

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

IN RE:

:

ARX WIRELESS INFRASTRUCTURE, LLC : DOCKET NO. 500  
APPLICATION FOR A CERTIFICATE OF :  
ENVIRONMENTAL COMPATIBILITY AND :  
PUBLIC NEED FOR THE CONSTRUCTION, :  
MAINTENANCE AND OPERATION OF A :  
WIRELESS TELECOMMUNICATIONS :  
FACILITY LOCATED AT 1061-1063 :  
BOSTON POST ROAD, MILFORD, : April 28, 2021  
CONNECTICUT

**MEMORANDUM RE: LOCATION PREFERENCES AND  
SITING CRITERIA BY CITY OF MILFORD**

Pursuant to General Statutes § 16-50gg, and in response to the Siting Council request dated April 1, 2021, the City of Milford (“City”) respectfully submits these comments regarding location preferences and siting criteria regarding the Application of ARX Wireless Infrastructure, LLC (“ARX” or “Applicant”) to construct a new telecommunications tower at 1061-1063 Boston Post Road in Milford. Notably, the coverage area is currently being served by rooftop antennae at a former hotel property across the street. (ARX App. at 1-2.) Thus, the proposed construction would not fill a presently existing coverage gap but, rather, would terminate the current coverage solution (rooftop antennae) and replace it with a tower. Although ARX asserts that its proposal is the only “viable,” “usable,” or “feasible” solution (App. at 2, 16-17, 31), there appear to be viable alternatives – including more suitable sites and/or non-tower solutions – that would not require proliferation of a new 116-foot tower in a residential zone less than 200 feet from a single-family home.

## **A. Issues with ARX’s Site Selection Process**

There are three main problems with ARX’s site selection process. (1) ARX erroneously asserts that its proposed tower would be built in a commercial zone – in fact, the site is residential, and local siting criteria would prohibit it. This underscores the need for the Council to scrutinize whether ARX adequately investigated alternative sites or solutions. (2) ARX’s search for alternative sites was manipulated to produce its desired outcome, and ARX did not consult with the City in good faith. As one example, ARX never utilized the proper contact information provided by the City for investigating whether an alternative solution could be developed at the Connecticut Post Mall. (3) ARX asserts that it has data to support its conclusion, but has refused to provide certain data at the City’s request. Essentially, ARX wants to present the appearance of rigorous analysis while avoiding rigorous scrutiny.

- 1. The siting of a tower in a residential zone is uniquely problematic, and underscores the importance of investigating alternative sites in commercial zones.**

Before unpacking ARX’s failure to adequately investigate alternative sites and/or coverage solutions, it should be noted that the investigation of alternatives is especially important here, where ARX is proposing to build a 116-foot tower in single-family residential district. The property in question is a split-zone parcel situated at the northern terminus of Cherry Street where it joins the Post Road. The portion fronting on the Post Road is in the Interchange Commercial District (“ICD”), and is currently used by a Mexican restaurant (1061 Boston Post Road) and a Firestone repair shop (1063 Boston Post Road). However, the rear portion on which ARX proposes to build the tower is actually situated in the R-12.5 One Family Residential zone, and is adjoined on two sides by a single-family lot. (See Milford Zoning Map Snapshot, **Ex. A** hereto.) The base of the ARX’s 116-foot tower would sit less than 200 feet from the house at 43

Home Acres Avenue, and less than 300 feet from at least five other single-family houses.<sup>1</sup> (See GIS Quick Map, **Ex. B** hereto.)

In its Application, ARX erroneously asserts that the site is zoned commercial. (ARX App. at 29.) It also erroneously asserts that the Milford Zoning Regulations do not have a section addressing telecommunications facilities, and that there is no zoning regulation governing the proposed use. (*Id.*) To the contrary, the ordinary maximum permitted structure height in the R-12.5 zone is 35 feet. (See Milford Zoning Regs., § 3.1.4.1 at 111-14.) Furthermore, the Zoning Regulations expressly restrict the erection of communications towers in single-family residential districts, including the R-12.5 zone, as follows:

**3.1.2 Special Uses:** Subject to all other applicable provisions and limitations of these Regulations, the Board may permit the following building and uses, subject to Special Permit, Special Exception (as specifically noted), and Site Plan Approval in accordance with ARTICLE VII, herein.

...

**3.1.2.18** Communication buildings, stations or towers subject to the following conditions and safeguards:

- (1) The lot area shall not be less than five (5) acres.
- (2) Any tower shall be set back from all street and lot lines by a distance equal to or greater than the height of such tower.
- (3) Any other building, structure or parking area shall be set back at least 50 feet from all street and lot lines.

(*Id.* at III-1, III-5 and III-9, emphasis added.)

