

STATE OF CONNECTICUT )

: ss. Southington, Connecticut      November 19, 2021

COUNTY OF HARTFORD )

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



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Melanie A. Bachman  
Executive Director  
Connecticut Siting Council

STATE OF CONNECTICUT )

: ss. New Britain, Connecticut      November 19, 2021

COUNTY OF HARTFORD )

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 504 has been forwarded by Certified First Class Return Receipt Requested mail, on November 19, 2021, to all parties and intervenors of record as listed on the attached service list, dated July 15, 2021.

ATTEST:



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Lisa A. Mathews  
Office Assistant  
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<b>Applicant</b>	<input checked="" type="checkbox"/> E-mail	Arx Wireless Infrastructure, LLC	David A. Ball, Esq. Philip C. Pires, Esq. Cohen & Wolf, P.C. 1115 Broad Street Bridgeport, CT 06604 Phone (203) 368-0211 <a href="mailto:dball@cohenandwolf.com">dball@cohenandwolf.com</a> <a href="mailto:ppires@cohenandwolf.com">ppires@cohenandwolf.com</a>
<b>Intervenor (granted 7/15/21)</b>	<input checked="" type="checkbox"/> E-mail	New Cingular Wireless PCS, LLC	Kristen Motel, Esq Lucia Chiochio, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 <sup>th</sup> Floor White Plains, New York 10601 Phone (914) 761-1300 <a href="mailto:kmotel@cuddyfeder.com">kmotel@cuddyfeder.com</a> <a href="mailto:lchiochio@cuddyfeder.com">lchiochio@cuddyfeder.com</a>



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL & CERTIFIED MAIL

November 19, 2021

David A. Ball, Esq.  
Phillip C. Pires, Esq.  
Cohen and Wolf, P.C.  
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RE: **DOCKET NO. 504** - Arx Wireless Infrastructure, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Lot N-4, Sequin Drive, Glastonbury, Connecticut.

Dear Attorney Ball and Attorney Pires:

By its Decision and Order dated November 18, 2021, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a telecommunications facility located at Lot N-4, Sequin Drive, Glastonbury, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie A. Bachman".

Melanie A. Bachman  
Executive Director

MAB/IN/lm

Enclosures (4)

c: Service List dated July 15, 2021  
State Documents Librarian (via email)



STATE OF CONNECTICUT  
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**CERTIFICATE  
OF  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED  
DOCKET NO. 504**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Arx Wireless Infrastructure, LLC for the construction, maintenance, and operation of a telecommunications facility located at Lot N-4, Sequin Drive, Glastonbury, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on November 18, 2021.



By order of the Council,

Melanie A. Bachman, Executive Director

November 18, 2021

**DOCKET NO. 504** - Arx Wireless Infrastructure, LLC } Connecticut  
application for a Certificate of Environmental }  
Compatibility and Public Need for the construction, } Siting  
maintenance, and operation of a telecommunications } Council  
facility located at Lot N-4, Sequin Drive, Glastonbury, }  
Connecticut.

November 18, 2021

### **Findings of Fact**

#### **Introduction**

1. Arx Wireless Infrastructure, LLC (Arx or Applicant), in accordance with provisions of Connecticut General Statutes (C.G.S.) § 16-50g, et seq, applied to the Connecticut Siting Council (Council) on June 4, 2021, for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 115-foot monopole wireless telecommunications facility at Lot N-4, Sequin Drive, Glastonbury, Connecticut. (Applicant 1, pp. 1, 4, 6)
2. Arx is a Delaware limited liability company with an office located at 110 Washington Avenue, North Haven, Connecticut. Arx constructs and owns wireless telecommunications facilities throughout the United States. Arx would construct, maintain and own the proposed facility and would be the Certificate Holder. (Applicant 1, p. 4)
3. The party in this proceeding is Arx. The Intervenor in this proceeding is New Cingular Wireless PCS, LLC (AT&T). (Applicant 1, p. 4; Record; Transcript 1, August 19, 2021, 2 p.m. (Tr. 1), pp. 5, 6)
4. AT&T is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service in the State of Connecticut. (AT&T 1, p. 1)
5. The purpose of the proposed facility is to provide service to an existing coverage gap and provide reliable wireless communications services for AT&T's customers along portions of Route 2, Hebron Avenue, Route 94 and nearby residential neighborhoods and business areas in Glastonbury. (Applicant 1, pp. 7, 16; AT&T 2, response 7)
6. Pursuant to C.G.S. § 16-50f (b), the Applicant provided public notice of the filing of the application that was published in the Glastonbury Citizen on May 27, and June 3, 2021. (Applicant 1, p. 6; Exhibit C)
7. Pursuant to C.G.S. § 16-50f (b), notice of the application was provided to all abutting property owners by certified mail on May 27, 2021. The notice sent to Dutton Place, 1-32 Dutton Place Way, Glastonbury, was returned undelivered and ARX then resent the notice to each individual unit address by certified mail. (Applicant 1, p. 6, Exhibit D; Applicant 4, Response 1, Exhibit #1)
8. On June 4, 2021, the Applicant provided notice to all federal, state and local officials and agencies listed in C.G.S. § 16-50f (b). (Applicant 1, p. 6; Attachment B)

#### **Procedural Matters**

9. On March 10, 2020, Governor Lamont issued a Declaration of Public Health and Civil Preparedness Emergencies, proclaiming a state of emergency throughout the state as a result of the COVID-19 pandemic. (Council Administrative Notice Items No. 54 and 55)

