

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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Daniel F. Caruso
Chairman

April 9, 2008

Carrie L. Larson, Esq.
Cohen and Wolf P.C.
1115 Broad Street
P.O. Box 1821
Bridgeport, CT 06601-1821

RE: **DOCKET NO. 340** - Optasite Towers LLC and Omnipoint Communications, Inc.
Certificate of Environmental Compatibility and Public Need for the construction,
maintenance and operation of a telecommunications facility located at 1 Deerfield Lane,
Ansonia, Connecticut.

Dear Attorney Larson:

At a public meeting of the Connecticut Siting Council held on March 26, 2008, the Connecticut Siting Council (Council) considered and approved an Amendment to the Decision and Order deleting Condition No. 5. The Council also approved the modification to the Development and Management Plan (D&M Plan) submitted for this project as specified in your correspondence dated February 21, 2008.

This approval applies only to the correspondence submitted on February 21, 2008. Any further changes to the D&M Plan require advance Council notification and approval.

Please be advised that deviations from this plan are enforceable under the provisions of the Connecticut General Statutes § 16-50u. Enclosed is a copy of the staff report, dated March 26, 2008 and the amended Decision and Order dated March 26, 2008.

Thank you for your attention and cooperation.

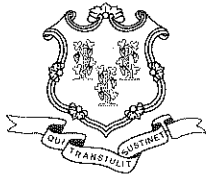
Very truly yours,


Daniel F. Caruso
Chairman

DFC/MP/laf

Enclosure: Staff Report, dated March 26, 2008
Amended Decision and Order, dated March 26, 2008
Service List dated September 19, 2007

c: Parties and Intervenors
The Honorable James T. DellaVolpe, Mayor, City of Ansonia
Peter Crabtree, Zoning Enforcement Officer, City of Ansonia



Daniel F. Caruso
Chairman

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Docket No. 340
Optasite and T-Mobile
1 Deerfield Lane, Ansonia
Modification to D&M Plan and Decision and Order
Staff Report
March 26, 2008

On July 7, 2007, the Connecticut Siting Council (Council) received an application (Application) for a Certificate of Environmental Compatibility and Public Need from Optasite and T-Mobile (collectively, the Applicant) for a telecommunications facility to be located at 1 Deerfield Lane, Ansonia. In the Application, the Applicant proposed that the utilities be run overhead. Specifically, utilities would be installed overhead from existing service on Osbourne Lane to the compound. Approximately ten, 30-foot utility poles would be installed along the proposed access roadway with approximately 100-foot spacing. However, during the hearing, Optasite testified that it is amenable to running the utilities underground.

On November 29, 2007, the Council approved the Application and per Order No. 5 of the Decision and Order (D&O), required that the utilities be run underground following the general alignment of the access drive. On January 24, 2008, the Council approved the Development and Management Plan (D&M Plan) which included underground utilities, consistent with the D&O.

Subsequent to the D&M Plan approval, Optasite had discussions with The United Illuminating Company (UI) and the property owner. By letter dated February 21, 2008, Optasite advised the Council that both UI and the property owner have safety concerns regarding the proposed underground utilities. The underground utility run is located immediately adjacent to paddock fencing used in the operation of the horse farm. The fencing is pressure-operated and the digging for the underground utilities would disrupt the operation of the fencing. Also, given the topography, installation of underground utilities could result in the destabilization of the ground and the fence collapsing. Finally, the utility routing runs along an existing roadway that is used on a daily basis for the operation of the horse farm. The installation would also require the disturbance and installation of a second, temporary route to maintain the operation of the farm. Thus, Optasite requests a modification of the D&M Plan to allow the utilities to be run overhead and relief from Order No. 5 (the requirement to underground utilities).

DOCKET NO. 340 - Optasite Towers LLC and Omnipoint Communications, Inc. application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 1 Deerfield Lane, Ansonia, Connecticut.	} } }	Connecticut Siting Council March 26, 2008
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Amended Decision and Order
 (*Deleted material is in brackets.)

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, operation, and maintenance of a telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to Optasite Towers LLC (Optasite) and Omnipoint Communications, Inc. (T-Mobile), hereinafter collectively referred to as the Certificate Holder, for a telecommunications facility at 1 Deerfield Lane, Ansonia, Connecticut.

