

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**RE: APPLICATION OF SBA TOWERS II, LLC DOCKET NO. _____
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT ONE OF TWO ALTERNATE SITES AT
RABBIT HILL ROAD, WARREN, CONNECTICUT Date: February 27, 2009**

**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, SBA Towers II, LLC hereby submits this 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 Warren (the "Application") at one of two alternate locations. The proposed Facility will fill a coverage gap in AT&T Wireless's ("AT&T") network plan to provide personal wireless communications services in Litchfield County, and will also accommodate antennas and equipment of other wireless carriers. Both Cellco Partnership d/b/a Verizon Wireless ("Verizon") and Omnipoint Communications, Inc. d/b/a T-Mobile ("T-Mobile") have expressed their interest in co-locating on the proposed facility. The proposed Facility will provide service along State Route 202 (Litchfield Road) in Warren and Washington as well as in adjacent areas.

B. Executive Summary

SBA Towers II, LLC ("SBA") is the applicant. SBA (formerly Optasite Towers LLC)¹ was responsible for the site search in the area. SBA will be the Certificate holder and, as such, will be responsible for construction and maintenance of the Facility. AT&T identified a need in this area of Warren and plans to intervene in this proceeding and co-locate on the proposed Facility. In addition, both Verizon and T-Mobile have expressed interest in co-locating on the proposed Facility.

SBA identified two alternate locations, both within an approximately 106-acre property located on Rabbit Hill Road in Warren (the "Property")². The property is owned by Lewis & Truda Tanner, and is under agricultural use as a farm with associated outbuildings. 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 is located in the southwestern corner of the Property. At Site A, the Applicant proposes to install a monopole with appurtenances extending to approximately 160 feet in height and associated equipment within a 60' by 60' fenced compound. The monopole and compound area location will be designed to accommodate use by four carriers. AT&T has expressed a need to locate at Site A at 157' above ground level ("AGL"). In addition, Verizon has expressed a need to locate at Site A at 147' AGL and

¹ The technical report was filed with the Towns of Warren and Washington by Optasite Towers LLC. Subsequently, Optasite was purchased by SBA and Optasite Towers LLC's name was changed to SBA Towers II, LLC.

² The Property had previously been known as 131 Rabbit Hill Road. The Property owners then sold a lot to Lucinda T. Whitlow, shown on the site plans of both Sites A and B. That sold parcel became known as 131 Rabbit Hill Road and the Property no longer has a street number.

T-Mobile has expressed a need to locate at Site A at 140' AGL.³ The compound will be enclosed by an 8-foot high security fence. Vehicular access to Site A would extend from Rabbit Hill Road along a new gravel access drive approximately 490'.

Site B is located 730 feet to the northwest of Site A. At Site B, the Applicant proposes to install a monopole with appurtenances extending to approximately 150 feet in height with an associated 50' by 70' fenced compound. The monopole and compound area location will be designed to accommodate use by four carriers. AT&T has expressed a need to locate at Site B at 147' AGL. Verizon has stated that, even at heights up to 200' AGL, Site B does not meet its coverage needs. T-Mobile has expressed a need to locate at Site B at 170' AGL.⁴ Vehicular traffic to Site B would extend from Rabbit Hill Road along an existing access drive. For either site, utility service will extend underground from existing utility lines on Rabbit Hill Road.

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. Pursuant to CGS § 16-500(c), included in this Application as Exhibit C is a copy of SBA's notices of lease for the Property at either Site. The Applicant respectfully submits 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

³ Of note, T-Mobile has stated that, if it located its antennas at 170' AGL at Site A, it would no longer need a second tower location to the east of Site on Route 202 that is currently an open search ring. T-Mobile has not committed to intervene in this docket.

⁴ Based on responses from T-Mobile, even at 170' AGL at Site B, T-Mobile will still have a need for a second tower site to the east of Site B on Route 202.

Community Antenna Television and Telecommunication Facilities Application Guide with references to this Application is included as Exhibit D.

C. The Applicant

The applicant SBA is a Delaware limited liability company. SBA is a subsidiary of SBA Communications Corporation, a publicly traded company and a leading independent owner and operator of wireless infrastructure nationwide. SBA owns and maintains over 7,800 telecommunications facilities nationwide. SBA has offices at One Research Drive, Suite 200C, Westborough, Massachusetts 01581. SBA will construct and maintain the proposed Facility.

