

TOWN OF CORNWALL

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June 1, 2010

S. Derek Phelps, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

ORIGINAL

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CONNECTICUT
SITING COUNCIL

Dear Director Phelps:

We are writing in response to your letter of May 6, 2010 concerning Docket 402, construction of a telecommunication facility at 16 Bell Road Extension in Cornwall. We appreciate the potential increase of coverage this tower would provide, especially to the Cornwall Village area, yet we do have questions concerning whether this is the best location to improve coverage problems in town with the least environmental impact. Our concerns are highlighted.

At the present time there is adequate cellular coverage in most of Cornwall. There are, however, some areas in town where there are coverage holes. One such hole is on route 4 near Cornwall Bridge close to this tower site. Because of our Town's hilly topography, tower 402 would not help fill this hole. Even with this tower there will be many coverage holes, especially for PCS, which leads us to ask how many more towers are going to be proposed for our town of 1500 people? Mr. Baldwin alluded to perhaps six additional, maybe more, but did not furnish the requested tower master plan. Can the Siting Council require a low impact master plan?

As this tower location is on a ridge near the Housatonic River, visual impact of towers is important. It is hard to evaluate the visual impact of 402 as the height is somewhat of a moving target due to possible future expansion by other users. This tower's location near the Appalachian Trail, Housatonic River and Housatonic State Forest makes this a critical issue. Can the Siting Council limit the tower height to the proposed height of 110 feet? Can the Council tell us the height capacity of this tower as designed?

In our region hill tops generally have decent coverage from existing towers. The coverage problems are most numerous in the valleys. The tower that was built on route 7 near the Sharon/Salisbury border (Sharon "N" on map) addresses this coverage really well without the visual impact of hilltop towers.

The impact of the road construction and future maintenance on neighboring properties and wetlands will be significant during our frequent rain storms. Locating towers closer to existing roads would seem to be preferable to major road construction.

Finally, the Town has brought up the idea of servicing the coverage holes along routes 4 and 7 with smaller scale repeaters or alternative valley sites. To date Verizon has not pursued this idea with much enthusiasm. This approach could improve the coverage in Cornwall better than site 402 without the possible environment impact.

The Town looks forward to getting some answers to these questions and would like to pursue intervenor status in the proceedings. Enclosed please find a copy of the Town's Zoning Regulations about tower locating which may be of help as you research the need and environmental compatibility of site 402. Also please find enclosed a letter from the Cornwall Inland Wetland Water Courses Agency of September 10, 2009 stating its concerns about the site.

Sincerely,



Gordon M. Ridgway
First Selectman

GMR/jh

2 Enc.

TOWN OF CORNWALL
INLAND WETLANDS AND WATERCOURSE AGENCY
P.O. Box 197, Cornwall, CT 06753 (860) 672-4957

Ms. Sandy Carter, regulatory Manager
Verizon Wireless
99 East River Drive
East Hartford, CT. 06108

September 10, 2009

Re: Proposal to construct a wireless telecommunications facility in the town of Cornwall as per July 21, 2009 correspondence from Robinson and Cole

Dear Ms. Carter:

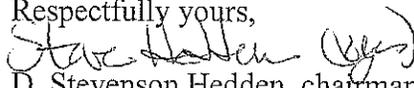
The Cornwall Inland Wetlands and Watercourse Agency ("the Agency") at its regularly scheduled August 4, 2009 meeting, reviewed July 21st correspondence (with attachments) from Robinson and Cole, Hartford, CT, representative for Cellico Partnership d/b/a Verizon Wireless presented to First Selectman Gordon Ridgway at a July 21st Board of Selectmen's meeting. A copy of this correspondence and corresponding attachments were distributed to townspeople and Cornwall Land Use office staff at that meeting. Copies of the correspondence was distributed to all Agency members prior to the meeting and referenced in the posted agenda of the meeting.