The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of T-Mobile and other entities, both public and private, but such tower shall not exceed a height of 170 feet above ground level. The height at the top of Certificate Holder's antennas shall not exceed 170 feet above ground level.
2. Such tower shall incorporate a yield point to eliminate the potential fall radius onto the adjacent property.
3. All cellular and PCS antennas shall be attached to the tower with T-arms.
4. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the City of Ansonia for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
 - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; and
 - b) construction plans for site clearing, grading, water drainage, and erosion and sedimentation control consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.
5. [Utilities shall be underground and follow the general alignment of the access drive.]
6. During construction activities, no soils should be removed from the site without proper waste characterization to determine disposal requirements.

7. The Certificate Holder shall, prior to the commencement of operation, provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
8. Upon the establishment of any new State or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
9. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
10. The Certificate Holder shall provide reasonable space on the tower for no compensation for any City of Ansonia and Town of Woodbridge public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
11. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
12. Any request for extension of the time period referred to in Condition 11 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the City of Ansonia. Any proposed modifications to this Decision and Order shall likewise be so served.
13. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
14. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.
15. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction and the commencement of site operation.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in The New Haven Register and in the Amity Observer.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

Applicant

Optasite Towers LLC and
Omnipoint Communications, Inc.

Its Representative

Julie Kohler, Esq.
Carrie L. Larson, Esq.
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604
(203) 368-1821
(203) 394-9901
jkohler@cohenandwolf.com
clarson@cohenandwolf.com

Intervenor

Cellco Partnership d/b/a Verizon Wireless

Its Representative

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
(860) 275-8200
(860) 275-8299 fax
kbaldwin@rc.com

Intervenor

Osborne Lane Associates, LLC

Its Representative

William Fieber
Keith A. Russo
c/o The Fieber Group
47 Elm Street
New Canaan, CT 06840
(203) 972-4975
(203) 972-4977 fax
krusso@fiebergroup.com

Intervenor

Gennaro Savino

Its Representative

Gennaro Savino
128 Ford Road
Woodbridge, CT 06525
(203) 387-1573
savinovineyards@sbcglobal.net

Docket No. 340
Decision and Order
Page 4

Intervenor

Brian Freeman

Its Representative

Brian Freeman
5 Hampton Trail
Wallingford, CT 06492
(203) 793-7505
Brian@sparc.us

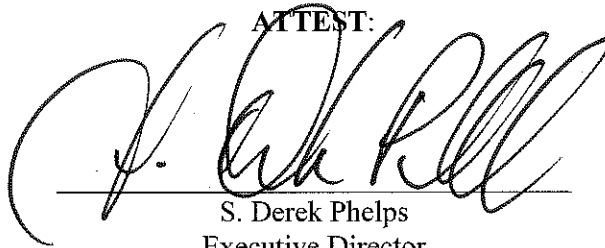
STATE OF CONNECTICUT)

ss. New Britain, Connecticut :

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the amended Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

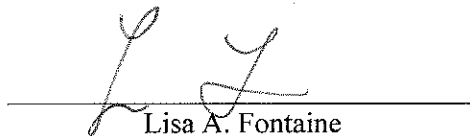
ATTEST:



S. Derek Phelps
Executive Director
Connecticut Siting Council

I certify that a copy of amended Decision and Order in Docket No. 340 has been forwarded by Certified First Class Return Receipt Requested mail on April 9, 2008, to all parties and intervenors of record as listed on the attached service list, dated September 19, 2007.

ATTEST:



Lisa A. Fontaine
Fiscal Administrative Officer
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	Optasite Towers LLC and Omnipoint Communications, Inc.	Julie Kohler, Esq. Carrie L. Larson, Esq. Cohen and Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 (203) 368-1821 (203) 394-9901 jkohler@cohenandwolf.com clarson@cohenandwolf.com
Intervenor (approved 08/29/07)	Cellco Partnership d/b/a Verizon Wireless	Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 (860) 275-8200 (860) 275-8299 fax kbaldwin@rc.com
Intervenor (approved 08/29/07)	Osborne Lane Associates, LLC	William Fieber Keith A. Russo c/o The Fieber Group 47 Elm Street New Canaan, CT 06840 (203) 972-4975 (203) 972-4977 fax krusso@fiebergroup.com
Intervenor (approved 09/18/07)	Gennaro Savino	Gennaro Savino 128 Ford Road Woodbridge, CT 06525 (203) 387-1573 savinovineyards@sbcglobal.net
Intervenor (approved 09/18/07)	Brian Freeman	Brian Freeman 5 Hampton Trail Wallingford, CT 06492 (203) 793-7505 Brian@sparc.us