These “conditions and safeguards” regarding the erection of towers in the R-12.5 zone are evidently intended to promote public safety and welfare, and to preserve the residential character of the neighborhood. Ostensibly, 1063 Boston Post Road is split-zoned for the same reason, namely, to create a buffer between the commercial uses at the front of the parcel and the

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<sup>1</sup> The location of the house at 43 Home Acres Avenue is not indicated on ARX’s existing conditions site map, but it would fit on that map at the corner of Home Acres and Prairie Street. (See Ex. G to ARX Application.)

residential uses behind it. ARX’s proposed tower plainly fails the local lot size and setback restrictions. Not only is the lot area less than 5 acres – it is only 2.44 acres – but the proposed 116-foot tower would be situated less than 100 feet from the adjoining property lines to the southeast and southwest. If the proposed tower were not a “facility” falling under Siting Council jurisdiction, it would be dead on arrival in local zoning.

While local zoning regulations are not controlling in matters before the Council, they are relevant and appropriate for the Council to consider. As provided in General Statutes § 16-50x(a), “[w]hen evaluating an application for a telecommunication tower within a particular municipality, the council shall consider any location preferences or criteria (1) provided to the council pursuant to section 16-50gg, or (2) that may exist in the zoning regulations of said municipality as of the submission date of the application to the council.” Accordingly, the Council’s own regulations require the application to include “[a] description of the site, including the zoning classification of the site and surrounding areas.” Siting Council Regs., § 16-50j-74(f). Furthermore, the Council’s Application Guide for Community Antenna Television and Telecommunications Facilities (rev. 2012) requires the inclusion of a narrative summary of the project’s consistency with the City’s Plan of Conservation and Development (the “Plan”), Zoning Regulations, and Wetlands Regulations and a description of the zoning classification, planned and existing uses of the site location and surrounding areas.<sup>2</sup> Moreover, as ARX tacitly acknowledged in its Technical Report, it is uncontroversial that large commercial structures should be avoided in residential areas. (See Technical Rpt. 8/26/20 at 6: “If ARX cannot find a

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<sup>2</sup> Available at <https://portal.ct.gov-/media/CSC/Guides/Guides2015/TelecommunicationsTowerApplicationGuide712pdf.pdf>.

structure with appropriate height and structural capabilities, it turns to industrial and commercial areas or individual parcels that have appropriate environmental and land use characteristics.”)

ARX’s proposed tower is plainly inconsistent with the reasonable safeguards provided in the local zoning regulations, and thus is uniquely problematic compared to alternative sites in commercial zones. This underscores the importance of the Council’s review of whether proliferation of a tower at this particular location is really necessary. And it illustrates why ARX’s inadequate investigation of alternative solutions is more than just an academic failure.

**2. ARX’s investigation of alternative sites or solutions was inadequate, and its explanations are nonresponsive.**

In the Technical Report that ARX delivered to the City on or about August 27, 2020, ARX represented that several nearby commercial properties were “deemed unusable due to lack of interest from the owner.” (Technical Rpt. at 8.) After a meeting between ARX and the City, the City’s counsel, John Knuff, issued a letter to ARX on October 27, 2020, seeking information regarding ARX’s investigation of alternative sites and/or coverage solutions, and providing contact information to facilitate the investigation. (See Knuff Ltr. 10/27/20, **Ex. C** hereto.) ARX did not respond until five months later on March 26, 2021, just four days before filing its Application with the Council. (See Ball Ltr. 3/26/21, **Ex. D** hereto.)

Under General Statutes § 16-50l(e), ARX has the obligation to provide a good-faith consultation, and the City has the right to investigate and provide input on behalf of its residents. However, both the timing and substance of ARX’s conduct here are best described as evasive. In particular, ARX’s explanations of why it rejected alternative sites suggest that ARX has not diligently pursued better alternatives in commercial zones. Key examples are as follows.

a. 1201 Boston Post Road (Connecticut Post Mall): In the Technical Report, ARX asserted that there was a “lack of interest” from the Mall in using the site for a coverage solution.

(Technical Rpt. at 8.) In his October 2020 Letter, Attorney Knuff attached an email from the Mall’s designee, American Tower Corporation, contradicting ARX’s representation and indicating the Mall’s interest in hosting a wireless facility. (See Leverone Email attached to Knuff Ltr.) The American Tower email expressly clarified, on behalf of the Mall:

Contrary to the statement in the Technical Report, CT Post Mall and American Tower are interested in providing Verizon and AT&T (as well as other carriers) the opportunity to locate their antennas on the mall property, either by way of a tower on the property or on the rooftop/exterior of the mall itself, and will assist any carrier in determining the feasibility of doing so . . . .

