



NEW CINGULAR WIRELESS PCS, LLC (AT&T)

**Application to the
State of Connecticut Siting Council**

**For a Certificate of
Environmental Compatibility and Public Need**

—West Hill Road Facility Stamford—

Docket No. ____

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I. Introduction

A. Purpose and Authority

Pursuant to Chapter 277a, § 16-50g et seq. of the Connecticut General Statutes (“C.G.S.”), as amended, and § 16-50j-1 et seq. of the Regulations of Connecticut State Agencies (“R.C.S.A.”), as amended, New Cingular Wireless PCS, LLC (“AT&T”), the Applicant, hereby submits an application and supporting documentation (collectively, the “Application”) for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless communications facility (the “Facility”) on property located at 560 West Hill Road, Stamford (the “Site”). The proposed Facility is a necessary component of AT&T’s wireless network and will enable AT&T to provide reliable personal wireless communication service to a large area in the Westover and Roxbury neighborhoods of Stamford (or “the City”), including homes, roads, parks and recreation sites in this area of the state.

B. Executive Summary

AT&T is licensed by the Federal Communications Commission (“FCC”) to provide wireless telecommunications services in the state of Connecticut, including the City of Stamford. The Westover and Roxbury areas of Stamford are known to have unreliable wireless services. AT&T has had a search ring in this part of the state since at least 2009 and has investigated numerous properties for wireless siting in an area roughly bounded by the Merritt Parkway and Roxbury Road to the north, West Hill Road to the south and east, along Westover Road and extending just over the municipal boundary into Greenwich and the area predominated by the Mianus River Park to the west.

As early as 2009, AT&T explored several properties along Westover Road including Fort Stamford and also the Roxbury Swim Club. Concepts for a tower that might be consistent with the historic character of Fort Stamford, which is listed on the National Register of Historic Places, were presented to the City’s Parks Commission. The City declined to make Fort Stamford available for wireless facility siting as did the Roxbury Swim and Tennis Club, a private membership club.

Thereafter, AT&T expanded its site search area and identified an existing Aquarion water tank just over the municipal border on Valley Road in Greenwich Connecticut.

While coverage from the water tank location would not remedy many of the gaps in service in the Westover and Roxbury portions of Stamford, AT&T pursued a stealth tower project on top of the water tank given the equally important gaps to the south and west in neighboring Greenwich and overall lack of any wireless infrastructure in this part of the state. In 2010, the Council approved AT&T's Petition No. 1010 which proposed a stealth tower on top of the water tank. Nevertheless, litigation by residents in Greenwich and joined by the Town of Greenwich ("Town") against Aquarion resulted in the water company's termination of AT&T's lease agreement in 2011 and permanent prohibition of use of the property for a wireless facility. The record in Petition No. 1010 includes significant evidence regarding the lack of any siting opportunities in neighboring Greenwich as a result of a study commissioned by the Town itself.

Thereafter, AT&T expanded its site search area once again in Stamford and searched properties along West Hill Road and further east including the Turn of River Fire Station, and Temple Beth-El and Agudath Shalom Cemeteries, sites that were either rejected by AT&T's radiofrequency engineers or determined not to be buildable in areas where a tower might be sited. The proposed site, which is a residential parcel with a small home on it, offered a location at a relative elevation adjacent to the cemeteries where a tower site, while proximate to wetlands, could be constructed with no direct wetlands impacts and wooded visual buffers maintained. As such, AT&T leased the site and presented it in a technical report to City of Stamford officials in late 2013. The City noted no specific alternatives or preferred sites as part of AT&T's technical consultation in furtherance of Section 16-50I of the General Statutes.

The proposed Facility at 560 West Hill Road consists of a new 120' self-supporting monopine tower and associated unmanned equipment shelter for AT&T to use in providing wireless services in this area of the State. The tower compound size has been reduced to the extent practicable and will consist of a 3,017 square foot fenced area for AT&T's equipment as well as additional space for co-location by other wireless carriers. Vehicular access and utilities will be provided from West Hill Road over an existing gravel common access driveway with a modest gravel extension to the tower compound for construction and operation of the Facility.

AT&T has identified no existing towers or structures which are legally available upon which to site a wireless facility in Stamford or neighboring Greenwich. A new tower

facility is required to provide reliable wireless services to a significant number of people and along several collector roads in a large area of Stamford. In fact, the proposed site will bring new reliable service to nearly 5,000 residents in the Westover and Roxbury neighborhoods and to thousands of travelers along Long Ridge, Stillwater, Roxbury, Westover and West Hill Roads in the City. Improvements in coverage and service will also be extended to Westhill High School and Mianus River Park in Stamford.

