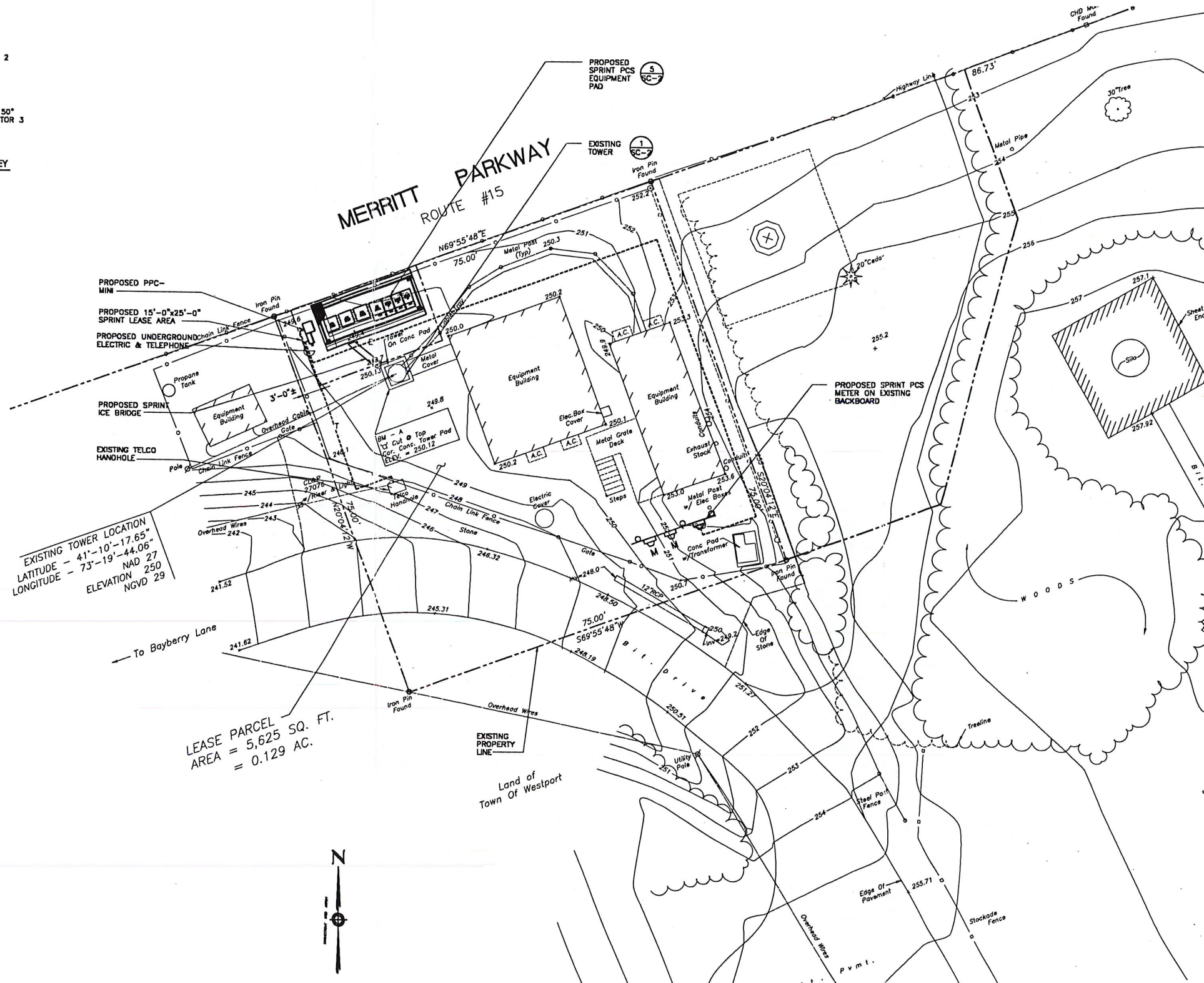
JOB NO.	DRAWING NUMBER	REV
F301772.87/F03	T-1	1