(*Id.*) The email included the contact information of American Tower’s counsel, including a telephone number, mailing address, and email address. (*Id.*)

It is the City’s understanding that ARX has never attempted to contact American Tower by telephone, mail or email. Instead, ARX’s March 2021 Letter artfully asserts that it “sent multiple communications to the owner of the mall and has received no response.” (Ball Ltr. at 4.) In other words, not only did ARX fail to contact the Mall’s designee American Tower,<sup>3</sup> whom it was expressly told was the relevant contact, but it appears that ARX continues to rely on the letters to the Mall owner that it mailed prior to receiving better contact information from the City. Consequently, ARX’s assertion to the City that “the owner is not interested” (Ball Ltr. at 4) is demonstrably false, and ARX lacks a good-faith basis to assert to the Council that “the sites that Attorney Knuff had suggested [are] not viable options.” (ARX App. at 31.) This is especially concerning given that ARX conceded, from a technical standpoint, that the Mall property might provide a viable alternative solution. (See Ball Ltr. at 4: “A new tower site on the mall property might be acceptable if it were located close enough to Verizon’s target area and far

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<sup>3</sup> For the record, American Tower is a competitor of ARX, which may have had an impact on ARX’s decision not to pursue the Mall as an alternative location.

enough from its adjacent cell sites.”) In fact, the nearest edge of the Mall property is only a quarter-mile from the proposed site, and only two-thirds of a mile away at its furthest distance.

b. 1052 Boston Post Road (current hotel site): Similarly, ARX lacks a good-faith basis to assert that the hotel property where the current Verizon/AT&T facility is located (former Howard Johnson) is “unusable.” (*See* Technical Rpt. at 4; ARX App. at 2, 16-17.) In his October 2020 Letter, Attorney Knuff attached an email from the hotel property owners indicating their interest. (*See* Clark Email attached to Knuff Ltr.) Specifically, the property owners clarified: “We [the property owners] have no immediate plans to remove the building with the antennas. Once a new building is constructed, we will continue to have an interest in having the carriers locate their antennas on the building.” (*Id.*) Attorney Knuff’s letter also provided telephone numbers and an email address where ARX could reach the owners. (Knuff Ltr. at 2.) ARX’s response in Attorney Ball’s March 2021 Letter is self-contradictory. On the one hand, ARX admits that it did not utilize the contact information provided by the City. (*See* Ball Ltr. at 3: “Most recently, ARX sent the owner a letter by certified mail, return receipt requested, which was delivered on January 29, 2021 . . . .”) But elsewhere, ARX asserts that “[t]he property owners were not interested in this type of installation on the new hotel building.” (Ball Ltr. at 2.) Ultimately, the response does not add up, and ARX appears to be offering pretexts for declining to continue to utilize the current (commercially-zoned) site, rather than objectively seeking a feasible solution.

c. 1212 Boston Post Road (Old Navy site): In its March 2021 Letter, ARX indicated that it had not attempted to contact this property owner since October 2020. ARX apparently has never actually conversed with the property owner. Again, this indicates a lack of interest on ARX’s part.

The common thread here is that ARX’s search seems designed to justify a predetermined conclusion, rather than to objectively analyze all available options. This violates both the letter and the spirit of the relevant statutes and regulations.

**3. ARX has refused to provide search area and coverage data that the City has requested in order to test ARX’s conclusions.**

This lack of transparency also extends to ARX’s analysis of feasible coverage solutions, which has not been adequately disclosed to the City. In the “Site Search Process” section of the Technical Report, ARX represented that there was a “target search area,” that “[a] site search ring [was] selected,” and that it looked for “existing towers and other sufficiently tall structures within and near the site search area.” (Technical Rpt. at 6-7.) In the City’s October 27, 2020 Letter, Attorney Knuff requested disclosure of the coverage analysis as follows: “[I]t is the City’s expectation that the carriers, through your client, will provide a detailed analysis of alternative methods of providing necessary coverage, including small cells, co-locating on existing buildings in the area, and alternative locations for a new facility, either singly or in combination.” (Knuff Letter at 1-2.) Further to this general request, Attorney Knuff requested disclosure of the “search ring” that ARX cited on page 7 of the Technical Report. (*Id.* at 1-2.) The Letter further reserved the right to provide additional input on locations once it received disclosure of the carriers’ coverage analysis. (See *id.* at 1: “The City . . . reserves its rights as to identifying other locations upon receipt of the search ring that is referenced on page 7 of the technical report, but not included in the report.”)

ARX did not respond until March 26, 2021, five months later and four days before it filed the Application. In the response letter, it represented that there actually was no search ring document, but that the “area investigated is already identified in the Site Search Process of the Technical Report.” (Ball Ltr. at 1.) This is as circular as it gets – the Technical Report made

vague references to a “target search area,” a “search ring” and a “site search area,” but when asked to pinpoint that area, ARX said “see the Report.” Furthermore, elsewhere in the Letter, ARX states that Verizon “did not generate a new search ring” and vaguely adds: “The ‘target’ area for this relocated facility is the I-95/Boston Post Road interchange.” (Ball Ltr. at 2.) This vagueness is prejudicial to the City’s rights.