Included in this Application and its accompanying Attachments are reports, plans and visual materials detailing the proposed Facility and the associated environmental effects. Correspondence with various state and local agencies and other information regarding the lack of alternative sites is also included. A copy of the Council's Community Antennas Television and Telecommunication Facilities Application Guide with page references from this Application is also included as Attachment 9.

C. The Applicant

New Cingular Wireless PCS, LLC ("AT&T"), is a Delaware limited liability company with an office at 500 Enterprise Drive, Rocky Hill, Connecticut 06067. The company's member corporation is licensed by the Federal Communications Commission (FCC) to a "cellular system" within the meaning of C.G.S. § 16-50i(a)(6). AT&T will construct and maintain the proposed Facility and be the Certificate Holder. AT&T does not conduct any other business in the state of Connecticut other than the provision of personal wireless services under FCC rules and regulations.

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

Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
(914) 761-1300
Attention:
Christopher B. Fisher, Esq.
Daniel M. Laub, Esq.

A copy of all correspondence shall also be sent to:

AT&T
500 Enterprise Drive
Rocky Hill, Connecticut
Attention: Michele Briggs

D. Application Fee

Pursuant to R.C.S.A. § 16-50v-1a(b), a check made payable to the Siting Council in the amount of \$1,250 accompanies this Application.

E. Compliance with C.G.S. § 16-50(c)

AT&T does not generate electric power in the state of Connecticut. Accordingly, the proposed Facility is not subject to C.G.S. § 16-50r. Furthermore, the proposed Facility is not subject to C.G.S. § 16-50(c) because it has not been identified in any annual forecast reports.

II. Service and Notice Required by C.G.S. § 16-50(b)

Pursuant to C.G.S. § 16-50(b), copies of this Application have been sent by certified mail, return receipt requested, 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 included in Attachment 8. Pursuant to C.G.S. § 16-50(b), notice of the Applicant's intent to submit this Application was published on two occasions in Stamford Advocate, the newspaper utilized for publication of planning and zoning notices in the City of Stamford. A copy of the published legal notice is included as Attachment 7. The publisher's affidavits of service will be forwarded upon receipt. Furthermore, in compliance with C.G.S. §16-50(b), notices were sent to each person appearing of record as owner of a property that abuts the parcel upon which Facility is proposed. Certification of such notice, a sample letter and accompanying notice, and the list of property owners to whom the notice was mailed are included in Attachment 7.

III. Statements of Need and Benefits

A. Statement of Need

1. United States Policy & Law

United States policy and laws support the growth of wireless networks. In 1996, the United States Congress recognized the important public need for high quality wireless communications service throughout the United States in part through adoption of the Telecommunications Act (the “Act”). A core purpose of the Act 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. Rep. No. 104-458, at 206 (1996) (Conf. Rep.). With respect to wireless communications services, the Act expressly preserved state and/or local land use authority over wireless facilities, placed several requirements and legal limitations on the exercise of such authority, and preempted state or local regulatory oversight in the area of emissions as more fully set forth in 47 U.S.C. § 332(c)(7). In essence, Congress struck a balance between legitimate areas of state and/or local regulatory control over wireless infrastructure and the public’s interest in its timely deployment to meet the public need for wireless services.

Eighteen years later, the current White House administration, The Congress and the FCC continue to act in ways to facilitate to the provision of wireless service to all Americans. In December 2009, President Obama issued Proclamation 8460 which included wireless facilities within his definition of the nation’s critical infrastructure and declared in part:

Critical infrastructure protection is an essential element of a resilient and secure nation. Critical infrastructure are the assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety. From water systems to computer networks, power grids to cellular phone towers, risks to critical infrastructure can result from a complex combination of

threats and hazards, including terrorist attacks, accidents, and natural disasters.¹

President Obama further identified the critical role of robust mobile broadband networks in his 2011 State of the Union address.²

In 2009, The Congress directed the FCC to develop a national broadband plan to ensure that every American would have access to “broadband capability” whether by wire or wireless. What resulted in 2010 is a document entitled “Connecting America: The National Broadband Plan” (the “Plan”).³ Although broad in scope, the Plan’s goal is undeniably clear:

[A]dvance consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, employee training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.⁴ [internal quotes omitted]

The Plan notes that wireless broadband access is growing rapidly with “the emergence of broad new classes of connected devices and the rollout of fourth-generation (4G) wireless technologies such as Long Term Evolution (LTE) and WiMAX.”⁵ A specific goal of the Plan is that “[t]he United States should lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.”⁶

In April 2011, the FCC issued a Notice of Inquiry concerning the best practices available to achieve wide-reaching broadband capabilities across the nation including better wireless access for the public.⁷ The public need for timely deployment of wireless infrastructure is further supported by the FCC’s Declaratory Ruling interpreting

¹ Presidential Proclamation No. 8460, 74 C.F.R. 234 (2009).