Correspondence and/or communications regarding this Application shall be addressed to the attorney for the applicant:

Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702
Attn: Carrie L. Larson

D. Application Fee

The estimated total construction costs for Site A are \$215,000 and for Site B are \$175,000. 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)

SBA is not 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 E.

Pursuant to CGS 16-50/(b), notice of the Applicant's intent to submit this application was published on two occasions in the Litchfield County Times and in the Greater New Milford Spectrum, both on February 20, 2009 and February 27, 2009. A copy of the legal notice is attached hereto as Exhibit F. 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 G.

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 AT&T, Verizon and T-Mobile's wireless network in Litchfield County. Currently, a gap in coverage exists in AT&T, Verizon and T-Mobile's network in the Warren/Washington area, specifically along Route 202 and in adjacent areas. The proposed Facility, in conjunction with other existing and future facilities in Warren and surrounding towns, is needed to allow AT&T, Verizon and T-Mobile to provide its wireless services to people living in and traveling through this area of the State.

AT&T's need for the proposed Facility is depicted in propagation plots attached hereto as Exhibit H for Site A and Exhibit I for Site B. In addition, both Verizon and T-Mobile have expressed interest in co-locating antennas on the proposed Facility. Finally, Litchfield County Dispatch has indicated their need to locate emergency services equipment on the proposed Facility. In addition, the Warren volunteer fire department has indicated that they may have a need to locate emergency services equipment on the proposed Facility as well. As is their usual practice, SBA will provide reasonable space, free of charge, for such emergency services equipment. Based on the location of the proposed Facility and the current lack of coverage in this area, the Applicant cannot readily predict a point in time at which the Facility might reach maximum capacity.

B. Statement of Benefits

In recent years, wireless 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 which 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. The proposed Facility will become an integral component of AT&T, Verizon and 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 Warren area through the proposed Facility, E911 services will experience additional improvement.

In addition, the Town of Warren utilizes the Connect CTY network, which permits the Town to disseminate emergency messages rapidly using telephone databases. To

the extent that residents are registering their cell phones with Warren's Connect CTY network, the proposed Facility will enhance the operations of that emergency service network.

C. Technological Alternatives

The FCC licenses granted to 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 AT&T'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 along Route 202 and tree cover in Warren 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 Applicant submits 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. SBA conducted the site search in this area and determined that there were no wireless communications towers or other suitable towers or tall structures that would provide coverage for AT&T's existing coverage gap.

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 J. Initially, SBA seeks 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 four miles of the proposed sites. 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 K. There are no existing structures in the area of adequate height to fill AT&T's coverage gap in this area.

Once it was determined that a new tower facility was required, SBA 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. The Site Selection narrative and map of rejected sites, attached hereto as Exhibit J, provides a complete explanation of SBA's methodology and actual search for potential sites in Warren/Washington and depicts the locations reviewed during SBA's search and the reasons for elimination from consideration of all but the proposed Sites.

B. Tower Sharing

To promote the sharing of wireless facilities in the Warren area, SBA proposes to construct a Facility that can accommodate AT&T, Verizon, T-Mobile and one additional antenna platform 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 (for Site A) and B (for Site B). As is its normal practice, SBA has expressed its willingness to provide, free of charge, space on the proposed monopole for the Town of Warren's public safety communications antennas.

V. Facility Design: Site A and Site B

A. Site A

At Site A, SBA would lease a 70' by 70' leased area within the approximately 106-acre Property. The proposed Facility at Site A would at a minimum require the construction of a 160 foot high self-supporting monopole. AT&T would install twelve panel antennas on a platform at the 157' AGL centerline and place its equipment cabinets on concrete pads within a 60' by 60' equipment compound. Verizon has expressed an interest in locating an antenna array at the 147' AGL centerline. T-Mobile has expressed an interest in locating its antenna array at the 137' AGL centerline, although they have indicated that if they could utilize a centerline of 167' AGL, T-Mobile would no longer need a second tower location to the east on Route 202. The compound would be enclosed by a security fence, 8 feet in height. The monopole, foundation and equipment compound will be designed to accommodate the facilities of all wireless carriers active in the Connecticut marketplace. SBA also would make space available, free of charge, for the Town of Warren public safety communications.