Additionally, the City also requested Verizon’s propagation plots in the area surrounding the proposed site including all “small cells.” ARX represented that Verizon was refusing to provide this information. (*See* Ball Ltr. at 1: “Verizon has indicated that it will not provide us with additional plots other than what we have already provided to you.”)<sup>4</sup> This, again, suggests that ARX and/or its clients – Verizon and AT&T – do not intend to providing the City with the information necessary to analyze the situation or exercise its right to provide input.

Based on the lateness and vagueness of ARX’s responses, the City is reasonably concerned about the motives of ARX and the carriers, and what that means for the City’s residents. The question remains: Do ARX and the carriers know how far north, south, east or west it might go from the current (hotel roof site) tower, either utilizing a single facility or a combination of smaller facilities, in order to achieve effective coverage? If ARX has not obtained this analysis, then its investigation is inadequate, and seems designed to justify a predetermined result. Or if ARX has obtained this analysis, its refusal (or the carriers’ refusal) to provide it to the City suggests that it could not hold up to scrutiny. Either way, the City has been deprived of its right to have meaningful knowledge and input in the site-selection process on behalf of its residents.

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<sup>4</sup> ARX’s reference to “already provided” plot appears to mean the towers-only propagation plots attached to the Technical Report. (*See* pages 30-35 of the full PDF of the Technical Report.)

## **B. Conclusion**

The refusal by ARX and the carriers to address the City's concerns is not just an academic deficiency. Of course, ARX's failures are procedural violations *per se*. But the greater concern is that City has been deprived of the substantive right to consultation that the procedural rules are there to ensure. Due to ARX's inadequate consultation, the City is presently unable to determine whether ARX's proposal is in the best interest of the City's residents – who are citizens of the State, from the Council's perspective. And ARX's evasive responses to follow-up questions only heighten those concerns.

In conclusion, the City recognizes that cell phone coverage is a public good, and it is not the City's practice to reflexively resist commercial and utility development. But when an Applicant seems to be hiding the ball on suitable alternative locations and/or coverage solutions, as ARX has done here, then the City is on high alert for detrimental impacts on its residents. The City respectfully submits that the Application cannot be granted because ARX has not met its obligation to consult with the City in good faith, the City has been deprived of its right to obtain good information and provide informed input, and the Council does not have an adequate record on which to determine whether ARX's proposal is in the best interests of the people of the State pursuant to the relevant statutes and regulations. The City further submits that it would be a useful starting point for the Council to insist that ARX and the carriers to provide complete and transparent responses to the City's inquiries.

Respectfully submitted,

CITY OF MILFORD

By: /s/ John W. Knuff  
John W. Knuff, Esq.  
Jeffrey P. Nichols, Esq.

Hurwitz, Sagarin, Slossberg  
& Knuff, LLC  
147 North Broad Street  
Milford, CT 06460  
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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was electronically mailed to the following service list on April 28, 2021:

Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051  
siting.council@ct.gov

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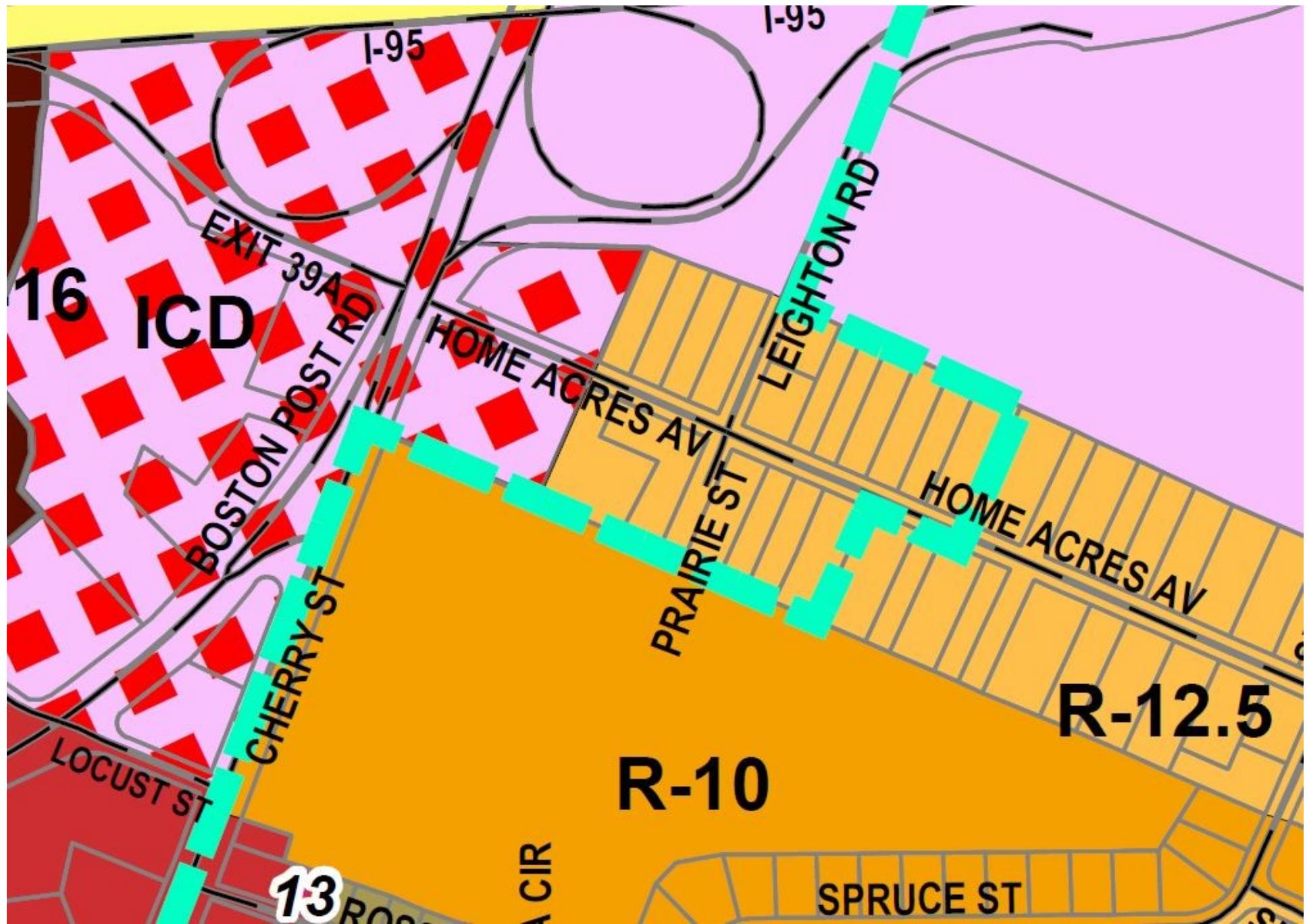
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*/s/ John W. Knuff*

**Exhibit A**

**Snapshot of City of Milford Zoning Map**



## **Exhibit B**

### **GIS Quick Map of 1061-1063 Boston Post Road**



## City of Milford, Connecticut. Assessment Parcel Map

Parcel ID: 17657

Address: 1063 BOSTON POST RD



1 inch = 100 feet

0 50 100 150 200  
Feet

Disclaimer: This map is for informational purposes only. All information is subject to verification by any user. The City of Milford and its mapping contractors assume no legal responsibility for the information contained herein.

Map Produced: April 2021

## **Exhibit C**

**Letter from John W. Knuff, Esq. dated October 27, 2020  
with attached emails**

**VIA EMAIL AND U.S. MAIL**

October 27, 2020

LAW OFFICES  
147 North Broad Street  
Milford, CT 06460  
T: 203.877.8000  
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hssklaw.com

David A. Ball, Esq.  
Cohen & Wolf, P.C.  
1115 Broad Street  
Bridgeport, CT 06601

Re.: ARX Wireless Infrastructure, LLC  
1061-1063 Boston Post Road, Milford

David: On behalf of the City of Milford, I appreciate your and your client's participation in the technical report meeting with regard to the captioned location. As I expressed during the meeting, it is the City's expectation that the carriers, through your client, will provide a detailed analysis of alternative methods of providing necessary coverage, including small cells, co-locating on existing buildings in the area, and alternative locations for a new facility, either singly or in combination.

As for the proposed location, the City is certainly aware of the impacts from nearby existing infrastructure on Home Acres Ave. specifically and the area in general, but as the technical report provides, ARX – like the Siting Council and the industry generally - seeks to avoid the proliferation of towers whenever possible, regardless of the character of the surrounding area.

As for other locations and types of installations that the carriers should consider for providing their required coverage, notes and questions with regard to the Sites Investigated listed in the technical report are found below. The City, however, reserves its rights as to identifying other locations upon receipt of the search ring that is referenced on page 7 of the technical report, but not included in the report.

**1052 Boston Post Road**

This is the site of the former Howard Johnson hotel on which Verizon and AT&T currently have their antennas and related equipment. The technical report provides that the building "is planned to be demolished as part of a redevelopment project." It also indicates that "once the property is redeveloped, Verizon has determined that the new antenna height is not sufficient to satisfy Verizon's coverage needs." It is silent as to AT&T's needs.

In a telephone conversation with representatives of the property owner, and in the attached email, I was told that the property owner has no immediate intention of removing the building on which the antennas are located, and therefore the antennas may remain for the foreseeable future. In addition, once the new hotel is constructed, it is the property owner's desire to continue to provide the opportunity for Verizon and AT&T to co-locate on that building.