² Cong. Rec. H459 (Jan. 25, 2011), also *available at* <http://www.whitehouse.gov/the-press-office/2011/01/25/remarks-president-state-union-address>. Specifically the President stressed that in order “[t]o attract new businesses to our shores, we need the fastest, most reliable ways to move people, goods, and information—from high-speed rail to high-speed Internet.”

³ Connecting America: The National Broadband Plan, Federal Communications Commission (2010), *available at* <http://www.broadband.gov/plan/>.

⁴ *Id.* at XI.

⁵ *Id.* at 76.

⁶ *Id.* at 25.

⁷ FCC 11-51: Notice of Inquiry, In the Matter of Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0407/FCC-11-51A1.pdf.

§ 332(c)(7)(B) of the Telecommunications Act and establishing specific time limits for decisions on land use and zoning permit applications.⁸ The importance of timely deployment of wireless infrastructure to American safety and economy was further confirmed by The Congress in the Middle Class Tax Relief and Job Creation Act of 2012, which included a provision, Section 6409, that requires approvals for eligible modifications of existing wireless towers or base stations.⁹

2. United States Wireless Usage Statistics

Over the past thirty years, wireless communications have revolutionized the way Americans live, work and play.¹⁰ The ability to connect with one another in a mobile environment has proven essential to the public's health, safety and welfare. As of June 2012, there were an estimated 321.7 million wireless subscribers in the United States.¹¹ Wireless network data traffic was reported at 341.2 billion megabytes, which represents a 111% increase from the prior year.¹² Other statistics provide an important sociological understanding of how critical access to wireless services has become. In 2005, 8.4% of households in the United States had cut the cord and were wireless only.¹³ By 2011, that number grew exponentially to an astonishing 35.8% of all households.¹⁴ Connecticut in contrast lags behind in this statistic with 18.7% wireless only households.¹⁵

Wireless access has also provided individuals a newfound form of safety. Today, approximately 70% of *all* 9-1-1 calls made each year come from a wireless device.¹⁶ Parents and teens have also benefited from access to wireless service. In a 2010

⁸ WT Docket No. 08-165- Declaratory Ruling on Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance ("Declaratory Ruling").

⁹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §6409 (2012), available at <http://gpo.gov/fdsys/pkg/BILLS-112hr3630enr/pdf/BILLS-112hr3630enr.pdf>; see also H.R. Rep. No. 112-399 at 132-33 (2012)(Conf. Rep.), available at <http://www.gpo.gov/fdsys/pkg/CRPT-112hrt399/pdf/CRPT-112hrt399.pdf>.

¹⁰ See, generally, History of Wireless Communications, *available at* http://www.ctia.org/media/industry_info/index.cfm/AID/10388 (2011)

¹¹ CTIA's Wireless Industry Indices: Semi-Annual Data Survey Results, A Comprehensive Report from CTIA Analyzing the U.S. Wireless Industry, Mid-Year 2012 Results (Semi-Annual Data Survey Results). See also, "CTIA-The Wireless Association Semi-Annual Survey Reveals Historical Wireless Trend" *available at* <http://www.ctia.org/media/press/body.cfm/prid/2133>.

¹² *Id.*

¹³ CTIA Fact Sheet (2010), *available at* http://www.ctia.org/media/industry_info/index.cfm/AID/10323 *citing* Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January - June 2010, National Center for Health Statistics, December 2010Fact Sheet

¹⁴ CTIA Fact Sheet

¹⁵ CTIA Fact Sheet

¹⁶ Wireless 911 Services, FCC, *available at* <http://www.fcc.gov/guides/wireless-911-services>

study conducted by Pew Internet Research, 78% of teens responded that they felt safer when they had access to their cell phone.¹⁷ In the same study, 98% of parents of children who owned cell phones stated that the main reason they have allowed their children access to a wireless device is for the safety and protection that these devices offer.¹⁸

Wireless access to the internet has also grown exponentially since the advent of the truly “smartphone” device. Cisco reported in 2011 that global mobile data traffic grew in 2010 at a rate faster than anticipated and nearly tripling again for the third year in a row.¹⁹ It was noted in 2010 that mobile data traffic alone was three times greater than all global Internet traffic in 2000. Indeed, with the recent introduction of tablets and netbooks to the marketplace, this type of growth is expected to persist with Cisco projecting that mobile data traffic will grow at a compound annual growth rate (CAGR) of 92% from 2010 to 2015.²⁰

3. Site Specific Public Need

The facility proposed in this Application is an integral component of AT&T’s network in its FCC licensed areas throughout the state. There is a significant coverage deficiency in AT&T’s existing wireless communications network in the Westover and Roxbury areas of Stamford. A deficiency in coverage is evidenced by the inability to adequately and reliably transmit/receive quality calls and/or utilize data services offered by the network. The proposed Facility, in conjunction with other existing, approved and proposed facilities in and around Stamford, is needed by AT&T to provide reliable wireless services to people living in and traveling through this area of the state.