ANTENNA ORIENTATION KEY



2 TOWER ELEVATION
SC-1 SCALE: 1/8" = 1'-0"



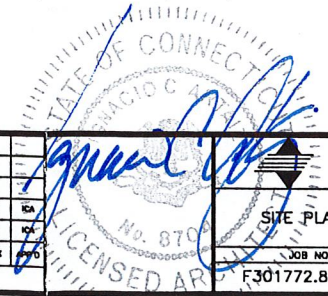
1 SITE PLAN
SC-1 SCALE: 1" = 10'-0"

URS CORPORATION AES
500 ENTERPRISE DRIVE
ROCKY HILL, CONNECTICUT
1-(860)-529-8882

WESTPORT SITE
180a BAYBERRY LANE
WESTPORT, CONNECTICUT 06880
SITE NO. CT03XC347

Sprint PCS
HARTFORD MTA

REVISIONS		DATE	BY	CHK	APP'D
02-01-04	ISSUED FOR BIDDING				
02-21-04	ISSUED FOR REVIEW				
NO.	DATE	REVISIONS	BY	CHK	APP'D
SCALE: AS NOTED					
DESIGNED	DWG	DRAWN	HLJ		
JOB NO.			DRAWING NUMBER		
F301772.87/F03			SC-1		
			1		



Sprint PCS
SITE PLAN AND COMPOUND PLAN

**CT03XC347 - SNET Tower, Bayberry Lane, Westport, CT
Cumulative Power Density Analysis of Sprint PCS, SNET, Verizon
and Town Antennas**

Operator	Operating Frequency	Distance to Target	Calculated Power Density	Maximum Permissible Exposure*	Fraction of MPE
	(MHz)	(feet)	(mW/cm ²)	(mW/cm ²)	(%)
SNET ^a	880	110	0.063100	0.587	10.75%
Town Use #1 ^a	450	n/a	0.013920	0.300	4.64%
Town Use #2 ^a	n/a	n/a	0.009280	0.200	4.64%
Town Use #3 ^a	n/a	n/a	0.009280	0.200	4.64%
Town Use #4 ^a	450	n/a	0.031700	0.300	10.57%
Verizon ^a	874.5	75.4	0.126300	0.583	21.66%
Sprint PCS ^b	1962.5	60	0.000277	1.000	0.03%

Total Percentage of Maximum Permissible Exposure 56.93%

^a Power density information taken from 5/4/1998 Springwch Cellular Filing with CSC.

^b Per OET Bulletin 65, factor of 0.0009 is included to account for the vertical antenna characteristics of Sprint's antenna.

CT03XC347 - SNET Tower, Bayberry Lane, Westport, CT

Power Density Analysis of Sprint PCS Antennas mounted on existing tower. Assumes Max ERP and vertical antenna pattern effects.

Operating Frequency (MHz)	Number of Trans.	Effective Radiated Power (ERP) Per Transmitter (Watts)	Total ERP (Watts)	Antenna Height (Feet)	Distance From Base of Tower (Feet)	Calculated Power Density (mW/cm ²)	Maximum Permissible Exposure*	%MPE
1962.5	11	279.93	3079.234	60	0	0.000277	1	0.0277%
1962.5	11	279.93	3079.234	60	50	0.000164	1	0.0164%
1962.5	11	279.93	3079.234	60	100	0.000073	1	0.0073%
1962.5	11	279.93	3079.234	60	150	0.000038	1	0.0038%
1962.5	11	279.93	3079.234	60	200	0.000023	1	0.0023%
1962.5	11	279.93	3079.234	60	250	0.000015	1	0.0015%
1962.5	11	279.93	3079.234	60	300	0.000011	1	0.0011%
1962.5	11	279.93	3079.234	60	400	0.000006	1	0.0006%
1962.5	11	279.93	3079.234	60	500	0.000004	1	0.0004%

*Requirements set forth in OET Bulletin 65. Based on NCRP Report No. 86 and ANSI/IEEE C95.1-1992