Contact information for the property owner is as follows:

- Wes Clark - 203.522.7484; [crafwe01@gmail.com](mailto:crafwe01@gmail.com)
- John Wilcox – 917.520.7149

In light of the above, please provide the following information:

- What is the centerline height of the Verizon and AT&T antennas on the existing building?
- What would the centerline height of the Verizon and AT&T antennas be on the proposed building? Please provide coverage maps at those heights.
- If the proposed building is too low for Verizon, can Verizon's coverage needs be resolved by a stub tower be located on the roof of the proposed building?
- Assuming that Verizon were to remain on the existing or proposed building, what are the coverage needs that remain for Verizon? Please provide a search ring for resolving Verizon's outstanding coverage needs.
- How may those remaining needs be resolved without the need for a new tower, including co-locating on other nearby buildings or small cell sites, including more than one?
- Does the existing and proposed building satisfy the coverage needs of AT&T?
- If co-locating on the proposed building, including a stub tower, does not address Verizon's coverage needs, including with a multi-site solution, would a stealth pole on this property provide the required coverage?

#### **1212 Boston Post Road**

- Please identify to whom the letter was sent requesting interest in locating telecommunications equipment at this location.
- Were the property's tenants contacted with regard to co-location opportunities on the building?

#### **1201 Boston Post Road**

- An email from Christopher Leverone from American Tower is attached indicating the interest of Connecticut Post Mall and American Tower to either permit the co-location of

antennas on the existing mall or a new facility. Please investigate all opportunities for both carriers utilizing the mall either on its own or as part of multi-site solution (including continuing to locate antennas at 1052 Boston Post Road for satisfying the carriers' coverage needs.

### **10 Leighton Road**

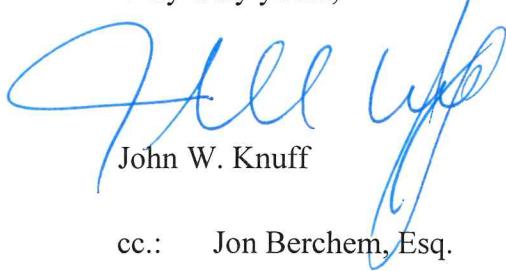
- Please identify to whom the letter was sent requesting interest in locating telecommunications equipment at this location.

In summary, the City has significant concerns with regard to the location and height for the proposed facility. Given the number of existing commercial buildings in the area, and the interest of at least two commercial property owners in hosting telecommunications equipment and antennas, the City will expect a thorough and detailed exploration of the carriers' coverage needs and their vetting of all other alternatives for providing coverage.

Last, since the proposed facility will be located in the parking lot at 1061-1063 Boston Post Road, please provide information detailing whether the property will continue to comply with the City's parking and other zoning requirements. This is a particularly salient point in light of the City's recently-issued notice of violation to the property owner for the unauthorized cutting and removal of buffer plantings on the property.

Thank you for your consideration of the above. The City looks forward to the receipt of the requested information.

Very truly yours,



John W. Knuff

cc.: Jon Berchem, Esq.

## **John Knuff**

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**From:** wes craft <crafwe01@gmail.com>  
**Sent:** Tuesday, October 27, 2020 11:29 AM  
**To:** John Knuff  
**Cc:** John Wilcox; Larry Yergeau  
**Subject:** 1052 Boston Post Road

John,

I am Vice President of Turnpike Lodge Inc., located at 1052 Boston Post Road in Milford. We have no immediate plans to remove the building with the antennas. Once a new building is constructed, we will continue to have an interest in having the carriers locate their antennas on the building. Please feel free to reach out with any questions.

Thanks,

Wes Craft  
203-522-7484

## John Knuff

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**From:** Christopher Leverone <Christopher.Leverone@americantower.com>  
**Sent:** Friday, October 23, 2020 2:41 PM  
**To:** John Knuff  
**Cc:** Karen Walker  
**Subject:** Connecticut Post Mall (Milford, CT)

Dear Attorney Knuff:

It has come to American Tower's attention that ARX Wireless Infrastructure, LLC will be submitting an application to the Connecticut Siting Council, CT to construct a 115' tall monopole telecommunications facility (the "Facility") on the property located at 1061-1063 Boston Post Road in Milford, CT (the "Property"). ARX proposes that the Facility will accommodate the antennas of Verizon and AT&T. The Property is in close proximity to the Connecticut Post Mall, located at 1201 Boston Post Road. We understand that in its Technical Report provided to the City of Milford, ARX has stated that the CT Post Mall site was "deemed unusable due to lack of interest from the owner".