The Westover and Roxbury areas of Stamford still lack basic network coverage despite thousands of City residents who live in these neighborhoods and visit both public and private facilities in the area such as the Mianus River Park, Roxbury Swim & Tennis Club, and Fort Stamford Park. Attachment 1 of this Application includes a Radio Frequency (“RF”) Engineering Report with propagation plots and other information which identify and demonstrate the specific need for a facility in this area of the State

¹⁷ Amanda Lenhart, *Attitudes Towards Cell Phones*, Pew Research, available at <http://www.pewinternet.org/Reports/2010/Teens-and-Mobile-Phones/Chapter-3/Overall-assessment-of-the-role-of-cell-phones.aspx>

¹⁸ *Id.*

¹⁹ Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2010–2015, February 1, 2011.

²⁰ *Id.*

to serve the public and meet its need and demand for wireless services. As noted therein, approximately 5,000 residents will be provided with reliable AT&T network service from the proposed Facility along with coverage along several of the City's collector roads and enhanced service at locations such as Westhill High School.

B. Statement of Benefits

The public's demand for traditional cellular telephone services in a mobile setting has developed into a requirement for anytime-anywhere wireless connectivity with critical reliance placed on the ability to send and receive, data, text, image and video over high speed networks. Provided that network service is available, modern devices allow for interpersonal and internet connectivity, irrespective of whether a user is mobile or stationary, which has led to an increasing percentage of the population to rely on their wireless devices as their primary form of communication for personal, business and emergency needs. The proposed facility would allow AT&T and other carriers to provide these benefits to the public that are not offered by any other form of communication system.

AT&T will provide "Enhanced 911" services from the Facility, as required by the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (codified in relevant part at 47 U.S.C. § 222) ("911 Act"). The purpose of this federal legislation was to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. By enacting the 911 Act, Congress recognized that networks that provide for the rapid, efficient deployment of emergency services would enable faster delivery of emergency care with 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 and hikers. Carriers are able to help 911 public safety dispatchers identify wireless callers' geographical locations within several hundred feet, a significant benefit to the community associated with any new wireless site.

In 2009, Connecticut became the first state in the nation to establish a statewide emergency notification system. The CT Alert ENS system utilizes the state Enhanced 911 services database to allow the Connecticut Department of Homeland Security and

Connecticut State Police to provide targeted alerts to the public and local emergency response personnel alike during life-threatening emergencies, including potential terrorist attacks, Amber Alerts and natural disasters. Pursuant to the Warning, Alert and Response Network Act, Pub. L. No. 109-437, 120 Stat. 1936 (2006) (codified at 47 U.S.C. § 332(d)(1) (WARN), the FCC has established the Personal Localized Alerting Network (PLAN). PLAN requires wireless service providers to issue text message alerts from the President of the United States, the U.S. Department of Homeland Security, the Federal Emergency Management Agency and the National Weather Service using their networks that include facilities such as the one proposed in this Application. Telecommunications facilities like the one proposed in this Application enable the public to receive e-mails and text messages from the CT Alert ENS system on their mobile devices. The ability of the public to receive targeted alerts based on their geographic location at any given time represents the next evolution in public safety, which will adapt to unanticipated conditions to save lives.

C. Technological Alternatives

The FCC licenses granted to AT&T authorize it to provide wireless services in this area of the state through deployment of a network of wireless transmitting sites. Repeaters, microcell transmitters, distributed antenna systems (DAS), small cells and other types of transmitting technologies are not a practicable or feasible means to providing service to the thousands of residents in the Westover and Roxbury areas of Stamford. These technologies are better suited for specifically defined areas where enhanced service is necessary, such as in large commercial buildings, at shopping malls, stadiums and other areas with a discrete coverage objective and/or very high concentrations of wireless users in a confined area. Closing the coverage gaps and providing reliable wireless services in the Westover and Roxbury areas of Stamford requires a tower site that can provide reliable service over a large geographic footprint that spans several thousand acres. The Applicant submits that there are no equally effective technological alternatives to the construction of the proposed Facility for providing reliable personal wireless services in this area of Connecticut.

IV. Site Selection and Tower Sharing

A. Site Selection

When AT&T makes a determination that new wireless infrastructure is needed to improve its services in a given area, AT&T establishes a "site search area." The site search area is the general geographic location where the installation of a new wireless facility would address identified service deficiencies in its network. Central to AT&T's goal of locating a viable site or sites within any site search area is the need for the orderly integration of a new site into AT&T's network.

