

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

RE: APPLICATION OF OPTASITE, INC. AND
OMNIPOINT COMMUNICATIONS, INC., A
SUBSIDIARY OF T-MOBILE USA, INC. FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 12 ORCHARD DRIVE IN THE
TOWN OF LEDYARD, CONNECTICUT

DOCKET NO. _____

Date: September 22, 2006

**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, Optasite, Inc. ("Optasite") and Omnipoint Communications, Inc., a subsidiary of T-Mobile USA, Inc. ("T-Mobile") (together the "Applicants") hereby submit an application and supporting documentation to the Connecticut Siting Council ("Council") for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless communications facility (the "Facility") in the Town of Ledyard (the "Application"). The proposed Facility will fill a coverage gap in T-Mobile's network plan to provide personal wireless communications services in New London County, and will also accommodate antennas and equipment of other wireless carriers. The proposed Facility will provide service along State Route 12 and the Thames River in the Gales Ferry section of Ledyard and Preston, as well as in adjacent residential areas.

B. Executive Summary

Optasite and T-Mobile are joint applicants for the proposed site. T-Mobile was responsible for the site search in the area, and identified two sites for the proposed Facility. Optasite will be the Certificate holder and, as such, will be responsible for construction and maintenance of the Facility. Both alternative locations are within an approximately 144-acre property located at 12 Orchard Drive in the Gales Ferry section of Ledyard. The property is owned by Richard H. and Diane Y. Holmberg, and is under agricultural use as an orchard. At either location, the proposed Facility will consist of a monopole, antennas, associated equipment and related site improvements required for a wireless communications facility.

Site A and Site B are both located in the west central portion of the property, with Site B farther interior from the western property boundary. At either site, the Applicants propose to install a monopole with appurtenances extending to approximately 150 feet in height and associated equipment within a 50' by 50' fenced compound. The monopole and compound area at either location will be designed to accommodate use by four carriers. The compound at either location will be enclosed by an 8-foot high security fence.

Vehicular access to either site would extend from Orchard Drive along existing paved and gravel driveways; Site A would require development of an additional gravel driveway approximately 265 feet long. For either site, utility service will extend underground from an existing pole on the property.

Included in this Application and the exhibits attached hereto are survey-based plans, Exhibit A (Site A) and Exhibit B (Site B), for the proposed Facility and other information and reports found detailing the proposed Facility at both Site A and Site B

and the potential environmental impacts of each alternative. The Applicants respectfully submit that the reports and other supporting documentation included in this Application contain the relevant site specific information required by statute and the Council's regulations. A copy of the Council's Community Antenna Television and Telecommunication Facilities Application Guide with references to this Application is included as Exhibit C.

C. The Applicants

The co-applicant Optasite is a Delaware corporation with offices at One Research Drive, Suite 200C, Westborough, Massachusetts 01581. Optasite will construct and maintain the proposed Facility. The co-applicant T-Mobile is a Delaware corporation with a Connecticut office at 100 Filley Street, Bloomfield, Connecticut, 06002. The company and its affiliated entities are licensed by the Federal Communications Commission ("FCC") to construct and operate a personal wireless services system in Connecticut, which has been interpreted as a "cellular system" within the meaning of CGS Section 16-50i(a)(6). T-Mobile does not conduct any other business in the State of Connecticut other than the provision of cellular services under FCC rules and regulations. T-Mobile is committed to use the proposed Facility as the anchor tenant.

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

Cohen & Wolf
1115 Broad Street
Bridgeport, CT 06604
Attention: Julie D. Kohler, Esq.
Carrie L. Larson, Esq.

A copy of all correspondence shall also be sent to:

Ms. Jennifer Young Gaudet
345 Taylor Street
Talcottville, Connecticut 06066

D. Application Fee

The estimated total construction costs for Site A are \$310,000.00 and, for Site B, are \$290,000.00. In accordance with RCSA Section 16-50v-1a(b), a check made payable to the Siting Council in the amount of \$1,000.00 accompanies this Application.

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

Neither Optasite nor T-Mobile is engaged in generating electric power in the State of Connecticut, and therefore the proposed Facility is not subject to CGS Section 16-50r. The proposed Facility has not been identified in any annual forecast reports, and therefore is not subject to CGS Section 16-50/(c).