As an initial matter, CT Post Mall has granted to American Tower the exclusive right to modify, install, and operate wireless networks within the mall, on the roof or other exterior portions of the mall and/or within the entire property of the mall. Contrary to the statement in the Technical Report, CT Post Mall and American Tower are interested in providing Verizon and AT&T (as well as other carriers) the opportunity to locate their antennas on the mall property, either by way of a tower on the property or on the rooftop/exterior of the mall itself, and will assist any carrier in determining the feasibility of doing so, with the understanding that neither CT Post Mall nor American Tower has an obligation (affirmative or otherwise) to allow such installation to occur. Please note that this communication is written without waiver of and/or prejudice to any of American Tower's rights, remedies and/or defenses and such rights, remedies and/or defenses are expressly reserved herein.

Thank you,

Christopher A. Leverone  
Attorney II, US Tower Division  
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508-821-6196 (Cell)  
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Go Green! Please think about our environment before printing this email.

## **Exhibit D**

**Letter from David A. Ball, Esq. dated March 26, 2021**

DAVID A. BALL

Please Reply To Bridgeport  
E-Mail: [dball@cohenandwolf.com](mailto:dball@cohenandwolf.com)

March 26, 2021

**Via E-Mail and U.S. Mail**

John W. Knuff, Esq.  
Hurwitz Sagarin Slossberg & Knuff, LLC  
147 North Broad Street  
Milford, CT 06460

Re: ARX Wireless Infrastructure, LLC  
1061-1063 Boston Post Road, Milford  
Response to Letter Dated October 27, 2020

Dear John:

This letter responds to your letter dated October 27, 2020. We have inserted the responses to your questions in boldface font. We can assure you that the carriers and ARX Wireless Infrastructure, LLC (“ARX”) have conducted a detailed exploration of the carriers’ coverage needs and potential alternatives to the proposed site. ARX and the carriers have also carefully considered all of the City of Milford’s comments, as well as your request for additional information.

**Search Ring**

**You asked for us to send you the “search ring.” No document describes the search area, as the proposed facility is a replacement site. However, the area investigated in the search process is already identified in the Site Search Process section of the Technical Report, and the list of sites investigated contained therein.**

**Additional Propagation Plots**

**You requested that Verizon provide propagation plots in the area surrounding the proposed site that includes all “small cells” in the vicinity of the site. Verizon has indicated that it will not provide us with additional plots other than what we have already provided you.**

**1052 Boston Post Road**

- What is the centerline height of the Verizon and AT&T antennas on the existing building?
  - **Verizon's antennas on the existing hotel building are at a centerline height of 82 feet AGL (136 feet AMSL).**
  - **AT&T's antennas on the existing hotel building are at a centerline height of about 58' AGL.**
- What would the centerline height of the Verizon and AT&T antennas be on the proposed building? Please provide coverage maps at those heights.
  - **Verizon's antenna centerline height on the proposed new hotel building at the existing location (as approved by the City) would be 49.5 feet AGL (103 feet AMSL). Verizon's RF engineers determined that this height was inadequate, as it did not provide service comparable to the existing roof-top installation. (Both the existing hotel and the proposed new hotel will be built at approximately the same ground elevation.)**
  - **AT&T's centerline height would be approximately 49'6" AGL.**
- If the proposed building is too low for Verizon, can Verizon's coverage needs be resolved by a stub tower be located on the roof of the proposed building?
  - **Verizon estimates that a stub tower on the roof of the new hotel would need to extend 35' – 40' above the roof to provide comparable service. The property owners were not interested in this type of installation on the new hotel building. Project engineers also questioned whether the new hotel building was structurally capable of supporting such a large structure on the roof.**
- Assuming that Verizon were to remain on the existing or proposed building, what are the coverage needs that remain for Verizon? Please provide a search ring for resolving Verizon's outstanding coverage needs.
  - **Verizon cannot assume that it will remain on the existing hotel building. Eventually, in accordance with the owner's plan to re-develop the parcel, the existing facility will be removed and, as mentioned above, the new hotel building would not satisfy Verizon's service objective. Verizon did not generate a new search ring for this area since it is simply trying to replace an existing facility with a new site that would provide comparable wireless service. The "target" area for this relocated facility is the I-95/Boston Post Road interchange.**