10. On March 12, 2020, Governor Lamont issued Executive Order No. (EO) 7 ordering a prohibition of large gatherings, among other orders and directives. (Council Administrative Notice Item No. 54).
11. On March 14, 2020, and as subsequently extended, Governor Lamont issued EO 7B ordering suspension of in-person open meeting requirements of all public agencies under CGS §1-225. The Freedom of Information Act (FOIA) defines “meeting” in relevant part as “any hearing or other proceeding of a public agency.” (Council Administrative Notice Item No. 54 and 55; CGS §1-200, *et seq.* (2021)).
12. EO 7B expired on June 30, 2021. Public Act (PA) 21-2 took effect on July 1, 2021. Section 149 permits public agencies to hold remote meetings under FOIA and the Uniform Administrative Procedure Act until April 30, 2022. (Council Administrative Notice Item No. 54 and 55).
13. PA 21-2 allows public agencies to hold remote meetings provided that:
  - a) The public has the ability to view or listen to each meeting or proceeding in real-time, by telephone, video, or other technology;
  - b) Any such meeting or proceeding is recorded or transcribed and such recording or transcript shall be posted on the agency’s website within seven (7) days of the meeting or proceeding;
  - c) The required notice and agenda for each meeting or proceeding is posted on the agency’s website and shall include information on how the meeting will be conducted and how the public can access it any materials relevant to matters on the agenda shall be submitted to the agency and posted on the agency’s website for public inspection prior to, during and after the meeting; and
  - d) All speakers taking part in any such meeting shall clearly state their name and title before speaking on each occasion they speak.(Council Administrative Notice Item No. 54 and 55)
14. Upon receipt of the application, the Council sent a letter to the Town of Glastonbury (Town) on June 8, 2021, as notification that the application was received and is being processed, in accordance with C.G.S. § 16-50gg. (Record)
15. Local zoning regulations do not apply to facilities under the exclusive jurisdiction of the Council. Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over telecommunications facilities throughout the state. It shall consider any location preferences provided by the host municipality under CGS §16-50gg as the Council shall deem appropriate. (CGS §16-50x (2021))
16. On June 21, 2021, the Council requested an extension of time for a completeness review of the Application due to the cancellation of the Council’s July 1, 2021 regular meeting. On June 21, 2021, Arx granted the Council an extension of time to July 30, 2021. (Record)
17. During a regular Council meeting on July 15, 2021, the application was deemed complete pursuant to Regulations of Connecticut State Agencies (R.C.S.A.) § 16-50/-1a and the public hearing schedule was approved by the Council. (Record)
18. Pursuant to PA 21-2 and C.G.S. § 16-50m, on July 16, 2021, the Council sent a letter to the Town to provide notification of the scheduled public hearing via Zoom conferencing and to invite the municipality to participate. (Record)

19. Pursuant to PA 21-2 and C.G.S. § 16-50m, the Council published legal notice of the date and time of the remote public hearing via Zoom conferencing in The Glastonbury Citizen on July 16, 2021. (Record)
20. The Council's Hearing Notice did not refer to a public field review of the proposed site. Field reviews are not an integral part of the public hearing process. The purpose of a site visit is an investigative tool to acquaint members of a reviewing commission with the subject property. (Council Administrative Notice Item Nos. 56 and 57)
21. On July 28, 2021, the Council held a pre-hearing teleconference on procedural matters for parties and intervenors to discuss the requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists and filing of pre-hearing interrogatories. Procedures for the remote public hearing via Zoom conferencing were also discussed. (Council Pre-Hearing Conference and remote hearing procedure Memoranda, dated July 22, 2021)
22. On July 30, 2021, in lieu of an in-person field review of the proposed site, the Council requested that Arx submit photographic documentation of site-specific features into the record intended to serve as a "virtual" field review of the site. On August 13, 2021, Arx submitted such information in response to the Council's interrogatories. (Record; Applicant 10, Response 27)
23. In compliance with R.C.S.A. § 16-50j-21, the Applicant installed a four-foot by six-foot sign at the entrance to the subject property on August 4, 2021. The sign presented information regarding the project and the Council's public hearing. (Applicant 3 - Applicant's Sign Posting Affidavit)
24. Pursuant to C.G.S. § 16-50m, the Council gave due notice of a remote public hearing to be held on August 19, 2021, beginning with the evidentiary session at 2:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom conferencing. The Council provided information for video/computer access or audio only telephone access. (Council's Hearing Notice dated July 16, 2021; Tr. 1, p. 6)
25. In compliance with PA 21-2:
  - a) The public had the ability to view and listen to the remote public hearing in real-time, by computer, smartphone, tablet or telephone;
  - b) The remote public hearing was recorded and transcribed, and such recording and transcript were posted on the Council's website on August 19, 2021 and September 9, 2021, respectively;
  - c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearing were posted on the agency's website;
  - d) The record of the proceeding is available on the Council's website for public inspection prior to, during and after the remote public hearing; and
  - e) The Council, parties and intervenors provided their information for identification purposes during the remote public hearing.(Hearing Notice dated July 16, 2021; Tr. 1; Record)
26. On August 20, 2021, the Council issued a Protective Order related to the disclosure of the monthly rent and financial terms contained within the lease agreement for the proposed site, pursuant to CGS §1-210(b) and consistent with the Conclusions of Law adopted in Docket 366. (Record)

### **State Agency Comment**

27. Pursuant to C.G.S. § 16-50j (g), on July 16, 2021, the following state agencies were solicited by the Council to submit written comments regarding the proposed facility: Department of Energy and Environmental Protection (DEEP); Department of Public Health (DPH); Council on Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Agriculture (DOAg); Department of Transportation (DOT); Connecticut Airport Authority (CAA); Department of Emergency Services and Public Protection (DESPP); and State Historic Preservation Office (SHPO). (Record)
28. The Council received comments from CEQ<sup>1</sup> on June 23, 2021, and DOT<sup>2</sup> on August 6, 2021. The DOT comments stated it had no comments regarding the proposed project and the CEQ comments are addressed in the following section of this document: Environmental Considerations. (Record)
29. No other state agencies responded with comment on the application. (Record)
30. While the Council is obligated to consult with and solicit comments from state agencies by statute, the Council is not required to abide by the comments from state agencies. (*Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)).