Vehicular access to the facility would extend from Rabbit Hill Road over a new gravel drive approximately 490 feet to the equipment compound. Due to the use of the Property as a farm, a barbed wire cow fence will be installed along the westerly edge of the access drive to the compound. SBA will run utility service underground from existing utility service on Rabbit Hill Road to the compound. Exhibit A contains plans, descriptions and other relevant information for Site A. Exhibit L contains a comparative

Visual Analysis Report of Site A and Site B. Exhibit M contains a report concerning impact on arable lands. Exhibit N contains excerpts from the NEPA reports for both Site A and Site B. In summary, that information reveals that:

- The Property is classified in the north residential zoning district;
- There are no wetlands within the vicinity of Site A;
- The Property is and will continue to be used for agricultural purposes;
- Pursuant to CGS § 16-50p (3)(G), while Site A is located on a section of the Property subject to an agricultural restriction under CGS 22-26cc, construction of the Facility at Site A will not result in a material decrease of acreage and productivity of the arable land as shown in Exhibit M;
- Moderate grading will be required for the construction of the proposed access drive and equipment compound, including the construction of a retaining wall around the equipment compound;
- Moderate clearing would be required for development of the proposed new access drive and compound area including the removal of sixty-one (61) trees 6" in diameter or greater;
- The proposed Facility will have no effect on historic or architectural resources; 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, SBA would lease a 70' by 70' leased area within the approximately 106-acre Property. The proposed Facility at Site B would at a minimum require the construction of a 150 foot high self-supporting monopole. AT&T would install twelve panel antennas on a platform at the 147' AGL centerline and place its equipment

cabinets on concrete pads within a 50' by 70' equipment compound. Verizon has stated that, even at heights up to 200' AGL, Site B does not satisfy its coverage objectives. T-Mobile has expressed an interest in Site B at the 167' AGL centerline. 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. SBA also would make space available, free of charge, for the Town of Warren public safety communications.

Vehicular access to the facility would extend from Rabbit Hill Road over an existing paved driveway approximately 176 feet and continuing on a new gravel driveway a distance of approximately 297 feet to the equipment compound. SBA will run utility service underground from existing utility service on Rabbit Hill Road to the compound. Exhibit B contains plans, descriptions and other relevant information for Site B. Exhibit L contains a comparative Visual Impact Report. Exhibit N contains excerpts from the NEPA report for both Site A and Site B. Exhibit O contains a wetlands delineation report and wetlands impact report. In summary, that information reveals that:

- The Property is classified in the north Residential zoning district;
- There is a wetland 50 feet from the closest edge of the compound of Site B but, based on the wetlands impact report, the construction and maintenance of Site B would have no impact on that wetland resource;
- The Property is and will continue to be used for agricultural purposes;
- Site B is located on a portion of the Property that is not subject to an agricultural restriction pursuant to CGS 22-26cc;
- SBA would utilize an existing, paved driveway for a portion of its access driveway and would create a new, gravel driveway for the remainder of the access to Site B;

- Minimal grading 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; 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, either of the proposed Facilities will have no significant adverse environmental impacts.

A. Visual Assessment

The visual impact of the proposed Facility at either Site A or 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. Exhibit L contains a computer-based, predictive viewshed model along with a comparative visual analysis report which depicts the potential impact of the proposed Facilities from surrounding views for Site A and Site B, respectively.

Optasite retained Clough Harbor & Associates LLP ("CHA") to prepare the Visual Analysis Report. On November 20, 2008, CHA conducted a balloon float test at 160 feet

AGL at Site A and 150 feet AGL at Site B⁵ in order to evaluate the potential viewshed associated with the proposed Facility at either location. CHA 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 Analysis Report demonstrates that a 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 very similar 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 Property consists of open fields used for farming and grazing for farm animals and a wooded area in the southeast portion of the Property. 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.