- How may those remaining needs be resolved without the need for a new tower, including co-locating on other nearby buildings or small cell sites, including more than one?
  - **Verizon needs to improve its service along portions of I-95 near the existing cell site at 1052 Boston Post Road. A new tower at the appropriate height on the 1052 Boston Post Road parcel would allow Verizon to satisfy its wireless service objectives. Preliminary RF analysis indicates that a 75-foot tower in the northern-most portion of this parcel would work for Verizon. This portion of the site maintains a ground elevation that is higher than the finished grade of the retail center. If the tower were to be installed at the lower ground elevation in the retail center parking lot, the height of the tower would need to increase to a height equal to the difference in ground elevation. In addition to the carriers' efforts, ARX has reached out to the owner of this property several times about the construction of a new tower on the property. Most recently, ARX sent the owner a letter by certified mail, return receipt requested, which was delivered on January 29, 2021, to Turnpike Lodge Inc., P.O. Box 320443, Fairfield, CT 06825. ARX has not received any response from the owner indicating that it is interested in the construction of a new tower at the appropriate height on the property. Therefore, this property is not an option for the construction of a new facility.**
- Does the existing and proposed building satisfy the coverage needs of AT&T?
  - **No, the existing building and the proposed building do not satisfy AT&T's coverage needs. Thus, AT&T will need an additional site/facility in the vicinity to fully address its coverage and capacity needs.**
- If co-locating on the proposed building, including a stub tower, does not address Verizon's coverage needs, including with a multi-site solution, would a stealth pole on this property provide the required coverage?
  - **Installing a "flagpole" type tower would not allow Verizon to deploy service in all of its frequency bands and would limit co-location opportunities. It might also require the construction of a taller tower structure, as carriers may need multiple antenna centerlines within the flagpole structure. Verizon may also be willing to consider other stealth structure designs where antennas could be installed behind RF transparent screening material.**

1212 Boston Post Road

- Please identify to whom the letter was sent requesting interest in locating telecommunications equipment at this location.

**Three letters were sent to 217 State Milford, LLC C/O MATTONE ET AL 134 - 01 20<sup>TH</sup> Ave, College Point, NY 11356. The last letter was sent via certified mail, return receipt, with the signed return receipt indicating that the letter was received on October 22, 2020. ARX has not received any response from the owner.**

- Were the property's tenants contacted with regard to co-location opportunities on the building?

**Only the property owner was contacted.**

1201 Boston Post Road

- An email from Christopher Leverone from American Tower is attached indicating the interest of Connecticut Post Mall and American Tower to either permit the co-location of antennas on the existing mall or a new facility. Please investigate all opportunities for both carriers utilizing the mall either on its own or as part of multi-site solution (including continuing to locate antennas at 1052 Boston Post Road for satisfying the carriers' coverage needs. [sic])
  - **Verizon has evaluated the roof of the Connecticut Post Mall and determined that it is too low and would not satisfy its service objective in the area. A new tower site on the mall property might be acceptable if it were located close enough to Verizon's target area and far enough from its adjacent cell sites. ARX has sent multiple communications to the owner of the mall and has received no response. Therefore, ARX has determined that the owner is not interested in the construction of a new tower site on the mall property.**
  - **In addition to the ARX site, Verizon did explore two other locations in the area. Each of these alternatives would work from an RF perspective. They include:**
    - **354 North Street. Although this site would work for Verizon, it would not work for AT&T because it is close to an existing AT&T site. Because AT&T is the lead carrier for the Facility, AT&T's lack of interest in this site makes it unusable.**
    - **1052 Boston Post Road (i.e., the existing hotel site – see above).**

10 Leighton Road

Please identify to whom the letter was sent requesting interest in locating telecommunications equipment at this location.

**A letter was sent via certified mail, return receipt requested, to Schick Manufacturing Inc. 1350 Timberlake MNR Parkway, Chesterfield, MO 63017. The signed receipt for the letter indicates that it was received on October 20, 2020. In response to the letter, a representative of Schick Manufacturing spoke with Keith Coppins of ARX. The representative of Schick Manufacturing indicated that Schick was not interested in having a cell tower on the property.**

Zoning

Last, since the proposed facility will be located in the parking lot at 1061-1063 Boston Post Road, please provide information detailing whether the property will continue to comply with the City's parking and other zoning requirements. This is a particularly salient point in light of the City's recently-issued notice of violation to the property owner for the unauthorized cutting and removal of buffer plantings on the property.

**The proposed site does not occupy any of the existing parking spaces for the site, as the leased area occupies a portion of the property that is not reserved for parking. ARX does not know what you refer to as "unauthorized cutting and removal of buffer plantings on the property," as that has nothing to do with ARX's proposed facility. As detailed in our Technical Report, no trees will be removed in connection with the development of the facility.**

We appreciate the City's interest in the proposed project. Your request for turning over every stone to search for the optimum location has reaffirmed the carriers' conclusion that the proposed site at 1061-1063 Boston Post Road is in fact the best site, and the one which will allow for much-needed improved cell coverage in the I-95/Boston Post Road interchange.

Very truly yours,



David A. Ball

cc: Keith Coppins, Arx Wireless Infrastructure, LLC  
Philip Pires, Esq., Cohen and Wolf, P.C.  
Kenneth Baldwin, Esq. (via e-mail, KBALDWIN@RC.com)  
Lucia Chiocchio (via e-mail, LChiocchio@CUDDYFEDER.COM)