As reflected in the minutes of our August 4th meeting (as amended in September):

"The agency reviewed the information included in the correspondence including the preliminary plans showing the siting of an telecommunications facility at one of two alternative locations in the southwest portion of town, Candidate site 1 at 16 Bell Road Extension on property owned by Ralph Gulliver Jr. and Candidate Site 2 at 78 Popple Swamp Road on property owned by Matthew and Patricia Terrel Collins. Concerns were expressed with the site development plans provided for the two locations based on the extremely difficult topography including areas of steep slopes in excess of 20%. The commission discussed the large amounts of cut and fill and clearing as shown needed to construct the proposed access ways; all factors with the potential of negative environmental impact to the wetlands and watercourses on and around both sites from increased erosion and sedimentation and increased or changed flow rates and velocity of storm water run-off from the access way and cleared slopes. With note made that both of these proposed sites are adjacent to Poughkeepsie Turnpike, the commission discussed past practice in the town of Cornwall that showed the right of property owners to construct accessways over discontinued roads with such practice perhaps allowing the consideration of alternative access routes that would propose less potential environmental impact. It was also noted that the preliminary plans as provided did not contain adequate information as to erosion and sedimentation controls or construction details and did not supply the commission with the resources to properly evaluate the sites as relating to impact to the wetlands and watercourses in and around the proposed sites."

The Agency is charged with the enforcement of the Inland Wetlands and Watercourses Act in the Town of Cornwall pursuant to sections 22a-36 to 22a-45 of the Connecticut General Statutes, a role that we take seriously. In as much as the Agency lacks jurisdiction in this matter, the Agency respectfully requests that our concerns be made of the record in this matter prior to and as part of the submission of the application to the Siting Council. On behalf of the citizens of Cornwall, we strongly urge that the Siting Council and the representatives of the DEP Inland wetland division responsible for rendering a decision on the siting of either of these wireless telecommunication facilities explore all options available to lessen or eliminate the potential environmental impact to the inland wetlands and watercourses in Cornwall that we all hold dear and are charged with protecting

Respectfully yours,

A handwritten signature in black ink, appearing to read "Steve Hedden" with a stylized flourish at the end.

D. Stevenson Hedden, chairman

Cornwall Inland Wetlands and Watercourse Agency

Cc/Connecticut Siting Council

Public Hearing 4-10-0
Adopted 4-10-0
Effective 4-14-0

Revision to the Cornwall Zoning Regulations for Antennas, Towers, and Wireless Communication Facilities

Replace Article VIII, Section 8.24 with the following:

SECTION 8.24. ANTENNAS, TOWERS, AND WIRELESS COMMUNICATION FACILITIES

01.0 Statement of Purpose: This regulation establishes standards, requirements and permitting procedures for antennas, towers, and wireless communication facilities that are subject to local zoning regulation in Connecticut.

Its purpose is to regulate the placement of antennas, towers, and wireless communication facilities in order to:

- preserve the character and appearance of the Town of Cornwall while allowing adequate telecommunication services to be developed,
- protect the scenic, historic, environmental, and natural or man-made resources of Cornwall,
- protect property values, and the health, safety and welfare of the Town,
- minimize the total number and height of towers throughout Cornwall,
- require the sharing of existing towers where possible,
- provide for facility locations consistent with the Town Plan and the purposes of these Regulations,
- minimize adverse visual effects through proper design, siting and screening,
- avoid potential damage to adjacent properties,
- provide for orderly removal of abandoned facilities.

These regulations are intended to be consistent with "The Telecommunications Act of 1996" in that a) they do not prohibit, or have the effect of prohibiting, the provision of Personal Wireless Services, b) they are not intended to be used to unreasonably discriminate among providers of functionally equivalent services, and c) they do not regulate Personal Wireless Services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning such emissions.

02.0 Definitions

02.1 Adequate Capacity. Capacity is considered to be "adequate" if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless

Facility in question. The GOS shall be determined by the use of standard Erlang B Calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the Personal Wireless Service Facility in question, Adequate Capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the Coverage Area.