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

Pursuant to CGS Section 16-50/(b), copies of this Application have been sent 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 attached hereto as Exhibit D. Pursuant to CGS 16-50/(b), notice of the Applicants' intent to submit this application was published on two occasions in the Norwich Bulletin (on September 19, 2006 and September 21, 2006) and in the New London Day (on September 20, 2006 and September 22, 2006). A copy of the legal notice is attached hereto as Exhibit E. The publishers' affidavits of service will be forwarded upon receipt. In compliance with CGS 16-50/(b), notices were sent to each person appearing of record as owner of a property which abuts the property on which Site A and Site B are located. 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

In amending the Communications Act of 1934 by the Telecommunications Act of 1996, the United State Congress recognized the important public need for high quality telecommunication services throughout the United States. The purpose of the Telecommunication Act of 1996 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, 104th Cong., Sess. 1 (1996). 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 that authority, and preempted State or local regulatory oversight of radio frequency emissions as more fully set forth in 47 U.S.C. § 332(c)(7). In doing so, Congress sought a balance between the public interest in deployment of wireless services and legitimate areas of State and/or local regulatory control over wireless infrastructure.

The Facility proposed in this Application is an integral component of T-Mobile's wireless network in New London County. Currently, a gap in coverage exists in T-Mobile's network in the Ledyard/Preston area, specifically along Route 12 and the Thames River and in adjacent areas. The proposed Facility, in conjunction with other existing and future facilities in Ledyard and surrounding towns, is needed to allow T-Mobile to provide its wireless services to people living in and traveling through this area of the State.

T-Mobile's need for the proposed Facility is depicted in propagation plots attached hereto as Exhibit G for Site A and Exhibit H for Site B. Based on the location of the

proposed Facility and the current lack of coverage in this area, the Applicants cannot readily predict a point in time at which the Facility might reach maximum capacity.

B. Statement of Benefits

T-Mobile is a leading provider of advanced wireless voice and data services throughout the United States. T-Mobile has been active in the Connecticut market since the mid-1990s and is actively involved today in the deployment of state-of-the-art wireless services. In recent years, T-Mobile and other carriers in Connecticut have seen the public's demand for traditional cellular telephone services evolve to include expectations that service will be available wherever they travel and that they will be able to access internet service as well as send and receive voice, text, image and video through their wireless devices. As the availability of wireless service has become widespread and as the technological services provided have become more sophisticated, people have begun to employ their wireless devices as their primary form of communication for both personal and business needs.

To help provide 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 recognized that networks that would provide for the rapid, efficient deployment of emergency services would enable faster delivery of emergency care, resulting in 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 that wireless carriers 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. T-Mobile has deployed and continues to deploy TDOA network technology to comply with the FCC E911 requirements. The proposed Facility will become an integral component of T-Mobile's E911 network in this area of the state upon construction of the Facility. As other wireless carriers expand their service in the Ledyard area through the proposed Facility, E911 services will experience additional improvement.

C. Technological Alternatives

The FCC licenses granted to T-Mobile 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 T-Mobile's wireless network. The proposed Facility will also 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. Terrain variations, particularly to the east, and tree cover in Ledyard and the surrounding area, as well as other practical factors limit the use of such technologies and preclude their implementation as alternatives to the proposed Facility. The Applicants submit that there are no equally effective technological alternatives to construction of a new tower Facility for providing reliable personal wireless services in this area of Connecticut.

IV. Site Selection and Tower Sharing

A. Site Selection

A search area is an area where a coverage and/or capacity problem exists within a carrier's network and where a new wireless facility is needed to provide service to the public. In general, wireless carriers and developers attempt to identify any existing towers or other structures of adequate height in a site search area and the surrounding environs which might accommodate the height and structural requirements for a wireless facility. T-Mobile's search of the area revealed no wireless communications towers or other suitable towers or tall structures.

The specific site search which resulted in selection of the two proposed alternative sites is explained in the Site Search Summary and Rejected Sites Map, both attached hereto as Exhibit I. Initially, both individual carriers and Optasite seek to identify any existing towers or other structures of adequate height in a site search area and the surrounding environs that may accommodate a wireless facility. There are two towers within two miles of the proposed sites. Both are located on a small lot within a residential neighborhood on Cardinal Lane, between Route 12 and the Thames River. Neither is suitable for either use or replacement. T-Mobile also investigated a church steeple in the southern portion of the target search area, a smokestack northwest of the proposed Site and a planned water tank. All existing towers within a four mile radius of the proposed Sites are included in the table listed as "Surrounding Site Information" and corresponding map attached hereto as Exhibit J.