Once a site search area is established, AT&T real estate and radiofrequency engineering personnel utilize it as a guide in their search for site locations. In any site search area, AT&T seeks to avoid the unnecessary proliferation of towers and to reduce the potential adverse environmental effects of a needed facility, while at the same time seeking to ensure the quality of service provided to the users of its network.

This particular site search area in Stamford has been enlarged twice based on the lack of viable candidates or siting opportunities. This entire area of the City lacks sufficiently tall structures such as water tanks, power lines, or larger church steeples which might support a wireless facility. There are no commercial zones or commercial properties in the site search area. Stamford's 2002 Master Plan General Land Use Plan, a copy of which is reproduced behind Tab 2, further illustrates the predominantly single family development patterns in the Westover and Roxbury areas of the City, which is the population intended to be served by the Facility.

The Site Search Summary, submitted as Attachment 2, details the various locations investigated by AT&T. In comparing the City's land use map to AT&T's site search map, it is fairly evident that any of the larger non-residential parcels were investigated by AT&T for possible tower siting. These include Fort Stamford, Roxbury Swim & Tennis Club and two cemeteries. All were determined to be unavailable for lease or not technically feasible for development of a wireless facility. The proposed tower is sited on a residential parcel adjacent to one of the cemeteries in this area of the City along West Hill Road. A combination of relative ground elevation, tree cover and

other factors unique to the Site make it a viable tower siting option for consideration by the Siting Council.

B. Tower Sharing

To maximize co-location opportunities, the proposed Facility has been designed to support three (3) additional wireless carrier facilities with antenna platforms at 10' intervals on the proposed 120' monopine tower. The compound, while reduced in size, will support equipment typically used by Verizon, Sprint and T-Mobile.

C. Facility Design

AT&T will install panel antennas at a centerline height of 116' above ground level ("AGL") on the 120' tower. The tower compound will consist of a 3,017 square foot fenced area with a pervious gravel treatment. AT&T's radio equipment shelter with an enclosed emergency generator and additional space for co-location by other wireless carriers have been incorporated into the design. Vehicular access to the facility will be provided from West Hill Road over the existing gravel driveway with a modest gravel access drive extension, principally serving as a parking space. Attachment 3 contains the specifications for the proposed Facility including site access plans, a compound plan, tower elevation, and other relevant details of the proposed Facility. Also included is information related to the environmental effect of the proposed Facility (Attachment 4) as well as a Visibility Analysis (Attachment 5). Some of the relevant information included in Attachments 3, 4 and 5 reveals that:

- The property is classified locally in the "RA1" one acre residential zoning district;
- Limited grading of the compound area and re-surfacing of the existing/proposed access drive will be required for the construction of the proposed Facility;
- The proposed Facility will have no significant impact on water flow, water quality, or air quality;
- Topography, mature vegetation and use of a camouflage "monopine" tower design all serve to screen visibility of the tower from a large portion of the viewshed;

- Year-round visibility of the proposed tower is limited to a very small highly localized geographic footprint of 20 acres within less than a quarter mile of the Site which includes a cemetery and residences; and
- While there will be no direct impact to wetlands, development of the tower site is in a previously disturbed area with limited secondary impacts because the Facility is sited in an immediately adjacent upland review area for which no alternative locations for the tower site were identified.

V. Environmental Compatibility

Pursuant to C.G.S. §16-50p(a)(3)(B), the Council is required to find and to determine as part of the Application process any probable impact of the proposed 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, the proposed Facility will be constructed in compliance with applicable regulations and guidelines, and best practices will be followed so as to ensure that the construction of the proposed Facility will not have a significant adverse environmental impact. Furthermore, the regular operation and monthly maintenance of the Facility is not anticipated to have any environmental impact.

A. Visual Assessment

A Visibility Analysis is included as Attachment 5, which contains a viewshed map and photographs and photo simulations of the proposed Facility from the surrounding area. It is anticipated that year-round visibility associated with the proposed facility would be limited to a very small highly localized geographic footprint of 20 acres or just 0.25% of the 8,042 acre study area which includes a cemetery and residences. Further, it is anticipated that visibility of the structure will be principally limited to areas located within a one-quarter mile radius of the Site. Notably, the proposed Facility will not be visible from any locally-designated historic district, property or road and no views are anticipated from the Merritt Parkway, the Mianus River Park trails or Fort Stamford Park. Overall, due to terrain and tree cover in this area of the City, the proposed Facility has no significant visual impact on the Westover or Roxbury neighborhoods in

Stamford. Weather permitting, AT&T 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. Wetlands

AT&T retained certified soil and wetland scientists to evaluate the Site and its potential development as a tower Facility. Investigation and field visits by AT&T's consultant identified the tower compound area as previously disturbed soils in an early successional forested area adjacent to a depressional wetland system on the property. AT&T's consultants noted that water ponding could result seasonally in support for vernal pool habitat however no overt use of these wetlands by obligate or facultative vernal pool species for breeding was observed during a June 22, 2013 inspection. A copy of the wetland delineation and preliminary wetland impact reports are included behind Tab 4 and conclude that the project will have no permanent direct wetland impacts.