### **Municipal Consultation**

31. On January 27, 2021, Arx commenced the 90-day pre-application municipal consultation process by submitting a technical report to the Town. (Applicant 1, pp. 2, 30, Exhibit M)
32. On March 2, 2021, Arx met virtually with the Town Manager. (Applicant 1, pp. 2, 30; Exhibit M;)
33. A public informational meeting was held via Zoom conferencing on April 27, 2021, during which Arx presented information about the proposed facility and comments were received from residents. The meeting was hosted and managed by Town officials via its Zoom meeting room. (Applicant 1, pp. 2, 30, Exhibit M; Applicant 4, Response 4; Tr. 1, p. 33)
34. On May 26, 2021, the Town submitted comments to the Council indicating its preference for a tower location at 311 Oakwood Drive, about 0.46 miles southeast of the proposed site. (Record)
35. On July 29, 2021, the Town submitted further comments to the Council reiterating its tower location preference and stating it had executed a formal lease agreement with a tower construction company for a communications tower at 311 Oakwood Drive. (Record)
36. The Town Attorney made a limited appearance statement into the record at the August 19, 2021 Public Comment Session opposing the proposed tower facility and expressing a preference for a tower location at 311 Oakwood Drive. (Tr. 1, p. 104; Applicant 4, response 20)

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<sup>1</sup>[https://portal.ct.gov/-/media/CSC/1\\_Dockets-medialibrary/1\\_MEDIA\\_DO500\\_600/DO504/ProceduralCorrespondence/DO504-STATEMEMO-CommentsRecd-CEQ.pdf](https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/1_MEDIA_DO500_600/DO504/ProceduralCorrespondence/DO504-STATEMEMO-CommentsRecd-CEQ.pdf)

<sup>2</sup>[https://portal.ct.gov/-/media/CSC/1\\_Dockets-medialibrary/1\\_MEDIA\\_DO500\\_600/DO504/State\\_Municipal\\_Official/Docket-504-to-CSC.pdf](https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/1_MEDIA_DO500_600/DO504/State_Municipal_Official/Docket-504-to-CSC.pdf)



**Public Need for Service**

37. In 1996, the United States Congress recognized a nationwide need for high quality wireless telecommunications services, including cellular telephone service. Through the Federal Telecommunications Act of 1996, Congress seeks to promote competition, encourage technical innovations, and foster lower prices for telecommunications services. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
38. In issuing cellular licenses, the Federal government has preempted the determination of public need for cellular service by the states and has established design standards to ensure technical integrity and nationwide compatibility among all systems. AT&T is licensed by the FCC to provide personal wireless communication service to Hartford County, Connecticut. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996; Applicant 1, p. 16; AT&T 1, p. 1)
39. Section 253 of the Telecommunications Act of 1996 prohibits any state or local statute or regulation, or other state or local legal requirement from prohibiting or having the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
40. Section 704 of the Telecommunications Act of 1996 prohibits local and state entities from discriminating among providers of functionally equivalent services and from prohibiting or having the effect of prohibiting the provision of personal wireless services. This section also requires state or local governments to act on applications within a reasonable period of time and to make any denial of an application in writing supported by substantial evidence in a written record. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
41. Section 704 of the Telecommunications Act of 1996 also prohibits any state or local entity from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions, which include effects on human health and wildlife, to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
42. Section 706 of the Telecommunications Act of 1996 requires each state commission with regulatory jurisdiction over telecommunications services to encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans, including elementary and secondary schools, by utilizing regulating methods that promote competition in the local telecommunications market and remove barriers to infrastructure investment. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
43. In December 2009, President Barack Obama recognized cell phone towers as critical infrastructure vital to the United States. The Department of Homeland Security, in collaboration with other federal stakeholders, state, local, and tribal governments, and private sector partners, has developed the National Infrastructure Protection Plan (NIPP) to establish a framework for securing resources and maintaining resilience from all hazards during an event or emergency. (Council Administrative Notice Item No. 11 –Presidential Proclamation 8460, Critical Infrastructure Protection)
44. In February 2012, Congress adopted the Middle Class Tax Relief and Job Creation Act (also referred to as the Spectrum Act) to advance wireless broadband service for both public safety and commercial users. The Act established the First Responder Network Authority to oversee the construction and operation of a nationwide public safety wireless broadband network. Section 6409 of the Act contributes to the twin goals of commercial and public safety wireless broadband

- deployment through several measures that promote rapid deployment of the network facilities needed for the provision of broadband wireless services. (Council Administrative Notice Item No. 8 – Middle Class Tax Relief and Job Creation Act of 2012)
45. In June 2012, President Barack Obama issued an Executive Order to accelerate broadband infrastructure deployment declaring that broadband access is a crucial resource essential to the nation’s global competitiveness, driving job creation, promoting innovation, expanding markets for American businesses and affording public safety agencies the opportunity for greater levels of effectiveness and interoperability. (Council Administrative Notice Item No. 23 – FCC Wireless Infrastructure Report and Order; Council Administrative Notice Item No. 12 – Presidential Executive Order 13616, Accelerating Broadband Infrastructure Development)
  46. Pursuant to Section 6409(a) of the Spectrum Act, a state or local government may not deny and shall approve any request for collocation, removal or replacement of equipment on an existing wireless tower provided that this does not constitute a substantial change in the physical dimensions of the tower. (Council Administrative Notice Item No. 8 – Middle Class Tax Relief and Job Creation Act of 2012; Council Administrative Notice Item No. 23 – FCC Wireless Infrastructure Report and Order; Council Administrative Notice Item No. 27)
  47. In June 2020, the FCC issued a declaratory ruling that heights of existing towers located outside of the public right-of-way could increase by up to 20 feet plus the height of a new antenna without constituting a substantial change in the physical dimensions of a tower. (Council Administrative Notice Item No. 27)
  48. In November 2020, the FCC issued an order that ground excavation or deployment up to 30 feet in any direction beyond the site boundary of existing towers located outside of the public right-of-way does not constitute a substantial change in the physical dimensions of a tower (Council Administrative Notice Item No. 28)
  49. According to state policy, if the Council finds that a request for shared use of a facility by a municipality or other person, firm, corporation or public agency is technically, legally, environmentally and economically feasible, and the Council finds that the request for shared use of a facility meets public safety concerns, the Council shall issue an order approving such shared use to avoid the unnecessary proliferation of towers in the state. (Conn. Gen. Stat. §16-50aa)
  50. On July 16, 2021, the Council sent correspondence to other telecommunications carriers requesting that carriers interested in locating on the proposed facility in the foreseeable future to notify the Council by August 12, 2021. No carriers responded to the Council’s solicitation. (Record)
  51. In addition to AT&T, the facility is designed to accommodate three other wireless carriers and the Town and local emergency service providers. (Applicant 1, p. 18; Tr 1, p.48)
  52. As of August 12, 2021, neither the Town nor any local emergency response entity has expressed an interest in co-locating antennas on the tower. (Applicant 4, response 18)