Once it was determined that a new tower facility was required, T-Mobile searched for properties upon which a tower could be located while at the same time minimizing any potential environmental impact to the extent practicable and feasible. Due to the nature

of development and terrain in the area, the Holmberg property was uniquely suited for a tower site. Two locations within the property were selected in consultation with the property owners and are the alternative Sites for the Facility proposed in this Application.

B. Tower Sharing

To promote the sharing of wireless facilities in the Ledyard area, Optasite proposes to construct a Facility that can accommodate T-Mobile and up to three additional antenna platforms and equipment for the wireless carriers in the Connecticut marketplace. Municipal public safety antennas also could be accommodated. Details of the design are included in Exhibits A and B. Materials provided by T-Mobile to the Towns of Ledyard and Preston stated T-Mobile's willingness to provide, free of charge, space on the proposed monopole for municipal public safety communications antennas. As the proposed Certificate holder, Optasite affirms its willingness to do so.

V. Facility Design: Site A and Site B

A. Site A

At Site A, T-Mobile would lease a 5,625 square foot parcel within the approximately 144-acre property located at 12 Orchard Drive. The proposed Facility at Site A would at a minimum require the construction of a 150 foot high self-supporting monopole. T-Mobile would install up to nine panel antennas on a platform at the top of the tower and place its equipment cabinets on concrete pads within a 50 foot by 50 foot equipment compound. The compound would be enclosed by a security fence, 8 feet in height. The monopole and equipment compound are designed to accommodate the facilities of all wireless carriers active in the Connecticut marketplace. Optasite also would make space available, free of charge, for municipal public safety communications.

Vehicular access to the facility would extend from Orchard Drive over existing paved and gravel driveways a distance of approximately 545 feet, then along a new gravel drive approximately 265 feet to the equipment compound. Overhead utility service exists on the property; Optasite will extend utility service underground from an existing pole to the compound. Exhibit A contains plans, descriptions, a tree inventory and other relevant information for Site A. In summary, that information reveals that:

- The property is classified in the R-40 Residential zoning district;
- A wetland area is found to the south and west of the site; the nearest point is approximately 102 feet from the proposed compound;
- The property is and will continue to be used for agricultural purposes;
- Considerable grading of the proposed compound and moderate grading of the new access drive would be required for the construction of the proposed Facility;
- Moderate clearing would be required for development of the proposed new access drive and compound area;
- The proposed Facility will have no effect on historic or architectural resources. An archaeological study indicates that no archaeological resources will be affected by development of the proposed Facility. A copy of the archaeological study is attached hereto as Exhibit K; and
- The proposed Facility will have no impact on water flow, water quality, or air quality and will comply with relevant noise regulations.

B. Site B

At Site B, T-Mobile would lease a 5,625 square foot parcel within the approximately 144 acre property located at 12 Orchard Drive. The proposed Facility at Site B would at a minimum require the construction of a 150 foot high self-supporting monopole. T-Mobile would install up to nine panel antennas on a platform at the top of the tower and place its equipment cabinets on concrete pads within a 50 foot by 50 foot equipment compound. The compound would be enclosed by a security fence, 8 feet in height. The monopole and equipment compound are designed to accommodate the facilities of all wireless carriers active in the Connecticut marketplace. Optasite also would make space available, free of charge, for municipal public safety communications.

Vehicular access to the facility would extend from Orchard Drive over existing paved and gravel driveways a distance of approximately 1,290 feet to the equipment compound. Overhead utility service exists on the property; Optasite will extend utility service underground from an existing pole to the compound. Exhibit B contains plans, descriptions, a tree inventory and other relevant information for Site B. In summary, that information reveals that:

- The property is classified in the R-40 Residential zoning district;
- A wetland area is found to the south and southwest of the site; the nearest point is approximately 168 feet from the proposed compound;
- The property is and will continue to be used for agricultural purposes;
- No new access drive would be required;
- Minimal grading within the proposed compound and considerable grading at the southwest corner of the compound would be required for the construction of the proposed Facility;

- Minimal clearing would be required for development of the proposed compound area;
- The proposed Facility will have no effect on historic or architectural resources. A copy of the archaeological study is attached hereto as Exhibit K ;and
- The proposed Facility will have no impact on water flow, water quality, or air quality and will comply with relevant noise regulations.

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, neither of the proposed Facilities will have any significant adverse environmental impacts.