Site A is located in the wooded portion of the Property, which serves to visually buffer the Site A Facility from the surrounding areas. Based on the Visual Analysis, Site A will be at least partially visible year round from only 121 acres, which is only 1.5% of the Study Area. The visibility of the Site A Facility will largely be mitigated by the surrounding vegetation. The Site A Facility will be visible from portions of Rabbit Hill Road, Jack Corner Road and Route 202. In total, five (5) residences will have partial

⁵ As noted in Exhibit L, during the balloon float on November 20, 2008, the balloon at Site B was flown at a height of 160'. Subsequently, AT&T determined that it only required a height of 150' at Site B. The analysis and photosimulations were changed accordingly.

year round views of the Site A Facility. In addition, the Site A Facility will be seasonally visible from an additional fifteen (15) acres and an additional eleven (11) residences.

Site B is located in one of the open field areas of the Property. The Site B Facility will be visually buffered by the surrounding topography in the area. Based on the Visual Analysis, Site B will be at least partially visible year round from only 79 acres, which is 1% of the Study Area. The Site B Facility will be visible from portion of Rabbit Hill Road, Jack Corner Road and Route 202. In total, five (5) residences will have partial year round views of the Site B Facility. In addition, the Site B Facility will be seasonally visible from an additional forty-six (46) acres and an additional eleven (11) residences.

As noted in the Visual Analysis Report and demonstrated in the photosims, CHA staff hiked the trails of the Maricostas Preserve as well as the Mt. Tom observatory. As can be seen, neither site will be visible from these sensitive visual receptors. While Site A is partially visible from the Maricostas Preserve, it is not visible from any of the hiking trails contained in the Preserve. In addition, while Warren does not have any locally designated scenic roads, there are several locally-designated scenic roads in Washington including Route 45, Whittlesey Road, Rabbit Hill Road, and Couch Road. In addition, the Town of Washington has a pending application to designate Route 202 as a scenic road. Both Site A and Site B are partially visible from Route 202 and Whittlesey Road. In addition, while both Sites A and B are visible from Rabbit Hill Road, neither site is visible from the portion of Rabbit Hill Road in Washington that is locally designated as scenic.

The compound area at either Site will have a de minimis visual impact. Site A will be shielded from view from the existing vegetation and, given the location of Site B on the Property, the compound will not be visible from Rabbit Hill Road.

This Visual Analysis demonstrates 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.

Weather permitting, the Applicant will raise a balloon with a diameter of at least three (3) feet at the proposed Site A and Site B 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

SBA has submitted a request for review and comment for the proposed Sites to the State Historic Preservation Office ("SHPO"). As discussed above, SHPO has determined that the proposed Facility (at either Site) will have no adverse effect on historic or archeological resources. A copy of the correspondence from SHPO regarding each site is attached hereto as Exhibit P.

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, AT&T 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 AT&T operations at Site A would be 5.2% of the applicable MPE standards. AT&T's operations at Site B would be 6.0% of the applicable MPE standards. A copy of the power density calculations and report are attached hereto as Exhibit Q.

D. Other Environmental Factors

The proposed Facility would be unmanned, requiring infrequent monthly maintenance visits by each carrier that will last approximately one hour. AT&T, Verizon and T-Mobile's equipment at the Facility would be monitored 24 hours a day, 7 days a week from a remote location. Shouldn't be only ATT since they are going to intervene? 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.

SBA has completed an evaluation of both Sites in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969 ("NEPA"). See Exhibit N. Based upon this review, neither Site 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 either site. Neither Site is located in or adjacent to any areas identified as a federal wildlife preserve. Further, as discussed, no federally regulated wetlands or watercourses will be impacted by the proposed Facility at either Site. As such, and based on the information contained in other reports included in this Application, both Sites are expected to be 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).

E. CGS § 16-50p (a)(3)(G)

As discussed previously, a portion of the Property is subject to a deed restriction pursuant to CGS §22-26cc. Pursuant to CGS § 16-50p (a)(3)(G), the Council is permitted to approve a telecommunications facility on property subject to such an agricultural restriction. Section 16-50p (a)(3)(G) states that “[i]n the case of a facility described in subdivision (6) of subsection (a) of section 16-50i that is proposed to be installed on land under agricultural restriction, as provided in section 22-26cc, that the facility will not result in a material decrease of acreage and productivity of the arable land.”