Grading and the tower compound will be within an area immediately adjacent to the delineated wetland boundary with a permanent loss of some upland areas that result in some secondary wetland impacts. As noted in the enclosed reports, no alternative locations for the tower site were identified which would eliminate or reduce development in upland review areas on the Site. Additionally, this area of the Site and surrounding wetland systems are already characterized by significant human disturbances. AT&T's consultants concluded that any secondary wetlands impacts associated with the tower Facility would not result in any adverse impacts to the principal functions and values of associated wetlands identified on and off the Site.

AT&T's consultants have recommended several protective measures given development in an upland review area. A specific wetland protection plan during construction with seasonal monitoring, isolation measures, contractor education, stormwater and herptofauna protocols, and inspection reports have been proposed to AT&T which would be incorporated into any development and management plan ("D&M Plan") for the Facility the Council may require as a

condition of any Certificate approval. Additionally, various wetland buffer plantings have been recommended which would be incorporated into any D&M Plan by AT&T in addition to and in lieu of some of the tower compound screening proposed outside the fenced area.

C. Solicitation of State and Federal Agency Comments

Consultations with municipal, state and federal governmental entities and AT&T's consultant reviews for potential environmental impacts are summarized and included in Attachments 4, 5 and 6. AT&T's consultants submitted requests for review from federal, state and tribal entities including the Connecticut State Historic Preservation Officer (SHPO). SHPO review is pending and AT&T's consultants have identified no historic or cultural resources in the area and concluded that the proposed Facility will have no effect on historical, architectural or archeological resources. The State of Connecticut Department of Energy and Environmental Protection (DEEP), upon review of the Natural Diversity Database (NDDB), issued a letter determining that there will be no known impact on any extant populations of Federal or State Endangered, Threatened or Special Concern Species that may occur in the vicinity of the Property. As noted in the wetlands reports included in Attachment 4, despite the low likelihood of any impact, additional precautionary measures will also be taken during construction to minimize any potential impacts on any amphibians and reptiles that may use nearby wetland/vernal pool habitats. As required, this Application is being served on various state and local agencies that may choose to comment on the Application prior to the close of the Siting Council's proceeding on this application.

D. Power Density

In August of 1996, the FCC adopted a standard for Maximum Permissible Exposure (MPE) for RF emissions from telecommunications facilities like the one proposed in this Application. To ensure compliance with the applicable standards, a maximum power density report is included herein as part of Attachment 3. The report concludes that the calculated worst-case emissions from AT&T's equipment at the proposed Facility are 15.79% of the MPE standard.

E. Other Environmental Factors

The proposed Facility would be unmanned, requiring monthly maintenance visits, each approximately one hour long. AT&T's equipment at the Facility would be monitored 24 hours a day, seven days a week from a remote location. The proposed Facility does not require a water supply or wastewater utilities. No outdoor storage or solid waste receptacles will be needed. Furthermore, the proposed Facility will neither create nor emit any smoke, gas, dust, nor other air contaminants, noise, odors, nor vibrations other than those created by installed heating and ventilation equipment. Temporary power outages could require the limited use of an on-site diesel-fueled generator. Overall, the construction and operation of AT&T's proposed Facility will not have a significant impact on the air, water, or noise quality of the area.

AT&T utilized the FCC's TOWAIR program to determine whether the proposed Facility would require registration with the Federal Aviation Administration (FAA). The TOWAIR program results for the proposed Facility, a copy of which is included in Attachment 4, indicate that the proposed Facility will not need to be registered with the FAA, and that the FAA will not need to review the proposed Facility as a potential hazard to air navigation. Accordingly, no FAA lighting or marking would be required for the Facility proposed in this Application.

AT&T has evaluated the site in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969 (NEPA). The proposed site was not identified as a wilderness area, wildlife preserve, National Park, National Forest, National Parkway, Scenic River, State Forest, State Designated Scenic River or State Gameland. Further, and as noted above, according to the site survey and field investigations, no federally regulated wetlands or watercourses or threatened or endangered species will be impacted by the proposed Facility.