MANZI ENGINEERING
ANTHONY P. MANZI
REGISTERED PROFESSIONAL ENGINEER

3 CIFRE LANE
PLAISTOW, NH 03865
(603) 382-6219 (603) 475-1394
(603) 382-0523 FAX apmanzi@aol.com

SPECIALIZING IN TELECOMMUNICATIONS
RELATED STRUCTURAL ENGINEERING

April 26, 2001

URS Greiner Woodward Clyde
500 Enterprise Drive
Suite 3B
Rocky Hill, CT 06067-4002
Attn: Alitz Abadjran

Dear Alitz:

Per your recent request I am providing you with the enclosed analysis of the 100-ft. monopole at Westport, CT. This study adds 3 EMS RR65-15 panel antennas to the pole at the 60 ft elevation with the associated 3 runs of 1-1/4" coax run down the outside of the pole.

This analysis was done in accordance with the EIA/TIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures". Wind loads were generated for a basic design wind speed of 85 mph and a loading combination which included 1/2" of radial ice.

Based on my investigations I certify that the following configuration meets all the requirements of the EIA/TIA-222-F.

FINAL CONFIGURATION

- **EXISTING 13'-3" LOW PROFILE PLATFORM AT THE 95' ELEVATION**
- **9 DB846H80 REPLACEMENT PANELS CENTERED ON EXISTING PLATFORM @ 95' AGL**
- **EXISTING 2 DB538 WHIPS, 1 BMR10 AND 1 SCALA MOUNTED ON THE EXISTING PLATFORM @ 95' AGL**
- **EXISTING 13'-3" LOW PROFILE PLATFORM @ 71' AGL**
- **9 EXISTING DB844 PANELS ON EXISTING PLATFORM @ 71' AGL**
- **EXISTING 2 WHIPS, 2 FM ANTENNAS AND GPS ANTENNA @ 71' AGL**
- **3 NEW EMS RR65-15 PANEL MOUNTED DIRECTLY TO THE POLE AT 60' AGL.**
- **3 NEW RUNS OF 1 1/4" COAX RUN OUTSIDE POLE FROM 60' DOWN**

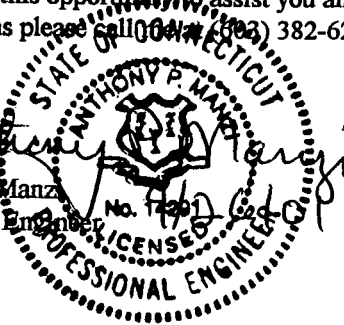
NOTE: THIS ANALYSIS REQUIRES THAT THE 10 EXISTING PANEL ANTENNAS ON THE TOP PLATFORM BE REPLACED WITH 9 DB846H80 PANELS. THESE NEW PANELS WILL REQUIRE NEW LONGER MOUNTING PIPES THAT SHOULD BE CENTERED ON THE EXISTING PLATFORM 3 PER FACE.

All existing platform and antenna information is as shown in the 2/22/01 tower survey done by "PINNACLE SITE DEVELOPMENT, INC" for URS Corporation.

I appreciate this opportunity to assist you and look forward to working with you in the future. If you have any questions please call (860) 382-6219.

Sincerely,


Anthony P. Manza
Professional Engineer





WESTPORT CONNECTICUT

PLANNING & ZONING
TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341-1030 • (203) 341-1079
(203) 454-6145 - fax

May 15, 2001

Joel Rinebold
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



Re: EM-Sprint
158-010510
180a Bayberry Lane
Westport

Dear Mr. Rinebold:

On May 14, 2001 I received a notice from you that on May 25, 2001 the Connecticut Siting Council will consider a request to modify an existing telecommunications facility located at 180a Bayberry Lane in Westport, pursuant to Regulations of Connecticut State Agencies Section 16-50j-72.

This facility is located on Town-owned property. The Town of Westport does object to any action by the Connecticut Siting Council until the proper approvals have been obtained from the Town of Westport.

Thank you.