A. Visual Assessment

The visual impact of the proposed Facility at both Site A and Site B would vary from different locations around the towers depending upon factors such as vegetation, topography, distance from the towers, and the location of structures around the towers and there is virtually no difference in the visual impact of Site A versus Site B. Exhibit L contains a computer-based, predictive viewshed model which depicts the potential impact of the proposed Facility from surrounding views for both Sites as well as a Visual Resource Evaluation.

Optasite retained Vanasse Hangen Brustlin ("VHB") to prepare the Visual Resource Evaluation. On September 7, 2006, VHB conducted a balloon float test at 150 feet AGL at both of the proposed Sites in order to evaluate the potential viewshed

associated with the proposed Facility. VHB sought to determine the visibility impact of the Facility at both proposed Sites, 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 as proposed at Site A and Site B will be as inconspicuous as possible. The topography and the mature vegetation at the property that includes both Sites will significantly limit the visual impact of the proposed Facility. The potential visual impact is virtually identical for both Site A and Site B and therefore the analysis contains a general discussion of the overall visual impact and then discusses the slight variations of predicted visual impact between Site A and Site B.

The existing vegetation in the area of the property for both Site A and Site B 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 Sites will be at least partially visible year round comprise only 561 acres for Site A and 524 for Site B, which is less than seven percent (>7%) of the entire Study Area. The vast majority of the predicted visibility occurs over the open water contained within the Study Area; approximately 479 acres for Site A and 460 acres for Site B. The visibility of the tower at either of the proposed Sites will be minimized due largely to the topography and extent of tree cover found within the Study Area and particularly on the Property itself, which is 144 acres. The vast majority of the land-based visibility of both Sites will occur on the host property itself. The Facility at both proposed Sites will be visible above the tree canopy from portions of Pequot Street, Parker Street, Cove Road and Route 12, but views from the proposed Facility at either Site are expected to be limited to primarily

within 0.5 miles of the proposed Facility at either Site. Overall, twelve (12) residences will have partial year round views of either Facility and an additional twenty (20) residences will have partial, seasonal views of either Facility.

Of note, neither Facility will be visible from Rose Hill Road, a locally-designated scenic roadway within the Study Area.

The compound area at either Site will have a de minimis visual impact as it will be screened by the proposed fencing. In addition, the Property itself provides a vegetative buffer around either Site. Finally, the tower and antenna installations will be painted a color to blend in with the trees in the vicinity to further reduce the overall visibility of either Site.

These Visual Resources demonstrate that, even from most of the areas where either Facility will be visible, the tower is unobtrusive. Accordingly, the proposed Facility will not result in an unacceptable adverse visual impact.

As the Visual Resources confirm, the two locations of the proposed Facility 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 either proposed Site will not have a significant visual impact on any hiking or recreational sites, scenic highways or historic sites.

Weather permitting, Optasite 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

EBI Consulting performed a NEPA analysis on behalf of T-Mobile. A copy of the NEPA report is attached hereto as Exhibit M. As part of its NEPA analysis, T-Mobile

submitted a request for review to the Connecticut State Historic Preservation Officer ("SHPO"). At SHPO's request, Heritage Consultants conducted a Phase I archaeological survey and consulted with the Mashantucket-Pequot Indian Tribe. Based on that survey, the SHPO concluded that the proposed project will have no effect on Connecticut's archaeological heritage. See Exhibit K. In addition, the Tribal Historic Preservation Officer for the Mashantucket-Pequot Indian Tribe concurred with the findings of the survey that the proposed project would have no impact on significant or potentially significant cultural resources. Copies of correspondence with SHPO and the Mashantucket-Pequot Indian Tribe are attached hereto as Exhibit N.

C. MPE Limits/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, T-Mobile has performed maximum power density calculations for the proposed Facilities assuming that the antennas were pointed at the base of the tower and all channels were operating simultaneously. The resulting power density for T-Mobile's operations at each of the proposed sites would be approximately 2.957% of the applicable MPE standards. A copy of the power density calculations and report are attached hereto as Exhibit O.

D. Other Environmental Factors

The proposed Facility would be unmanned, requiring infrequent monthly maintenance visits by each carrier that will last approximately one hour. T-Mobile's equipment at the Facility would be monitored 24 hours a day, 7 days a week from a remote location. The proposed Facility at either Site A or Site B would not require a water supply or wastewater utilities. No outdoor storage or solid waste receptacles will

be needed, and 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 of either site.