**AT&T’s Existing and Proposed Wireless Services**

53. AT&T is experiencing coverage gaps within its 700 MHz, 850 MHz, 1900 MHz, 2100 MHz and 2300 MHz frequencies along Hebron Avenue and the neighboring residential and business areas. The proposed facility would provide coverage to these areas. (Applicant 1, pp. 7, 16, 31, Tab E, p. 2, AT&T 2, response 7)

54. AT&T currently operates equipment on 4 existing facilities within a four-mile radius of the site. As a result of distance from the target area and the geographical terrain, none of these facilities are able to provide adequate coverage to the proposed service area. (Applicant 1, pp. 17, 18, Tab E, p. 2, Attachment 1 & 2)
55. AT&T's wireless service deficiency in the area was confirmed through propagation modeling and an analysis of ineffective attempts and dropped call data in the Voice over LTE wireless system. (Applicant 1, p. 2, 7, 16; Tab E; AT&T 2, response 7)
56. The table below indicates approximate coverage gaps in miles for portions of Route 2, Hebron Avenue, portions of Route 94, and the overall proposed coverage footprint in square miles:

<b>Street Name</b>	<b>700 MHz Coverage Gap</b>	<b>850 MHz Coverage Gap</b>	<b>1900 MHz Coverage Gap</b>	<b>2100 MHz Coverage Gap</b>	<b>2300 MHz Coverage Gap</b>
State Highway 2 (Route 2)	0.1 miles	0.2 miles	0.8 miles	1.3 miles	1.9 miles
State Highway 94 (Route 94)	0 miles	0.1 miles	0.3 miles	0.5 miles	0.6 miles
Hebron Avenue	0.8 miles	1.0	1.2 miles	0.65 miles	1.9 miles
<b>State Road Total</b>	0.9 miles	1.3 miles	2.3 miles	2.45 miles	4.4 miles
<b>Proposed Site Coverage footprint</b>	0.9 square miles	1.2 square miles	1.3 square miles	1.2 square miles	0.9 square miles

(AT&T 2, response 13, Attachment 3)

57. AT&T would provide digital voice and data services to the proposed service area using 4<sup>th</sup> Generation (4G) services over LTE technology in the 700 MHz, 850 MHz, 1900 MHz, 2100 MHz and 2300 MHz, frequency bands. (AT&T 2, response 9)
58. AT&T's 4G LTE technology is designed to thresholds of -83 dBm and -93 dBm for the 700 MHz LTE system and -86 dBm and -96 dBm for the 1900 MHz, 2100 MHz and 2300 MHz LTE system. The stronger thresholds (-83 dBm and -86 dBm) provide faster network speeds for an improved customer experience. The -93 dBm and -96 dBm thresholds are the minimum acceptable levels required to meet customer expectations for 4G service. (Applicant 1, Tab E, pp. 1, 2; AT&T 2, response 11)
59. AT&T's signal strength for the frequencies listed above within the proposed service area are below the required threshold. (AT&T 2, response 12)
60. The chart below represents the coverage statistics for AT&T's 700 MHz network with the deployment of the proposed facility.

	<b>Incremental Coverage from Proposed Site (700 MHz)</b>	
<b>Population:<sup>2</sup></b>	(≥ -83 dBm)	1,517
	(≥ -93 dBm)	1,578
<b>Business Pops:<sup>3</sup></b>	(≥ -83 dBm)	2,721
	(≥ -93 dBm)	1,040
<b>Area (mi<sup>2</sup>):</b>	(≥ -83 dBm)	1.16
	(≥ -93 dBm)	0.89
<b>Roadway (mi):</b>	Main (-93 dBm):	0.9
	Secondary (-93 dBm):	7.0
	<b>Total (-93 dBm):</b>	<b>7.9</b>

(Applicant 1, p. 8, Tab E, p. 4)

61. AT&T's facility at the proposed site would provide voice and data services over its 5G low-band spectrum using 700 MHz, 850 MHz, 1900 MHz, 2100 MHz and 2300 MHz frequency bands. The proposed AT&T antennas would be unable to provide AT&T's 5G+ which uses 24 gigahertz and 39 gigahertz frequency bands, at this time. Future use of 5G+ would require installing antennas that support 5G+. (Tr. 1, pp. 67, 82)
62. The proposed facility would not be needed for capacity purposes. (Applicant 1, Tab E, p. 1; Tr. 1, p. 75)
63. The proposed facility would interact with surrounding existing AT&T facilities as shown in the following table:

<b>AT&amp;T Site Designation</b>	<b>Site Address</b>	<b>Municipality</b>	<b>Distance/direction from Proposed Site</b>	<b>Antenna Height (agl)</b>	<b>Structure Type</b>
CT1034	465 Hills Street	East Hartford	1.8 miles N	100 feet	Monopine
CT1083	Glastonbury Police Department	Glastonbury	1.47 miles W	166 feet	Self-Support Lattice
CT1100	366 Three Mile Road	Glastonbury	2.26 miles SE	138/140 feet	Monopole
CT1245	577 Bell Street	Glastonbury	2.07 miles NE	90 feet	Self-Support Lattice
CT1809	58A Montano Road	Glastonbury	1.36 miles SE	100feet	Monopole
CT5273	2577 Main Street	Glastonbury	1.67 miles NW	108/110 Feet	Self-Support Lattice
CT5276	1455 Forbes Avenue	East Hartford	1.82 miles NW	120/130 feet	Monopole
CT5321	575 Hillstown Road	Manchester	2.39 miles N	70 feet	Utility Pole