- 02.2 Adequate Coverage.** Coverage is considered to be "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station. In the case of cellular communications in a rural area like Cornwall, this would be a signal strength of at least -90dBm for at least 75% of the coverage area. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -90dBm, as long as the signal regains its strength to greater than -90 dBm further away from the Base Station. The outer boundary of the area of Adequate Coverage is that location past which the signal does not regain strength of greater than -90dBm.
- 02.3 Antenna.** The surface from which wireless radio signals are sent and received by a personal wireless service facility.
- 02.4 Camouflaged or Stealth facility.** A wireless communication facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.
- 02.5 Carrier.** A company that provides wireless services.
- 02.6 Co-location.** The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.
- 02.7 Commission.** The Planning and Zoning Commission of the Town of Cornwall.
- 02.8 Elevation.** The elevation at grade or ground level shall be given in Above Mean Sea Level (AMSL). The height of a wireless service facility shall be given in Above Ground Level (AGL). AGL is a measurement of height from the natural grade of a site to the highest point of a structure. The total elevation of the wireless service facility is AGL plus AMSL.
- 02.9 Environmental Assessment (EA).** An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communication facility is placed in certain designated areas.

- 02.10 Equipment Shelter.** An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment necessary for the operation of the communication facility.
- 02.11 Fall Zone.** The area on the ground within a prescribed radius from the base of a wireless communication facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.
- 02.12 Guyed Tower.** A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.
- 02.13 Lattice Tower.** A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.
- 02.14 Licensed Carrier.** A company authorized by the FCC to construct and operate a wireless communication facility.
- 02.15 Monopole Tower.** The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.
- 02.16 Mount.** The structure or surface upon which antennas are mounted, including the following four types of mounts:
1. Roof-mounted. Mounted on the roof of a building.
 2. Side-mounted. Mounted on the side of a building.
 3. Ground-mounted Tower. Mounted on the ground.
 4. Structure-mounted. Mounted on a structure other than a building.
- 02.17 Omnidirectional (whip) antenna.** A thin rod that beams and receives a signal in all directions.
- 02.18 Panel Antenna.** A flat surface antenna usually developed in multiples.
- 02.19 Propagation Studies or Coverage Plots.** Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide adequate coverage for the telecommunication facility proposed for the site.
- 02.20 Radiofrequency (RF) Engineer.** An engineer specializing in electrical or microwave engineering, especially the study of radiofrequencies. (*Note: When RF engineers are certified or licensed, they are known as Professional Engineers.*)

- 02.21 Radiofrequency Radiation (RFR).** The emissions from wireless communication facilities.
- 02.22 Regulated Facility, Service and/or Site.** All facilities including mounts, towers and antennas and the site(s) these facilities are located on relating to personal communication services and any other wireless telecommunication service subject to local zoning regulation.
- 02.23 Repeater.** A small receiver/relay transmitter if not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a base station.
- 02.24 Security Barrier.** A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.
- 02.25 Separation.** The distance between one carrier's array of antennas and another carrier's array.

03.0 Use Regulations

- 03.1 Exemptions.** The following shall be exempt from this regulation.

03.1.1 Repair and maintenance of towers and antennas.

03.1.2 Antenna used solely for residential television and radio reception.

03.1.3 Satellite antenna measuring 2 meters or less in diameter and located in commercial districts, and satellite antenna measuring 1 meter or less in diameter regardless of location. *(Note: this requirement is established pursuant to an FCC ruling preempting local regulation of satellite antennas.)*

- 03.2 Regulated Facilities Allowed As A Permitted Use.** In addition to the requirements set forth in section 06.3 of this regulation, the following regulated facilities located on existing structures or co-located shall be permitted uses in all districts subject to site plan approval pursuant to the provisions of Article VI of these regulations as well as compliance with all of the regulations for the zoning district in which the facility is proposed to be located.

03.2.1 Camouflaged facility. A regulated facility which is completely camouflaged and not recognizable as part of a wireless facility such as within a flagpole, steeple, chimney, or similar structure.

03.2.2 Existing Structure. A regulated facility on an existing structure (whether or not it is conforming in terms of height) including but not limited to a guyed, lattice, or monopole tower, fire tower or water tower, provided it does not increase the height of the existing structure.