The property on which both Site A and Site B would be located has been evaluated 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. Neither Site A nor Site B was 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 subject sites. The subject sites are not located in or adjacent to any areas identified as a wildlife preserve. Further, according to the site survey and field investigations, no federally regulated wetlands or watercourses will be impacted by the proposed Facilities. In addition, the NEPA report demonstrates that the property on which both Sites would be located is not located within a 100-year or 500-year floodplain. As such, and based on the information contained in other reports included in this Application, Site A and Site B are both 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 Town of Ledyard's 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 each Site and the planned and existing uses of the proposed site locations are also detailed in this section.

A. Ledyard's Plan of Development

The Ledyard Plan of Conservation and Development (the "Plan"), a copy of which is included in the bulk filing, was adopted on November 18, 2004. Wireless communications facilities are specifically addressed in the Plan in section IV, subsection C. The Plan states that "[w]ireless communication services are expanding in the region and additional facilities can be expected in Ledyard." In addition, subsection C states that, as a goal, the Town should aim to "[i]mprove and expand telecommunications services." See Bulk Filing, Plan of Conservation and Development at section IV. Accordingly, Optasite respectfully submits that the proposed Facility, which will provide needed wireless communications service within the Town and a means for upgrading the Town's emergency communications, is consistent with the Town's Plan.

B. Ledyard's Zoning Regulations

According to the Town's zoning map and municipal tax records, both Site A and Site B are classified in the Town of Ledyard's R-40 Residential zoning district.

Section 14 of the Town's Zoning Regulations outline the zoning requirements for wireless telecommunication facilities, antennas and towers. See Bulk Filing, Zoning Regulations, Section 14. Section 14 defines the purpose of the regulations "to provide for the location of wireless telecommunications facilities, antennas and towers while protecting residential neighborhoods and minimizing adverse visual and operational effects through careful design, siting and screening." Id. Section 14.5 outlines the special permit requirements for siting a facility in a residential zone. Consistency of the

proposed Facility at the Site with these standards and dimensional requirements are illustrated in the following table.

Standards and Dimensional Requirements

Regulation Section	Requirement of Regulation	Proposal
Section 4.5.2	Setback	Site
	Must meet requirements of underlying zone (36 feet aggregate side yard setback; 30 feet rear yard setback) or height of tower, whichever is greater	Minimum setback distance is over 150 feet for both proposed sites, well over R-40 requirements and proposed height of the tower (150 feet)
Section 14.5.3	Leasing	Site
	Property can be leased so long as adequate ingress and egress is provided	Application provides for adequate ingress and egress over gravel access driveway
Section 14.5.4	Tower Design	Site
	In residential zones, tower must be monopole design	Proposal is a monopole design
Section 14.5.5	Color	Site
	Towers shall be painted a non-contrasting blue, gray or other neutral color	Applicants will paint tower according to CSC approval and recommendations of the Town
Section 14.5.5	Lighting	Site
	No lighting or illumination permitted unless required by the FAA	None proposed

Section 14.4.8	Tower Sharing	Site
	Tower must be built to accommodate a minimum of three (3) carriers	Proposed Facility can accommodate up to four (4) carriers

In addition, Section 14.7.3 describes the requirements for accessory buildings associated with telecommunications facilities. See Bulk Filing, Zoning Regulations at Section 14.7.3. Section 14.7.3.1 states that accessory buildings shall not exceed 450 square feet of gross floor area. The proposed Facility conforms to this requirement. In addition, section 14.7.3.2 states that each accessory building shall comply with setback requirements for accessory buildings for the zoning district in which it is located. Again, the proposed Facility conforms with this requirement.

C. Planned and Existing Land Uses

Both proposed Site A and proposed Site B will be located in the western portion of an approximately 144 acre property. The property contains orchards and associated agricultural structures. Residential development, including houses belonging to members of the Holmberg family, is found in the surrounding area. The closest residence to proposed Site A is approximately 482 feet from the proposed tower; the closest residence to proposed Site B is approximately 268 feet from the proposed tower. Consultation with municipal officials and observations did not indicate any known or planned changes in surrounding land uses, other than the pending construction of a municipal water tank located on property recently acquired from the Holmberg family.

D. Ledyard’s Inland Wetlands and Watercourses Regulations

The Ledyard 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 removal or deposition of material or any obstruction, construction, alteration or pollution” of such wetland and in areas adjacent to a wetland or watercourse. See Bulk Filing, Inland Wetlands and Watercourses Regulations, Section 2.1.21. The Local Wetlands Regulations do not define a specific buffer area but, instead, define the “regulated area” as “the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses.” See Bulk Filing, Inland Wetlands and Watercourses Regulations, Section 2.1.22.