(Applicant 1, Tab E, Attachment 2, Tab F, Attachment 3)

64. AT&T's antennas are proposed to be installed at a centerline height of 111-feet agl, which is the minimum height required to achieve its coverage objectives. (Applicant 1, p. 1, 7, Tab E, p. 2, revised Tab G, Sheet TR-2)

#### Site Selection

65. AT&T established a search ring for the target area. AT&T's search ring had a 0.25 mile radius and was centered about 0.3 miles southeast of the proposed site. (Application 1, p. 18, Tab F; AT&T 2, response 4, Attachment 1)

66. After determining there were no suitable structures within the search area, AT&T and Arx searched for properties suitable for tower development. Arx and AT&T investigated 12 sites, one of which was selected for site development. AT&T agreed to support an application by Arx to construct a new facility in this location to provide the required coverage. The 12 sites investigated are as follows:

- a) **Lot N-4, Sequin Drive, Glastonbury, CT** (the proposed site): - 11.25 acres. ARX entered into a lease agreement with the owner of this property, New Land of Glastonbury, LLC, for the development of the Facility;
- b) **210 Commerce Street, Glastonbury, CT**: - 3.8 acres. The property owner was not interested in a potential lease;
- c) **240 Oakwood Drive, Glastonbury, CT**: - 3.2 acres. The property owner was not interested in a potential lease;
- d) **Lot N-6 Sequin Drive, Glastonbury, CT**: - 4.1 acres. The property owner was not interested in a potential lease;
- e) **269 Oakwood Drive, Glastonbury, CT**: - 10 acres. The property owner was not interested in a potential lease;
- f) **40 Oakwood Drive, Glastonbury, CT**: - 7.3 acres. The property owner was not interested in a potential lease;
- g) **311 Oakwood Drive, Glastonbury, CT** (location preferred by Town): - 12.7 acres. A facility at this site would not satisfy AT&T's coverage objectives;
- h) **624-628 Hebron Avenue, Glastonbury, CT**: - 7.8 acres. The property owner was not interested in a potential lease;
- i) **455 Winding Brook Drive, Glastonbury, CT**: - 11.2 acres. The property owner was not interested in a potential lease;
- j) **155 Addison Road, Glastonbury, CT**: - 33 acres. AT&T explored the use of an existing building for a rooftop facility; however, the property owner was not interested in a potential lease;
- k) **107 Eastern Blvd, Glastonbury, CT**: - 12.6 acres. A facility at this location would not satisfy AT&T's coverage objectives. AT&T explored the use of an existing building for a rooftop facility; however the property owner was not interested in a potential lease;
- l) **17 Wickham Road, Glastonbury, CT**: - 15 acres. A facility at this site would not satisfy AT&T's coverage objectives.

(Applicant 1, p. 18; Tab F, Tab E, p. 5; Tr.1, pp. 31, 32, 70)

67. The Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility nor shall the Council be limited in any way by the applicant having already acquired land or an interest therein for the purpose of constructing a facility. (Corcoran v. Connecticut Siting Council, 284 Conn. 455 (2007); CGS §16-50p(g)(2019))

68. Filling the coverage gap in the proposed service area would require a tower facility due to the geographical terrain and the distance to the existing adjacent sites. (Applicant 1, p. 17, Tab E, p. 2)
69. A series of small cell deployments on existing utility poles would require about 24 or more utility poles, costing upwards of \$20,000 to \$50,000 per node and would be impossible to provide backup power for in the event of a loss of commercial power resulting in a significant loss of coverage. This solution could also result in higher radio frequency emissions than the proposed facility due to the lower antenna heights. (AT&T 2, response 10; Tr.1, pp. 72, 76 – 79)
70. A multi-site solution\* such as a combination of small cells and Distributed Antenna systems (DAS) or rooftop sites would not be able to provide the required coverage footprint and would have the same constraints mentioned above. Thus, small cells, DAS or a combination of both would not be a practicable or feasible means of addressing the existing coverage deficiency. (AT&T 2, Response 10; Tr. 1, pp. 76, 77, 78)
- \* A multi-site solution refers to a combination of facilities, for example a shorter tower or a rooftop facility and small cells.
71. During the proceedings, Arx provided site plans and a description of an alternate location for the proposed facility within the host parcel. The alternate location is located about 32-feet east of the proposed location. (See Figures 3&5). (Applicant 4, response 25; Attachments 1, 6 & 9)
72. At the alternate location, AT&T would locate at a similar height (111-feet) as at the proposed location and the alternate location would have no impact on AT&T's proposed coverage objectives. (Tr. 1, p. 63)

#### **Facility Description**

73. Pursuant to RCSA §16-50j-2a(29), "Site" means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located. (RCSA §16-50j-2a (29))
74. The subject property is an 11.2 acre commercially zoned parcel located south of Route 2 and owned by the New Land of Glastonbury, LLC. The parcel is currently being used to store industrial and commercial equipment. (Applicant 1, p. 6, Tab H, p. 2)
75. A significant portion of the host parcel is previously disturbed from past development and currently has a large pile of excavated material with a peak elevation of about 113 feet above mean sea level (amsl) located in the eastern portion of the property. This material would be relocated during construction or possibly used for grading at the site. (Tr. 1, pp. 14, 23, 26, 46, 54-55)
76. Land use immediately surrounding the subject parcel to the north, south and west is commercial. Land use to the east is residential. (Applicant 1, p. 6, Tab H, p. 2)

#### ***Proposed Site Location***

77. The proposed tower site is located in the western portion of the host parcel, about 5 feet from the property line near an existing commercial warehouse building on the adjacent parcel to the west. It has an elevation of approximately 94 feet amsl. (Applicant 1, p. 6, Revised Tab G, sheet C-2)