Sincerely,

Katherine Barnard
Director Planning and Zoning

Cc: Diane G. Farrell, First Selectwoman
Ira Bloom, Town Attorney
Julie Donaldson
Hurwitz and Sagarin
147 North Broad Street
P. O. Box 112
Milford, CT 06460-0112

HURWITZ & SAGARIN LLC

May 22, 2001

Via Facsimile

Mr. Joel M. Rinebold
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



**Re: Notice of Exempt Modification
Spectrasite Telecommunications Facility
180a Bayberry Lane
Westport, Connecticut**

Dear Mr. Rinebold:

It is my understanding that the Town of Westport has objected to the above referenced filing on the basis that they own the underlying property and no approval was obtained for the lease of the underlying land. The Town also notes that local approvals should be obtained.

Sprint entered into a lease agreement with Spectrasite for the location of antennas on the telecommunications facility and equipment within the compound. While it is true that the Town owns the underlying property, Spectrasite has the legal right to enter into such a co-co-location agreement. Spectrasite further notified the Town that it intended to do so in the enclosed letter agreement dated January 19, 2001 in which you will note that paragraph 3 states provides "Southern Towers intends to sub-lease additional space on the Site and wireless tower to other companies for use in providing radio transmission and/or other wireless communications services." (As the letter agreement explains, Spectrasite is the parent company of Southern Towers.) You will note that the letter agreement goes on to request the Town's consent to all of the terms contain in the letter agreement, including those contained in paragraph 3. You will further note that the letter has been signed and consented to on behalf of the Town of Westport by Town of Westport Assistant Town Attorney, Michael Toma.

Sprint's co-location on this facility does not require local zoning approval. The facility is a jurisdictional facility as defined by §16-50i(a)(6) of the Connecticut General Statutes ("C.G.S.") and within the exclusive jurisdiction of the Siting Council pursuant to C.G.S. §16-50x. Sprint has complied with all of the regulatory criteria for an exempt modifications in accordance with R.C.S.A. § 16-50j-72(b)(2) and respectfully requests that the Siting Council acknowledge its co-location at this facility.

Sincerely,

A handwritten signature in blue ink that reads "Julie M. Donaldson". The signature is written in a cursive style.

JULIE M. DONALDSON

JMD/dsw

Enc.

cc: Diane G. Farrell, Westport First Selectwoman
Maureen Woodstrom, Spectrasite Communications, Inc.
Kim Filomia, Sprint Spectrum, LP
Lynn Lorimer, Atlantic Western

SNET CELLULAR
500 Enterprise Dr.
Rocky Hill, CT 06067

January 19, 2001

Town of Westport
110 Myrtle Avenue
Westport, CT 06880-
Attention: Comptroller

Re: Lease between Town of Westport, as landlord, and Springwich Cellular Limited Partnership, as tenant, for land (the "Site") located in Westport, CT, as amended (the "Lease") (our File/Annex No. 3847; Site No. 107)

Dear Sir or Madam:

I am writing to you on behalf of Springwich Cellular Limited Partnership (the "Tenant") to describe some changes in the operation and management of the wireless communications tower located on the Site. These changes include the following:

1. Springwich Cellular Limited Partnership has assigned or will assign its interest in the Lease to SBC Tower Holdings LLC ("SBC TowerCo"), an affiliate of the Tenant which was recently formed for the purpose of owning wireless towers now owned by the Tenant and its affiliates.

2. SBC TowerCo will sublease the Site and the wireless tower to Southern Towers, Inc. ("Southern Towers"). Southern Towers and its parent company, SpectraSite Holdings, Inc., have extensive experience in the operation and management of wireless towers and, together with their affiliates, currently lease or manage over 5000 towers across the United States. Although Southern Towers has agreed with SBC TowerCo to take over day-to-day management of the Site and to pay directly to you all monetary rental amounts due under the Lease, Springwich Cellular Limited Partnership and SBC TowerCo will continue to be obligated to you for Tenant's obligations under the Lease.