VI. **Consistency with the City of Stamford's Land Use Regulations**

Pursuant to the Council's Application Guide, included in this section is a narrative summary of the consistency of the proposed Facility with the local municipality's zoning and wetland regulations and plan of conservation and development.

A. Stamford's Plan of Conservation and Development

The City of Stamford Plan of Conservation & Development ("Plan") is currently undergoing a comprehensive review by the City with an update anticipated in 2014. The current Plan is known as the Stamford Master Plan 2002 ("2002 Plan"), a copy of which is included in Section 1 of the Bulk Filing. The City's 2002 Plan does not specifically address wireless facilities and services. To the extent relevant to wireless service, the 2002 Plan incorporates various neighborhood plans which identify this area of the City as suburban in character and a general goal of preserving such a quality of life. For the Westover area of the City, the 2002 Plan further notes that Westover, West Hill, Stillwater and Roxbury roads are collector roads with Westover Road being a major road and spine of the neighborhood. See map on pg. 44 (Neighborhood Plans) and § 4C7 on pg. 52.

B. Local Zoning Standards and Dimensional Requirements

The Site is classified in the City of Stamford's RA1 residential one acre zoning district. Section 3.A.74.2 of the City's Zoning Regulations regulate Personal Wireless Service Facilities, the definition of which specifically excludes towers or monopoles.

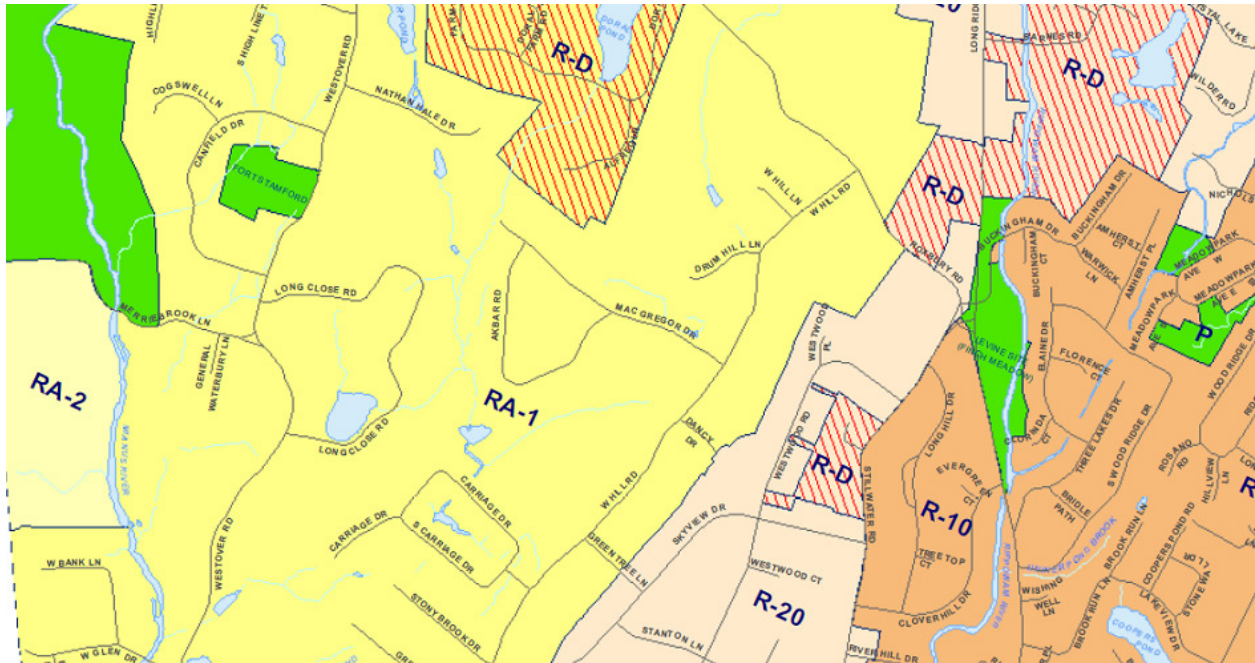


Figure 1 Stamford Zoning Map of the Area Around the Site

There are no specific districts in the City where wireless facility towers are permitted. The closest land use and zoning designation to the proposed tower Facility is a radio

tower or public utility transformer or pump substation, both of which are permitted by special exception in the RA-1 zoning district. Zoning Regulations Section 4.AA.1.3(n,o). Of note radio and television towers are further exempt from the otherwise applicable height limits for buildings and structures in the RA-1 zoning district. Zoning Regulation Section 8.C.

C. Planned and Existing Land Uses

Properties immediately surrounding the subject Site include cemeteries that abut the subject property to the south and east as well as single family residential parcels north and west. There are no known planned changes to the existing or surrounding land uses. Development patterns in the Westover and Roxbury neighborhoods are established and unlikely to undergo significant future changes in density. Copies of the City of Stamford's Zoning, Inland Wetlands Regulations, Wetland Soils Map and Zoning Map are included in AT&T's Bulk Filing.