03.2.3 Utility Structures. An antenna(s) located on an electric transmission and distribution tower, telephone pole and similar existing utility structure. The installation may increase the height of the existing structure by no more than

twenty feet, except in designated historic districts (or other historic or scenic areas of the town as shown on a map on file in the Planning and Zoning Office) or within 150 feet of the paved portion of a Town road or State highway proposed for or designated as a scenic road or highway.

03.2.4 Building (roof or side) mounts provided it does not project either above the building or the height limit of the zoning district by more than 10 feet.

03.2.5 Building (roof or side) mounts may locate on a building or structure legally non-conforming with respect to height, provided it does not project above the existing building or structure height, or more than 10 feet above the height limit of the zoning district.

03.2.6 Police and Emergency Services. A regulated facility intended solely for the purpose of Police, Fire, Ambulance and other Emergency Dispatch. A Tower may be erected as a Permitted Use for these purposes unless it is to be shared by a commercial wireless service carrier which shall require a Special Permit.

03.3 Regulated Facilities Allowed As A Special Permit Use. The following regulated facilities and ground mounted towers shall be Special Permit Uses in all residential districts subject to Site Plan approval:

0.3.3.1 Regulated facilities located on existing structures or co-located that do not qualify as a Permitted Use as set forth in 3.2 above.

03.3.2 All Ground Mounted Towers.

04.0 General Standards and Requirements for Permitted and Special Permit Uses.

04.1 Location. Wherever feasible, regulated facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers provided the installation preserves the character and integrity of those structures.

04.1.1 Applicants are urged to consider use of existing telephone, cable, or electric utility structures as sites for regulated facilities.

04.1.2 The preferred location for free standing towers is where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening and have the least long range visual effect. Town owned land or buildings are preferred locations where the Town has determined that such town owned land or building is appropriate for a tower or antenna. Unless adequate coverage and adequate capacity cannot otherwise be achieved, towers shall be sited off ridgelines and in as low a population density area as is possible.

The following areas of special concern, and their viewsheds, are the least preferred locations for free standing towers: Cornwall Plains, West Cornwall, Cornwall Bridge, the Housatonic River Overlay Zone (inner and outer corridor),

existing protected open space properties, and areas ranked high for protection according to Section 1 of the Town Plan.

04.1.3 Site Justification for Ground Mounted Tower. An application for a ground mounted tower shall include a detailed site justification report, prepared according to accepted engineering practice, which:

- a. Establishes the location and defines the elevation of all proposed antenna facilities on the tower consistent with federal regulations,
- b. Demonstrates that the proposed location (which includes both tower position and antenna height) is superior to other potential locations for the proposed uses. Alternatives evaluated shall specifically include tower(s) of lesser height, the use of repeaters, and other less visible technologies.
- c. Documents that signal strength service objectives are consistent with accepted engineering practice for all proposed uses of the tower,
- d. Includes complete and accurate propagation plots in relation to scaled elevation drawings addressing all facilities to be installed on the tower,
- e. Demonstrates that for each proposed use of the tower the proposed height is the minimum necessary to provide adequate coverage. This shall specifically include, but not be limited to, an evaluation of tower height at 50% and 75% of the proposed height.
- f. Documents in writing that existing telecommunication facility sites in Cornwall, and in abutting towns, cannot reasonably be made to provide adequate coverage and/or adequate capacity to the Town of Cornwall. This shall include documentation that addresses the feasibility of repeaters in conjunction with facility sites in Cornwall and abutting towns to provide adequate coverage and/or adequate capacity to the Town of Cornwall.

04.2 Visibility, Camouflage and Color. The Commission shall apply the following standards and requirements to minimize the visual impact of proposed regulated facilities.