The deed by which the Property owners sold development rights and the associated map are attached hereto as Exhibit R. As these documents show, Site A is located on land subject to the agricultural restriction contained in CGS § 22-26cc while Site B is not. As demonstrated in the report contained at Exhibit M, the construction and maintenance of Site A will not result in a material decrease in acreage or productivity of arable land. The total amount of disturbed land for the construction of Site A (including the access driveway) is .23 acres. As noted in Exhibit M, based on the National Resources Web Soil Survey rating system, only 1,003 square feet on this disturbed land is classified as prime farmland. However, as shown in the site plans for Site A (Exhibit A), SBA intends to create an additional 3,430 square feet on new farmland, thereby resulting in a net increase of arable lands as a result of the construction of Site A. Accordingly, construction and maintenance of Site A will result in no decrease of acreage or productivity of arable land. Pursuant to CGS § 16-50p (a)(3)(G), then, Site A can be approved by the Council since the construction and maintenance of Site A will not result in a material decrease in acreage and productivity of arable land at the Property.

VII. Consistency with the Town of Warren'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. Warren's Plan of Development

As of February, 2009, the Town of Warren does not have a Plan of Conservation and Development.

B. Warren's Zoning Regulations and Zoning Classification

According to the Town's zoning map and municipal tax records, both Site A and Site B are classified in the Town of Warren's north residential zoning district. The surrounding land uses are mainly agricultural and residential. While Warren has no telecommunications facilities in its Town to date, Section 22 of the Warren zoning regulations does discuss telecommunications facilities. A comparison of Site A and Site B to Warren's zoning regulations is shown in the chart below.

Standards and Dimensional Requirements

Regulation Section	Requirement of Regulation	Proposal
Section 227.6	Maximum Height of Tower	Site
	Minimum height necessary but shall not exceed 150'.	Proposed height is 160' at Site A and 150' at Site B. This is the minimum height necessary to provide adequate service
Section 22.7.15.A	Minimum Lot Size	Site
	10 acres.	Property is 106 acres

Section 22.7.15.D (1)	Setback from Residences	Site
	Min. Setback 1,500 feet from any residence	Site A is 520', more than 3 times the fall zone away from the nearest residence; Site B is 310', more than twice the fall zone away from the nearest residence
Section 22.7.15.D (2)	Setbacks	Site
	Minimum 1,500 feet from any property line	Site A: 150' from nearest property line Site B: 329' from nearest property line
Section 22.7.12	Lighting	Site
	None permitted unless required by the FAA	None proposed.
Section 22.7.4	Fencing	Site
	Equipment compound must be fenced by fence at least 8' and no more than 12'.	Site A and Site B will be enclosed by an 8' security fence
Section 22.7.3	Screening	Site
	If in a wooded area, 15' of vegetative screening at least 100' in depth; If not in a wooded area, vegetative buffer 10' high and 50' in depth must be planted by applicant	Both Site A and Site B will be screened from view with existing vegetation and topography and with the proposed fencing

C. Planned and Existing Land Uses

Site A is located in the southwestern portion of the Property and Site B is located 730' north of Site A. The Property currently contains the owners' residence, a farming operation and associated agricultural structures. Residential development, including houses belonging to members of the Tanner family, is found in the surrounding area. The closest residence to proposed Site A is approximately 520' to the southwest of the proposed tower; the closest residence to proposed Site B is approximately 310' from the

proposed tower. Consultation with municipal officials and observations did not indicate any known or planned changes in surrounding land uses.

D. Warren's Inland Wetlands and Watercourses Regulations

The Warren Inland Wetlands and Watercourses Regulations ("Wetlands Regulations") regulate certain activities conducted in or adjacent to "wetlands" as defined therein. One such regulated activity is "any activity that will significantly alter the inland wetlands or watercourses by reason of removal or deposition of material, clear-cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse. See Bulk Filing, Inland Wetlands and Watercourses Regulations, Section 2.11. Regulated Activities are defined as any activity within 100 feet from the boundary of any wetland or watercourse. See Bulk Filing, Inland Wetlands and Watercourses Regulations, Section 2.11.