78. The proposed facility would consist of a 115-foot monopole within a 50-foot by 50-foot leased area. (Refer to Figure 2). (Applicant 1, pp. 1 & 7; Revised Tab G, Sheet C-2)
79. The tower and foundation could be designed to accommodate an increase in tower height of up to 30 feet. (Applicant 4, Response 15; Tr.1, p. 22)
80. AT&T would install six panel antennas and 12 remote radio heads on a low-profile platform antenna mount at a centerline height of 111 feet agl. (AT&T 2, response 3; Tr.1 p. 67)
81. A 50-foot by 50-foot fenced equipment compound would be established at the base of the tower. The size of the equipment compound would be able to accommodate the equipment of four wireless carriers. (Applicant 1, Revised Tab G, Sheet C-2)
82. Ground preparation and development of the equipment compound would require the removal of approximately 8-cubic yards of material and approximately 40 cubic yards of fill. A pad and pier tower foundation would require the replacement of 120 cubic yards of material with concrete, however if a caisson foundation becomes necessary as a result of a high water table, then an additional 36 cubic yards of cut and fill would be required. (Applicant 4, response 11; Tr.1, p. 14)
83. AT&T would install one equipment walk-in cabinet on a concrete pad. (Applicant 1, Revised Tab G, Sheet C-2)
84. The proposed equipment compound will be surrounded by an eight-foot high chain link fence with a 12-foot wide gate that would be locked for security purposes. (Applicant 1; Revised Tab G Sheet C-2, Sheet C-3; Applicant 4, Response 17)
85. Access to the tower site would be via a proposed 25-foot wide paved driveway from Sequin Drive extending about 250-feet north to the proposed site. Construction of the access road would require the removal of about 200 cubic yards of material and the installation of about 200 cubic yards of gravel. (Attachment G, p. 1; Applicant 10, Response 10; Tr. 1, p. 14)
86. Alternate access to the tower site from Hebron Avenue is not feasible due to ground disturbance associated with the existing asphalt, longer length than the proposed access drive, and acquisition of required easement rights from the owner of the adjacent property on Hebron Avenue. The owner of the adjacent property is not willing to execute an easement with Arx for access to the tower site from Hebron Avenue. (Tr. 1, p. 22, 35-39, 55)
87. Utilities would extend underground from the southern side of the compound and along the proposed driveway to an existing utility box located along Sequin Drive. (Applicant 1, p. 6; revised Tab G, Sheet TR-1)
88. The nearest property boundary (65 Sequin Drive) from the proposed tower is approximately 30 feet to the west of the tower and 5 feet from the compound fence. (Applicant 1, revised Tab G, Sheet C-1; Applicant 4, response 7)
89. There are approximately 38 residential structures within 1,000 feet of the proposed tower site including a condominium complex on Dutton Place Way. The nearest residence is located at 836 Hebron Avenue, approximately 582 feet northeast of the tower. (Applicant 10, response 3)

90. Site preparation and engineering would commence following Council approval of a Development and Management Plan (D&M Plan) and are expected to be completed within four to five weeks. Monopole, antennas and associated equipment installation are expected to take an additional eight weeks. After the equipment installation, cell site integration and system testing would require about two additional weeks. (Applicant 1, p. 32)

91. The estimated cost of the originally proposed facility is:

Tower and Foundation	\$ 85,000
Site Development	\$ 160,000
Utility Installation	\$ 30,000
AT&T Equipment and Materials	\$ 82,950
AT&T Construction	\$ 113,300
AT&T Integration and Optimization	\$ 7,875
<b><u>Total Estimated Costs</u></b>	<b><u>\$ 479,125</u></b>

(Applicant 1, p. 32; AT&T 2, response 1)

92. Arx would recover construction costs associated with the facility by the revenue generated from leasing space on the facility to other wireless providers. (Applicant 4, Response 3)

93. AT&T would recover the costs of its equipment through customer subscriptions. (AT&T 2, response 2)

#### *Alternate Site Location*

94. Arx's alternate site location would be about 32 feet east of the proposed site location and would have the same tower height and antenna mounting height as the proposed site location. The dimensions of the equipment compound would remain the same as the proposed facility. (Applicant 4, response 25; Applicant 6, p. 4; Applicant 7, p. 5; Applicant 8, p. 3; Tr. 1, p. 58)

95. AT&T would install six panel antennas and 12 remote radio heads on a platform antenna mount at a centerline height of 111 feet agl. (Applicant 1, pp. 1,7; AT&T 2, response 3)

96. Ground disturbance would be the same as the original facility however an additional 25 cubic yards of material would be required. The proximity of the access driveway to the existing dirt stockpile would require relocating about 160 cubic yards of material (Applicant 10, response 13; Tr. 1, p. 57)

97. The equipment compound would be surrounded by an eight-foot high chain link fence topped with three strands of barbed wire and would have two 12-foot wide gates that would be locked for security purposes. (Applicant 4, Attachment #9, Sheet C-3)

98. AT&T's ground equipment would remain the same as the proposed facility. (Tr.1, p. 63)

99. Access to the alternate site location would be via a 268-foot long by 25-foot wide paved driveway extending north from Sequin Drive. (Applicant 4, Response 25, Attachment #9)



100. Utilities would extend underground from the southern side of the compound and along the proposed driveway to an existing utility box located along Sequin Drive. (Applicant 1, p. 6; Tab G, Sheet TR-1)
101. The nearest property boundary (65 Sequin Drive) from the base of the alternate site location would be 61 feet to the west of the facility and 30 feet from the compound fence. (Applicant 4, response 7, Attachment #9)
102. The nearest residence to the alternate site location is approximately 575 feet to the northeast at 836 Hebron Avenue. (Applicant 4, response 6, Attachment 6)
103. The alternate facility would cost the same as the proposed facility. (Tr. 1, p. 47)