04.2.1 Requirements for Existing Buildings or Structures.

- a. **Roof Mount.** Where a roof mount extends above the roof the applicant shall demonstrate every effort has been made to conceal the mount within or behind existing architectural features to limit visibility from public streets.
- b. **Side Mount.** Side mounts shall blend with the existing architecture and, if over 5 square feet, shall be painted or shielded with material consistent with the design features and materials of the building.
- c. Mounts and antennas located on an historic structure shall be fully removable without diminishing the historic quality of the structure.

d. Regulated facilities in an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

04.2.2 Requirements for Proposed Ground Mounted Towers. Proposed ground-mounted towers shall provide a vegetated buffer of sufficient height and a depth of not less than 50' to screen the facility to the extent feasible. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Where it is not feasible to fully buffer a facility, the applicant shall submit a landscape plan prepared by a Connecticut Licensed Landscape Architect. The landscape plan shall recommend the type of tree and plant materials and depth of buffer appropriate to the site, design, height and location of the facility. The Commission may require reasonable modifications to the landscape plan where it determines such are necessary to minimize the visual impact of the facility on the neighborhood and community character. All landscaping shall be properly maintained to ensure its good health and viability at the expense of the owner(s). The Commission reserves the right to require stealth or camouflage designs such as towers made to resemble trees or other structures.

04.2.3 Scenic Roads and Areas.

a. The Commission may approve a ground mounted tower located in an open area visible from a public road, recreational area, or residential development only where it has been demonstrated by the applicant to the satisfaction of the Commission that the proposed service cannot be reasonably provided in a location on an existing structure or a co-location.

b. A regulated facility located within an area ranked high for protection according to Section 1 of the Town Plan, or within 300 feet of a Town or State designated scenic road, shall not exceed the height of vegetation at the proposed location.

04.2.4 Sight Line and Elevation Information. Where the Commission determines that sight line and/or elevation information is necessary to determine compliance with these regulations it shall require the following:

a. Tree cover on the subject property and adjacent properties within 300 feet, by dominant species and average height, as measured by or available from a verifiable source.

b. Sight line representation. A sight line representation shall be drawn from any public road within 300 feet and the closest facade of each residential building (viewpoint) within 300 feet to the highest point (visible point) of the regulated facility. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. In the event there is only one (or more) residential building within 300 feet there shall be at least two sight lines from the closest habitable structures or public roads, if any.

c. Existing (before) condition photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from any public road within 300 feet. These photographs shall be taken when deciduous leaves are off the trees.

d. Proposed (after) condition photographs. Each of the existing condition photographs shall have the proposed regulated facility superimposed on it to show what will be seen from public roads if the proposed facility is built.

e. Sight elevations. Siting elevations, or views at-grade, from the north, south, east and west for a 50-foot radius around the proposed regulated facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

1. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
2. Security barrier. If the security barrier will block views of the regulated facility, the barrier drawing shall be cut away to show the view behind the barrier.
3. Any and all structures on the subject property.
4. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
5. Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

04.4 Environmental and Safety Standards.

a. Regulated Facilities shall not be located in wetlands. Locating of facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.

b. No hazardous waste shall be discharged on the site of any Regulated Facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.

c. Stormwater run-off shall be contained on-site.

d. Equipment for regulated service facilities shall not generate noise in excess of that allowed under the regulations of the Torrington Area Health District.

e. No signal lights or illumination shall be permitted unless required by the FCC or FAA, except for manually operated emergency lights for use only when operating personnel are on site.

- f. Radiofrequency Radiation (RFR) Standards and Requirements. The applicant shall provide documentation that all equipment proposed for a regulated facility is authorized according to FCC Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines) or its successor publication.

05.0 Additional Standards and Requirements for Ground Mounted Tower Special Exception Uses.

05.1 Feasible Alternative. Where a ground mounted tower is proposed, the applicant shall have the burden of proving that there are no feasible existing structures or co-location sites upon which to locate.

05.2 Lot Size. All ground mounted towers and their equipment shelters shall be considered a principal structure and use and shall comply with all of the requirements for the zoning district in which the facility is to be located except that the height of the tower may exceed the maximum height dimension specified in Article IV of the zoning regulations.