According to the site survey, field investigations and wetlands delineation report conducted at the Site, there are no wetlands within 100 feet of Site A. There are wetlands 50 feet away from Site B. As noted in the wetlands impact report attached hereto as Exhibit O, the Site B Facility will have no direct impact on those wetlands resources. As noted in that report and 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 to ensure no temporary impact to those wetlands as well.

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.

On August 20, 2008, SBA (under its former name, Optasite Towers LLC) submitted a technical report to the First Selectman of the Town of Warren and the First Selectman of the Town of Washington. 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. Representatives of SBA met with the First Selectman of Warren, Mr. Jack Travers on September 11, 2008 to discuss the proposed Facility. Representatives of SBA also met with the First Selectman of Washington, Mr. Mark Lyon, and a member of the Washington Conservation Commission, Ms. Diane Dupuis on September 11, 2008 to discuss the proposed Facility.

At the request of the First Selectman of Warren, SBA attended a public informational session with the Town's Board of Selectmen on September 26, 2008. At the request of the First Selectman of Washington, SBA attended a public informational session with the Town's Conservation Commission on November 5, 2008. In addition, at the request of the First Selectman of Washington and the Washington Conservation Commission, SBA conducted a public balloon float on November 20, 2008 from 9 a.m. until 3 p.m. As noted previously, the balloon flown at the Site B location was flown at 160', and is now proposed at 150' as a result of a drive test conducted by AT&T. Copies

of cover letters to the Town of Warren and the Town of Washington are attached hereto as Exhibit S. The remainder of the materials compiled during the municipal consultation period are being bulk filed.

B. Consultations with State Officials

As noted in Section VI.B of this Application, SBA consulted with the SHPO concerning the propose Facility. Copies of correspondence from SHPO is attached hereto as Exhibit P.

C. Consultation with Federal Agencies

SBA has received a determination from the Federal Aviation Administration (“FAA”) for both Sites A and B, which are included in Exhibit T. Of note, SBA has received a final determination on Site A and a preliminary determination on Site B. SBA will forward the final determination on Site B when received. The results indicate the proposed Facility at either Site would not require FAA registration, let alone FAA review as a potential air navigation obstruction or hazard. As such, no FAA lighting or marking would be required for the towers proposed in this Application.

Wireless carriers’ FCC licenses permits carriers to modify its network by building wireless facilities within its licensed area without prior approval from the FCC provided that a proposed facility does not fall within one of the “listed” categories requiring review under NEPA. The “listed” categories, included in 47 CFR §1.1307, are activities that may affect wilderness areas, wilderness preserves, endangered or threatened species, critical habitats, National Register historic districts, sites, buildings, structures or objects, Indian religious sites, flood plains and federal wetlands. As noted in Section VI.D of this Application, SBA has completed a review for the Site and has received a determination that Site A and Site B do not fall under any of the NEPA “listed” categories of 47 CFR

§1.1307. Therefore, the proposed Facility at either Site does not require review by the FCC pursuant to NEPA. Excerpts of the NEPA reports for both Sites are attached hereto as Exhibit N.

IX. Estimated Cost and Schedule

A. Overall Estimated Cost

SBA's total estimated cost of construction, exclusive of AT&T's installation and equipment costs for the proposed Site A facility is \$215,000. This estimate includes:

- (1) Tower and foundation costs (including installation) of approximately \$86,000;
- (2) Site development costs of approximately \$81,000;
- (3) Utility installation costs of approximately \$48,000.

SBA's total estimated cost of construction, exclusive of AT&T's installation and equipment costs for the proposed Site B facility is \$175,000. This estimate includes:

- (1) Tower and foundation costs (including installation) of approximately \$81,000;
- (2) Site development costs of approximately \$66,000;
- (3) Utility installation costs of approximately \$28,000.

B. Overall Scheduling

Site preparation and engineering will commence immediately following Council approval of SBA'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 Warren for improved wireless services and that neither of the proposed Facilities will have any substantial adverse environmental effects. The Applicant therefore respectfully submits 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 SBA for a proposed wireless telecommunication facility in the Town of Warren.

Respectfully Submitted,

By:  _____

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