According to the site survey, field investigations conducted at both proposed Sites as well as the wetlands report attached hereto as Exhibit P, no watercourses or wetlands are located within 100 feet of either of the proposed Sites. 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 16-50(e) requires an applicant to consult with the local municipality in which a proposed facility may be located and with any adjoining municipality having a boundary of 2,500 feet from the proposed facility concerning the proposed and alternate sites of the facility.

In October, 2005, T-Mobile submitted a technical report to the First Selectman of the Town of Ledyard with respect to two alternative sites in Ledyard. The technical report, a copy of which is being bulk filed with this Application, included specifics about each proposed location and addressed the public need for the facility, the site selection

process and the environmental effects of the proposed Facility. The Town of Ledyard did not undertake any hearings or information sessions on the proposal, and did not provide comments to T-Mobile.

Subsequently, in early 2006, T-Mobile also submitted a technical report to the First Selectman of the Town of Preston. The Town of Preston did not undertake any hearings or information sessions on the proposal, and did not provide comments to T-Mobile.

By letters dated August 31, 2006, T-Mobile provided the First Selectmen of Ledyard and Preston with an update on the status of this Application. The letters, which are included in Exhibit Q, notified them that the application will be re-submitted, that Optasite will be responsible for development of the site and that the project design details are unchanged.

B. Consultations with State Officials

As noted in Section VI.B of this Application, T-Mobile's consultant EBI consulted with the State Historic Preservation Officer in the course of its NEPA survey. Copies of the correspondence with SHPO are attached hereto as Exhibit N.

C. Consultation with Federal Agencies

T-Mobile has received determinations from the Federal Aviation Administration ("FAA") for Site A and Site B, which are attached hereto as Exhibit R, respectively. The results indicate neither of the proposed Facilities would require FAA registration, let alone FAA review as a potential air navigation obstruction or hazard. Therefore, no FAA lighting or marking would be required for the towers proposed in this Application.

T-Mobile'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. The resulting report, attached hereto as Exhibit M, confirms that the property on which both Sites would be located does not fall under any of the NEPA "listed" categories of 47 CFR §1.1307. Therefore, neither proposed Facility requires review by the FCC pursuant to NEPA.

IX. Estimated Cost and Schedule

A. Overall Estimated Cost

The total estimated cost of construction for the proposed Site A facility is \$310,000. This estimate includes:

- (1) Tower and foundation costs (including installation) of approximately \$74,000;
- (2) Site development costs of approximately \$76,000;
- (3) Utility installation costs of approximately \$38,000; and
- (4) T-Mobile antenna and equipment costs of approximately \$122,000.

The total estimated cost of construction for the proposed Site B facility is \$290,000. This estimate includes:

- (1) Tower and foundation costs (including installation) of approximately \$74,000;
- (2) Site development costs of approximately \$66,000;
- (3) Utility installation costs of approximately \$28,000; and
- (4) T-Mobile antenna and equipment costs of approximately \$122,000.

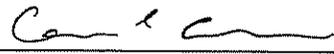
B. Overall Scheduling

Site preparation and engineering would commence immediately following Council approval of Optasite's Development and Management ("D&M") Plan and is expected to be completed within three (3) to four (4) weeks. Installation of the monopole, antennas and associated equipment is expected to take an additional two (2) weeks. The duration of the total construction schedule is approximately six (6) weeks. Facility integration and system testing is expected to require an additional two (2) weeks after the construction is completed.

X. Conclusion

This Application and the accompanying materials and documentation clearly demonstrate that a public need exists in the Town of Ledyard for improved wireless services and that neither of the proposed Facilities will have any substantial adverse environmental effects. The Applicants therefore respectfully submit that the public need for the proposed facility outweighs any potential environmental effects resulting from the construction of the proposed facility at Site A or Site B, and that the Council should grant a Certificate of Environmental Compatibility and Public Need to the Applicants for a proposed wireless telecommunication facility in the Town of Ledyard.

Respectfully Submitted,

By:  _____

Attorneys for the Applicants
Julie D. Kohler, Esq.
jkohler@cohenandwolf.com
Carrie L. Larson, Esq.
clarson@cohenandwolf.com
Cohen and Wolf, P.C.
1115 Broad Street
Bridgeport, CT 06604
Tel. (203) 368-0211
Fax (203) 394-9901