3. Southern Towers will sublease back to SBC TowerCo the portions of the Site and the wireless tower currently used by Springwich Cellular Limited Partnership. SBC TowerCo will, in turn, sub-sublease those locations to Springwich Cellular Limited Partnership, which will continue operating its communications equipment there. In addition, Southern Towers intends to sub-sublease additional space on the Site and wireless tower to other companies for use in providing radio transmission and/or other wireless communications services.

Please note that, as stated above, under this arrangement Springwich Cellular Limited Partnership and SBC TowerCo will continue to be obligated to you for all of Tenant's rental obligations and its other responsibilities under the Lease and Springwich Cellular Limited Partnership intends to continue its operation at the Site. In addition, please note that, except as

January 19, 2001

Page 2

stated above, all terms and conditions of the Lease will remain unchanged and in full force and effect.

We would appreciate your consent to the actions and arrangements described in paragraphs 1, 2 and 3 above. Please signify your consent by having all lessors under the Lease sign below and return to me in the envelope provided or by fax to (860) 513-7196.

If you have any questions, please feel free to contact me at (860) 513-7700.

Thank you in advance for your assistance.

Very truly yours,

Michele Briggs ^{anon}

Michele Briggs
Real Estate Manager

Acknowledged and agreed to this 20th
day of February, 2001

Michael D. Jones
Title: Assistant Town Attorney
Town of Westport



WESTPORT CONNECTICUT

OFFICE OF THE
TOWN ATTORNEY

May 23, 2001

Jason Catalini
Spectrasite Holdings, Inc.
Fax No. 919-468-8522

Re: Tower at 180 Bayberry Lane, Westport, CT

Dear Mr. Catalini:

As you requested, I am writing you this letter to clarify the procedure that must be followed before a new telecommunications carrier can locate antennas on the tower. The lease between the Town and Southern New England Telephone specifically requires in paragraph 20 that the lessee shall not assign any rights under the lease without the prior written consent of the lessor.

The lessee or its representative must send a letter to the First Selectwoman asking for her written consent to a sublease. Before she will provide such a letter, the First Selectwoman by state statute (8-24) must refer the proposed sublease to the Planning and Zoning Commission for a report. Upon the issuance of a favorable report, a consent letter would be forthcoming.

The letter agreement of January 19, 2001 does not alter the terms of the lease. In fact, it is legally insufficient to constitute an amendment to the lease since it was not approved by the Board of Selectmen as required by the Town Charter. Our understanding of the letter agreement is that the Town acknowledged that the lessee intended to sublease additional space on the tower, but that all the lease terms remain in effect.

If you have further questions on this issue please call me.

Sincerely,

A handwritten signature in cursive script that reads "Michael S. Toma".

Michael S. Toma
Assistant Town Attorney

Cc: Katherine Barnard, Director of Planning and Zoning



WESTPORT CONNECTICUT

OFFICE OF THE
TOWN ATTORNEY

May 29, 2001

Via Facsimile

Mr. Joel M. Rinebold
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Spectrasite Telecommunications Facility
180A Bayberry Lane
Westport, CT

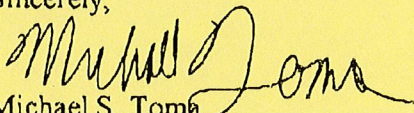
Dear Mr. Rinebold:

In light of the letter you received dated May 22, 2001 from Attorney Donaldson in reference to the above matter, please allow me to clarify the Town of Westport's position with respect to the proposed co-location of Sprint on the subject tower.

The Town of Westport is not offering an opinion on Sprint's filing with the Siting Council. However, the Town owns the property on which the tower sits and the lease agreement between the Town and the tenant (then SNET, now Spectrasite) provides that before the tenant can assign rights under the lease, it must obtain written consent from the Town as lessor. The Town expects Spectrasite to seek written consent for the co-location pursuant to the lease. My response to Attorney Donaldson's argument that the attached letter agreement between the Town and Spectrasite constitutes a modification of the lease is found in my attached letter to Spectrasite dated May 23, 2001.