### Public Safety

104. The Wireless Communications and Public Safety Act of 1999 (911 Act) was enacted by Congress to promote and enhance public safety by making 9-1-1 the universal emergency assistance number, by furthering deployment of wireless 9-1-1 capabilities, and by encouraging construction and operation of seamless ubiquitous and reliable networks for wireless services. (Council Administrative Notice Item No. 6 - Wireless Communications and Public Safety Act of 1999)
105. The proposed facility would be in compliance with the requirements of the 911 Act and would provide Enhanced 911 services. (Applicant 1, p. 12)
106. Wireless carriers have voluntarily begun supporting text-to-911 services nationwide in areas where municipal Public Safety Answering Points (PSAP) support text-to-911 technology. Text-to-911 will extend emergency services to those who are deaf, hard of hearing, have a speech disability, or are in situations where a voice call to 911 may be dangerous or impossible. However, even after a carrier upgrades its network, a user's ability to text to 911 is limited by the ability of the local 911 call center to accept a text message. The FCC does not have the authority to regulate 911 call centers; therefore, it cannot require them to accept text messages. (Council Administrative Notice Item No. 22 – FCC Text-to-911: Quick Facts & FAQs)
107. AT&T's proposed equipment installation would be capable of supporting text-to-911 service. (Applicant 1, p. 1)
108. Pursuant to the Warning, Alert and Response Network Act of 2006, "Wireless Emergency Alerts" (WEA) is a public safety system that allows customers who own enabled mobile devices to receive geographically-targeted, text messages alerting them of imminent threats to safety in their area. WEA complements the existing Emergency Alert System that is implemented by the FCC and FEMA at the federal level through broadcasters and other media service providers, including wireless carriers. (Council Administrative Notice No. 5 – FCC WARN Act)
109. AT&T's proposed equipment installation would comply with the Warning, Alert and Response Network Act of 2006. (Applicant 1, p. 15; AT&T 2, Response 18)
110. AT&T's equipment would be designed to support FirstNet services. FirstNet is a federal agency with a mandate to create a nationwide, interoperable public safety broadband network for first responders. FirstNet selected AT&T to build, manage and operate the Public Safety Broadband

Network using FirstNet's Band 14 spectrum, together with AT&T's own wireless network. AT&T would deploy FirstNet services at this facility. (Applicant 1, p. 16, Tab E, p. 1)

111. Pursuant to C.G.S. §16-50p(a)(3)(G), the tower would be constructed in accordance with the current governing standard in the State of Connecticut for tower design in accordance with the currently adopted International Building Code. (Applicant 4, Response 13; AT&T 2, response 5 & 6)
112. The tower would not require notice to the Federal Aviation Administration or constitute an obstruction or hazard to air navigation and therefore would not require any obstruction marking or lighting. (Applicant 1, p. 31, Tab N, p.1)
113. AT&T's equipment cabinets would be equipped with silent intrusion and system alarms. The facility would be visited monthly for maintenance activities. The equipment compound would be enclosed by an eight-foot fence with locked, gated access. AT&T would have personnel available on a 24-hour basis to receive and respond to incoming alarms. (Applicant 1, p. 24; revised Tab G, sheet C-2; Tr. 1, p. 67)
114. The tower setback radius\* for the proposed site location would extend beyond the boundary of the subject property to the west by 85 feet. Arx would design a tower yield point at the 85-foot agl of the tower, to ensure the tower setback radius remains within the boundaries of the subject property. (Applicant 4, response 10; Tr 1, pp. 22, 23)  
  
\*The horizontal distance equal to the tower height that extends radially from the center of the tower.
115. The tower setback radius for the alternate site location would extend beyond the boundary of the subject property to the west by 54 feet. Arx would design a tower yield point at the 54-foot level of the tower, to ensure the tower setback radius remains within the boundaries of the subject property. (Applicant 4, response 10)
116. An additional yield point could be added if Arx extends the tower by 30-feet. (Tr 1, p. 22)
117. The proposed facility and all equipment to be installed would comply with the DEEP noise control standards at the property boundaries. (Tr. 1, p. 65)
118. Construction noise is exempt from the DEEP Noise Control Regulations §22a-69-1.8(g), which includes, but is not limited to, "physical activity at a site necessary or incidental to the erection, placement, demolition, assembling, altering, blasting, cleaning, repairing, installing, or equipping of buildings or other structures, public or private highways, roads, premises, parks, utility lines, or other property." (R.C.S.A. §22a-69-1.8(g))
119. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of AT&T's antennas is 13.7% of the standard\* for the General Public/Uncontrolled Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas in a sector would be pointed at the base of the tower and all channels would be operating simultaneously, which creates the highest possible power density levels. Under normal operation, the antennas would be oriented outward, directing radio frequency emissions away from the tower, thus resulting in significantly lower power density levels in areas around the tower.

\*This includes a 10 dB off-beam pattern loss to account for the lower relative gain below the antennas.

(Applicant 1, p. 23; Attachment J; Council Administrative Notice Item No. 2 – FCC OET Bulletin No. 65)

### **Emergency Backup Power**

120. In response to two significant storm events in 2011, Governor Malloy formed a Two Storm Panel (Panel) that was charged with an objective review and evaluation of Connecticut's approach to the prevention, planning and mitigation of impacts associated with emergencies and natural disasters that can reasonably be anticipated to impact the state. (Final Report of the Two Storm Panel, (Council Administrative Notice Item No. 50)
121. Consistent with the findings and recommendations of the Panel, and in accordance with C.G.S. §16-50//, the Council, in consultation and coordination with DEEP, DESPP and PURA, studied the feasibility of requiring backup power for telecommunications towers and antennas as the reliability of such telecommunications service is considered to be in the public interest and necessary for the public health and safety. (Council Administrative Notice Item No. 33 – Council Docket No. 432)
122. Commercial Mobile Radio Service (CMRS) providers are licensed by and are under the jurisdiction and authority of the FCC. At present, no standards for backup power for CMRS providers have been promulgated by the FCC. Every year since 2006, AT&T, Sprint, T-Mobile, and Verizon have certified their compliance with the CTIA Business Continuity/Disaster Recovery Program and the Communications Security, Reliability and Interoperability Council standards and best practices to ensure network reliability during power outages. (Council Administrative Notice Item No. 33 – Council Docket No. 432)
123. For backup power, AT&T proposes a 15-kilowatt natural gas fueled emergency backup generator. AT&T's proposed generator would be fueled directly from the existing natural gas line on Sequin Drive and would be capable of running as long as there is supply for the duration of any power outage. (Applicant 1, p. 24, revised Tab G, Sheet TR-2; Applicant 4, Attachment #9; TR. 1, pp. 64, 65, 66)
124. The generator would be remotely tested and monitored on a weekly basis to ensure proper operation. (Tr. 1, p. 66)
125. According to R.C.S.A. §22a-69-1.8, noise created as a result of, or relating to, an emergency, such as an emergency backup generator, is exempt from the DEEP Noise Control Regulations. (R.C.S.A. §22a-69-1.8)
126. Pursuant to R.C.S.A. §22a-174-3b, the generator would be managed to comply with DEEP's "permit by rule" criteria. Therefore, the generator would be exempt from general air permit requirements. (R.C.S.A. §22a-174-3b)