D. Stamford's Inland Wetlands and Watercourses Regulations

The City of Stamford's Inland Wetlands Regulations ("City's Wetlands Regulations") regulate certain activities conducted in "Wetlands" and "Watercourses" as defined therein. Section 2.34 of the City's Wetlands Regulations further incorporate an upland review area of anywhere from 25' to 100' which is "that area immediately adjoining wetlands and watercourses that may be necessary to provide protection from the adverse impacts of unregulated land uses." As noted in the wetlands reports included in Attachment 4 and discussion in Section V.B of the Application, the Site and surrounding area of the City are characterized by historical disturbances with prior development activities impacting wetlands on and off-site that are part of headwaters that drain to the Mianus River. The AT&T Facility will have no permanent direct wetland impacts. Development of the tower site in previously disturbed areas of the Site, will have unavoidable secondary impacts associated with the adjoining upland area. There are no known prudent or feasible alternatives on or off site that might avoid the secondary impacts identified by AT&T. AT&T's wetlands consultants have further concluded that the permanent conversion of upland areas for the project, which will be unoccupied and largely consist of pervious surfaces, will not have a significant adverse impact to adjoining wetlands or water resources associated with the Mianus River. Additionally, various recommendations and mitigation measures have been

proposed and would be incorporated into any D&M Plan for the project. Of note, a copy of the wetlands reports were provided to the City's Environmental Protection Board ("EPB") as part of the Technical Report filed with the City and no specific comments or objections by EPB were provided to the Applicant.

VII. Consultation with Municipal Officials

C.G.S. § 16-50/ requires the Applicant to consult with the municipality in which the proposed Facility may be located, and with any adjoining municipality having a boundary within 2,500 feet of the proposed Facility. The Applicant submitted a Technical Report to the City of Stamford on November 15, 2013. The proposed Facility is not located within 2,500 feet of another municipality.

In December of 2013, the Applicant's representatives further corresponded with the City's new mayoral administration and Land Use Bureau Chief. In furtherance of communications by and among various City officials and AT&T's Director of External Affairs, a meeting was held at the City's Government Center in January 2014. At that time, AT&T discussed its significant plans for development of eight new wireless facilities throughout the City to fill gaps in coverage, add capacity and otherwise develop the network for reliability and data throughput in Stamford. With respect to this particular Facility, City officials expressed no particular preferences or alternatives and generally articulated a neutral position related to any application filed with the Siting Council. Through the Mayor's Chief of Staff, AT&T was asked to host a community meeting prior to any public hearing held by the Siting Council. AT&T agreed to host such a meeting and included notice of the community meeting (March 5th) in its mailed and published notices of intent to file this Application. Attachment 6 includes correspondence with the City of Stamford during the consultation phase of this specific project.

VIII. Estimated Cost and Schedule

A. Overall Estimated Cost

The estimated cost of construction for the proposed Facility is represented in the table below.

Requisite Component	Cost (USD)
Tower & Foundation	\$170,000
Site Development	\$95,000
Utility Installation	\$65,000
Facility Installation	\$60,000
Antennas & Equipment	\$250,000
Total Cost	\$640,000

Figure 2 Estimated Costs

B. Overall Scheduling

Site preparation work would commence immediately following Council approval of a Development and Management (“D&M”) Plan, the issuance of a Building Permit by the City of Stamford and final utility arrangements with CL&P. The site preparation phase for the proposed Facility 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. Facility integration and system testing is expected to require an additional two (2) weeks after the construction is completed. The duration of the total construction schedule is approximately eight (8) weeks.

IX. **Conclusion**

This Application and the accompanying materials and documentation demonstrate clearly that a public need exists in the Westover and Roxbury areas of Stamford for a new tower for the provision of wireless services to the public. The foregoing information and attachments also demonstrate that the proposed Facility will not have any substantial adverse visual effects and there are no practical alternatives known to the Applicant. Further that there will be no direct wetlands impacts and the permanent conversion of adjacent upland areas to the tower compound will not have a significant impact and otherwise be managed and mitigated to the extent practicable. The Applicant respectfully submits that the public need for the proposed Facility to serve thousands of residents in the Westover and Roxbury areas of Stamford outweighs any potential environmental effects resulting from the construction of the proposed Facility at the Site. Accordingly, the Applicant respectfully requests that the Council grant its

Application for a Certificate of Environmental Compatibility and Public Need for the proposed wireless telecommunications Facility at 560 West Hill Road in Stamford.

Respectfully Submitted,

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