If you have any questions please call me.

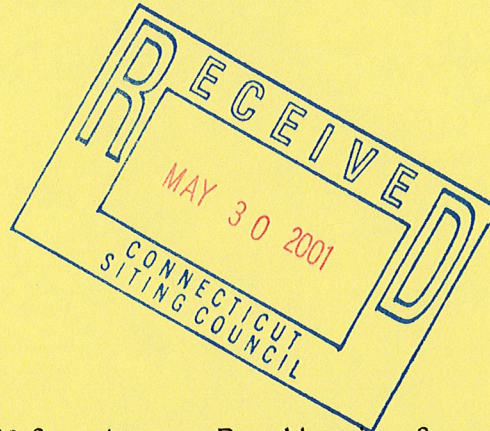
Sincerely,


Michael S. Toma
Assistant Town Attorney

Enc.

Cc: Julie M. Donaldson, Esq.
Jason Catalini, Spectrasite Communications, Inc.
Diane Goss Farrell, First Selectwoman
Katherine Barnard, Planning and Zoning Director

Post-it [®] Fax Note	7671	Date	5-30	# of pages	6
To	Joel Rinebold	From	Mike Toma		
Co./Dept.	Siting Council	Co.	Town of Westport		
Phone #		Phone #			
Fax #	860-827-2980	Fax #			



HURWITZ & SAGARIN LLC

EM-Sprint-158-
010510

June 8, 2001

Via Facsimile

Mr. Joel M. Rinebold
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

**Re: Notice of Exempt Modification
Spectrasite Telecommunications Facility
180a Bayberry Lane
Westport, Connecticut**

Dear Mr. Rinebold:

I would appreciate it if you would add this exempt modification to the Siting Council agenda for the Council's June 20, 2001 meeting. Westport is planning to conduct a C.G.S. §8-24 review of Sprint's proposal to locate on the above referenced facility on June 14, 2001, and Sprint has every reason to believe that it will be approved at that time.

Sincerely,

JULIE M. DONALDSON

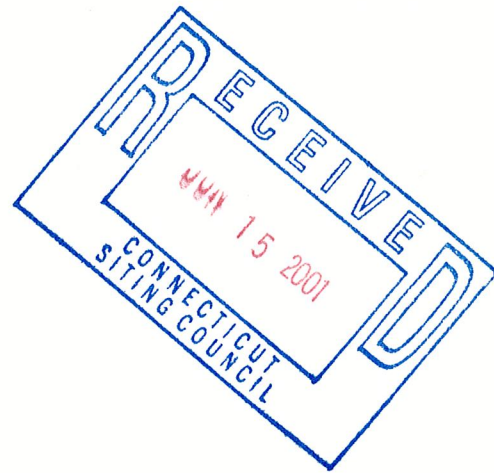
cc: Michael Toma, Westport Town Attorney
Maureen Woodstrom, Spectrasite Communications, Inc.
Kim Filomia, Sprint Spectrum, LP
Lynn Lorimer, Atlantic Western

HURWITZ & SAGARIN LLC

June 14, 2000

Via Telecopier

Mr. Joel M. Rinebold
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



**Re: Notice of Exempt Modification
Spectrasite Telecommunications Facility
180a Bayberry Lane
Westport, Connecticut
(Docket 45)**

Dear Mr. Rinebold:

Sprint Spectrum L.P. ("Sprint") hereby wishes to supplement its above referenced request for acknowledgement of a co-location constituting an exempt modification pursuant to R.C.S.A. § 16-50j-72(b)(2) to include a proposal to share this existing facility pursuant to the provisions of Connecticut General Statutes §16-50aa. Sprint seeks to locate on this existing facility to avoid constructing a new telecommunications tower in this area of Westport. Although this tower sharing element may be implicit in the acknowledgement of an exempt modification of a jurisdictional facility, Sprint wishes to include it in its filing.