05.3 Fall Zone. In order to ensure public safety, the minimum distance from the base of any new proposed ground-mounted tower to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be equal to 110% of the height of the tower including any antennas or other appurtenances. Provision shall be made that no new road, habitable dwelling, business or institutional use, or public recreational area be located within the fall zone. The Commission may allow the required fall zone to be measured into a neighboring property where the neighboring property is not developed and will be subject to a legally binding agreement preventing development during the time the tower is in place.

06.0 Application Filing Requirements. The following shall be included with an application for a Special Permit or Site Plan Application for all regulated facilities. The Commission may choose to not require one or more of the following for a Permitted Use Site Plan application.

06.1 General Filing Requirements

a. Name, address and telephone number of applicant, co-applicants, and any agents for the applicant or co-applicants.

b. Co-applicants shall include the landowner of the subject property, and any licensed carriers and tenants for the Regulated Facility.

c. A licensed carrier shall either be an applicant or a co-applicant and shall provide documentation of qualifications as a "licensed carrier."

d. Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, an original signature authorizing the agent to represent the applicant and/or co-applicant is required. Photoreproductions of signatures will not be accepted.

06.2 Location Filing Requirements

- a. Identify the subject property by including the Town as well as the name of the locality, name of the nearest road or roads, nearest CL&P pole number, and street address, if any.
- b. Tax map and parcel number of subject property.
- c. Zoning district designation for the subject parcel (Submit copy of Town Zoning Map with parcel identified).
- d. A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.
- e. A region-wide map showing the existing wireless service facilities in the Town and outside the Town within ten miles of its boundary, and any proposed facilities by the applicant and/or co-applicant(s) within three miles of the town boundary.
- f. A topographic location map at a scale of 1"=2,000' showing the antenna or tower location, and the boundaries of the viewshed if a tower is proposed (i.e. the area within which the tower can be seen based upon an assessment of the topography surrounding the site).

06.3 Site Plan Requirements. The following Site Plan requirements shall be in addition to the requirements of Article VI of the Town of Cornwall zoning regulations regarding Site Plan. Where the requirements of this section are more restrictive than that of Article VI, these requirements shall apply. For a Permitted Use the Commission may determine that the information specified under subsections 7 and 8 is not needed to determine compliance with this regulation. A one-inch-equals-40 feet vicinity plan shall be submitted showing the following:

1. Property lines for the subject property.
2. Property lines of all properties adjacent to the subject property within 300 feet.
3. Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.
4. Proposed location of antenna, mount and equipment shelter(s).
5. Proposed security barrier, indicating type and extent as well as point of controlled entry.

6. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the regulated facility.
7. Distances, at grade, from the proposed regulated facility to each building on the vicinity plan.
8. Contours at each two feet AMSL (see definition section) for the subject property and adjacent properties within 300 feet.
9. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
10. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.

06.4 Design Filing Requirements

- a. Equipment brochures for the proposed Regulated Facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- b. Materials of the proposed Regulated Facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- c. Colors of the proposed Regulated Facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- d. Dimensions of the Regulated Facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
- e. Viewshed Analysis. Where a tower is proposed, sight line graphs shall be provided to the proposed prime and alternative sites from visually impacted areas, such as residential developments, public roadways, recreational sites, historic districts, and historic sites. In lieu of sight line graphs, the Commission may accept photographs showing the tower imposed on the photograph with the tower height established in reference to a balloon flown to the proposed tower height at the site, as required herein. This visual assessment shall be based upon the existing landscape conditions without leaf cover.

f. Landscape plan prepared by a Connecticut licensed landscape architect including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.

g. Within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon test (with a balloon diameter of at least eight feet), or crane test, at the proposed site to illustrate the height and position of a proposed ground mounted tower. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least 15 days, but not more than 21 days, prior to the test. The balloon or crane test shall be conducted for at least two days, one of which shall be a Saturday.

06.5 Noise Filing Requirements

The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed Regulated Facilities, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:

- 1) Existing or ambient: the measurements of existing noise.
- 2) Existing plus proposed personal wireless service facilities: maximum estimate of noise from the proposed personal wireless service facility plus the existing noise environment.

Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of this regulation.

06.6 Radiofrequency Radiation (RFR) Filing Requirements

The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed regulated facility, for the following situations:

- 1) Existing or ambient: the measurements of existing RFR
- 2) Existing plus proposed facilities: maximum estimate of RFR from the proposed Regulated Facility plus the existing RFR environment.
- 3) Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Radiation Standards sub-section of this regulation.

06.7 Federal Environmental Filing Requirements

a. The National Environmental Policy Act (NEPA) applies to all applications for wireless communication facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CRF Ch. I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior

to beginning operations for any wireless communication facility proposed in or involving any of the following: 1) wilderness areas, 2) wildlife preserves, 3) endangered species habitat, 4) historical site, 5) Indian religious site, 6) flood plain, 7) wetlands, 8) high intensity white lights in residential neighborhoods, 9) excessive radiofrequency exposure.

b. At the time of application filing, an Environmental Assessment that meets FCC requirements shall be submitted to the Commission for each Regulated Facility site that requires such an environmental assessment to be submitted to the FCC.

c. For all Special Permit uses the applicant shall identify and assess the impact of the proposed facility on areas recommended for protection or conservation as presented in the Town Plan and State Plan of Conservation and Development.

d. The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the facility that are considered hazardous by the federal, state or local government.

07.0 Co-location

07.1 Licensed carriers shall share facilities and sites where feasible and appropriate, thereby reducing the number of facilities that are stand-alone. All applicants for a Special Permit for a Regulated Facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

1. A survey of all existing structures that may be feasible sites for co-locating wireless service facilities;

2. Contact with all the other licensed telecommunication facility carriers operating in the service area of the proposed facility; and

3. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

07.2 In the event that co-location is found to be not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Commission. The Commission may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The Town may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide for co-location.

07.3 The Commission reserves the right to limit tower height and the number of facilities on a structure in order to preserve the character and appearance of the Town of Cornwall.

08.0 Modifications.

A modification of a Regulated Facility may require a Special Permit application where the following events apply:

a. The applicant and/or co-applicant wants to alter the terms of the Special Permit by changing the Regulated Facility in one or more of the following ways:

1. Change in the number of facilities permitted on the site;
2. Change in technology used for the Regulated Facility.

b. The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.

09.0 Monitoring and Maintenance

09.1 After the Regulated Facility is operational, and where required by the Commission, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Permit, existing measurements of RFR from the facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Standards section of this Regulation.

09.2 After the Regulated Facility is operational, and where required by the Commission, the applicant shall submit, within 90 days of the issuance of the Special Permit, and at annual intervals from the date of issuance of the Special Permit, existing measurements of noise from the regulated facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards sub-section of this regulation.

09.3 The applicant and co-applicant shall maintain the Regulated Facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

10.0 Abandonment or Discontinuation of Use

10.1 At such time that a licensed carrier plans to abandon or discontinue operation of a Regulated Facility, such carrier will notify the Commission by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the Regulated Facility shall be considered abandoned upon such discontinuation of operations.

10.2 Upon abandonment or discontinuation of all use of the facility for six months, the facility owner shall physically remove the facility within 90 days of the end of such six month period. "Physically removed" shall include, but not be limited to:

- a. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
- b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- c. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

10.3 If a facility owner fails to remove a Regulated Facility in accordance with this section of this regulation, the town shall have the authority to enter the subject property and physically remove the facility. The Commission shall require the applicant to post a bond at the time of construction to cover costs for the removal of the Regulated Facility in the event the Town must remove the facility. Town access to this bond shall remain until such time as the facility is removed.

11.0 Reconstruction or Replacement of Existing Towers and Monopoles

Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this regulation may be reconstructed, altered, extended or replaced on the same site by Special Permit, provided that the Commission finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In making such a determination, the Commission shall consider whether the proposed reconstruction, alteration, extension, or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts.

Adopted by the Commission on April 4, 2000.