Sincerely,

Julie M. Donaldson

cc: Mike Toma, Westport Town Attorney
Maureen Woodstrom, Spectrasite Communications, Inc.
Kim Filomia, Sprint Spectrum, LP
Lynn Lorimer, Atlantic Western

Dictated but not read

HURWITZ & SAGARIN LLC

June 19, 2001

Via Facsimile

Mr. Joel M. Rinebold
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



**Re: Notice of Exempt Modification
Spectrasite Telecommunications Facility
180a Bayberry Lane
Westport, Connecticut**

Dear Mr. Rinebold:

The Westport Planning & Zoning Commission conducted its C.G.S. §8-24 review of Sprint's proposal to locate on the above referenced facility on June 14, 2001, but did not have time to vote that night as it closed the hearing after midnight. Kathy Barnard has assured me that the Planning & Zoning Commission will vote on June 21, 2001. As a result of this delay however, I would imagine that the Council will table the matter on tomorrow's agenda until the Town completes its C.G.S. §8-24 review this week.

Sincerely,

JULIE M. DONALDSON

cc: Michael Toma, Westport Town Attorney
Maureen Woodstrom, Spectrasite Communications, Inc.
Kim Filomia, Sprint Spectrum, LP
Lynn Lorimer, Atlantic Western

**WESTPORT CONNECTICUT**OFFICE OF THE
TOWN ATTORNEY

July 20, 2001

Via Facsimile

Mr. Joel M. Rinebold
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



Re: Spectrasite Telecommunications Facility
180A Bayberry Lane
Westport, CT

Dear Mr. Rinebold:

The Town of Westport as lessor and Spectrasite Communications, Inc. as lessee have tentatively agreed to a lease amendment which provides for co-location by Sprint Spectrum, L.P. on the above-referenced tower. This lease amendment is on the agenda for the Board of Selectmen's August 6th meeting and is expected to be approved and executed at that time.

If the lease amendment is not approved on August 6th, I will contact you the following day. If it is approved, the Town of Westport has no objection to the Siting Council's consideration of Sprint's application for exempt modification.

If you have any questions please call me.

Sincerely,

A handwritten signature in cursive script that reads "Michael S. Toma".

Michael S. Toma
Assistant Town Attorney

Cc: Julie M. Donaldson, Esq.
Jason Catalini, Spectrasite Communications, Inc.
Diane Goss Farrell, First Selectwoman
Kim Filomia, Sprint Spectrum, L.P.

HURWITZ & SAGARIN LLC

July 24, 2001

Via Facsimile

Mr. Joel M. Rinebold
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



**Re: Notice of Exempt Modification
Spectrasite Telecommunications Facility
180a Bayberry Lane
Westport, Connecticut**

Dear Mr. Rinebold:

As indicated in the Town of Westport ("Town") letter dated July 20, 2001, the Town expects to approve the lease amendment providing the co-location of Sprint Spectrum LP on the above referenced tower on August 6th.

Please place this matter on the Council's August 8th's agenda.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Julie M. Donaldson".

JULIE M. DONALDSON

cc: Michael Toma, Westport Town Attorney
Jason Catalini, Spectrasite Communications, Inc
Kim Filomia, Sprint Spectrum, LP



WESTPORT CONNECTICUT

OFFICE OF THE
TOWN ATTORNEY

EM-Sprint-158-00510

August 8, 2001

Via Facsimile

Mr. Joel M. Rinebold
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Spectrasite Telecommunications Facility
180A Bayberry Lane
Westport, CT

Dear Mr. Rinebold:

The Town of Westport Board of Selectmen, as lessor, approved at its August 6 meeting a lease amendment with Spectrasite Communications, Inc. which provides for co-location by Sprint Spectrum, L.P. on the above-referenced tower. Therefore, the Town of Westport has no objection to the Siting Council's consideration of Sprint's application for exempt modification.

If you have any questions please call me.

Sincerely,

Michael S. Toma
Assistant Town Attorney

Cc: Julie M. Donaldson, Esq.

Post-it [®] Fax Note	7671	Date	# of pages ▶
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