### **Environmental Considerations**

127. The Inland Wetlands and Watercourses Act (IWWA), CGS §22a-36, et seq., contains a specific legislative finding that the inland wetlands and watercourses of the state are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed, and the preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. (CGS §22a-36, et seq.)
128. The IWWA grants regulatory agencies with the authority to regulate upland review areas in its discretion if it finds such regulations necessary to protect wetlands or watercourses from activity that will likely affect those areas. (CGS §22a-42a)
129. The IWWA forbids regulatory agencies from issuing a permit for a regulated activity unless it finds on the basis of the record that a feasible and prudent alternative does not exist. (CGS §22a-41)
130. The nearest wetland to the proposed site location is approximately 18 feet west of the proposed equipment compound and 10 feet west of the proposed access road. See Figure 11. The wetland has been previously disturbed by earlier commercial development associated with the adjacent property. (Applicant 1, Tab L, Wetland Inspection report p.1, figure 1)
131. The alternate site location would maintain a consistent 50-foot buffer from the equipment compound and access road to the wetland to the west. (Applicant 4, response 25, Attachment #9; Tr. 1, pp. 21-22)
132. The proposed project would be constructed consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control*. Part of Arx's sedimentation and erosion control plan would involve silt fencing, dewatering, stabilization measures and the placing of protective fabric on the wetlands and along the perimeter fencing and limits of the construction area. (Applicant 1, p. 26, Applicant 4, Attachment # 9; Tr. 1, p. 18)
133. Neither site location is in an area mapped as prime farmland soil. (Tab I, Custom Soil Resource Report, p. 13)
134. Neither site location is within the Federal Emergency Management Agency designated 100-year or 500-year flood zones. (Applicant 1, p. 25, Tab I, pp. 1, 6, 7, FEMA Flood Map)
135. Neither site location is within a state-designated aquifer protection area. (Applicant 4, response 23)
136. Neither site location is within a DEEP Natural Diversity Database buffer area. (Applicant 1, p.22; Tab I)
137. Development of either tower location would not require the removal of any existing trees with a diameter of six inches or greater at breast height. (Applicant 1, pp. 1, 6; Tr. 1, p. 20)
138. Connecticut is within the range of the northern long-eared bat (NLEB), a federally-listed threatened species and state-listed endangered species. There are no known NLEB hibernacula or known maternity roost trees within 0.25 miles and 150-feet, respectively, of the proposed tower location. The U.S. Fish and Wildlife Service (USFWS) determined that "any resulting incidental take of the

Northern long-eared bat (*Myotis septentrionalis*) as a result of the project is not prohibited by the final 4(d) Rule". (Applicant 1, pp. 22, 23, Exhibit I, USFWS Letter Dated December 17, 2020)

139. The proposed facility is not located adjacent to an Important Bird Area (IBA), as designated by the National Audubon Society. The nearest IBA to the proposed site is The Station 43 Wildlife Sanctuary in Windsor located approximately 5 miles to the northwest. (Applicant 1, Tab K, Avian Resources Evaluation p. 2)
140. The proposed facility would comply with the USFWS guidelines for minimizing the potential for telecommunications towers to impact bird species. (Applicant 1, Tab I)
141. By letter dated February 1, 2021, SHPO determined that the proposed project would not have an adverse effect on sites listed on or eligible for listing on the National Register of Historic Places. (Applicant 1, pp. 22, 31, Exhibit I, SHPO Determination dated February 1, 2021)
142. Arx does not anticipate the need for blasting at the site. (Applicant 4, Response 12)

### Visibility

143. Arx used a combination of predictive computer models, in-field analysis, and a review of various data sources to evaluate the visibility of the originally proposed and alternate facility on both a quantitative and qualitative basis. (Applicant 1, p. 19; Tab H, p.2 & 3; Applicant 9, response 5)
144. On February 11, 2021, Arx conducted a balloon test and field reconnaissance at the proposed tower site. The balloon test consisted of flying a 3-foot diameter helium filled balloon to a height of approximately 115-feet agl at the proposed tower location. Weather conditions were favorable for the in-field activity with calm winds and partly cloudy skies. The balloon was up for a period of about four hours. (Applicant 1, p. 20; revised Tab H p.3-4; Tr. 1, p. 21; Applicant 9, response 5)
145. Information obtained during the field reconnaissance was incorporated into mapping data layers, including observations of the field reconnaissance, photo-simulation locations, areas that experienced land use changes, and places where the initial modeling was found to over- or under-predict visibility to produce a final predictive viewshed map for areas within a two-mile radius of the site. (Applicant 1, revised Tab H, pp. 4, 5; Applicant 9, response 5)
146. Based on the final viewshed analysis, the proposed tower would be visible year-round from approximately 24.5 acres within the 1-mile radius study area (refer to Figure-9). This would be about 1.22 percent of the study area.\* The tower would be seasonally visible (leaf-off conditions) from approximately 28.9 acres or about 1.44 percent of the study area. (Applicant 1, revised Tab H, p.7; Applicant 9, response 5)

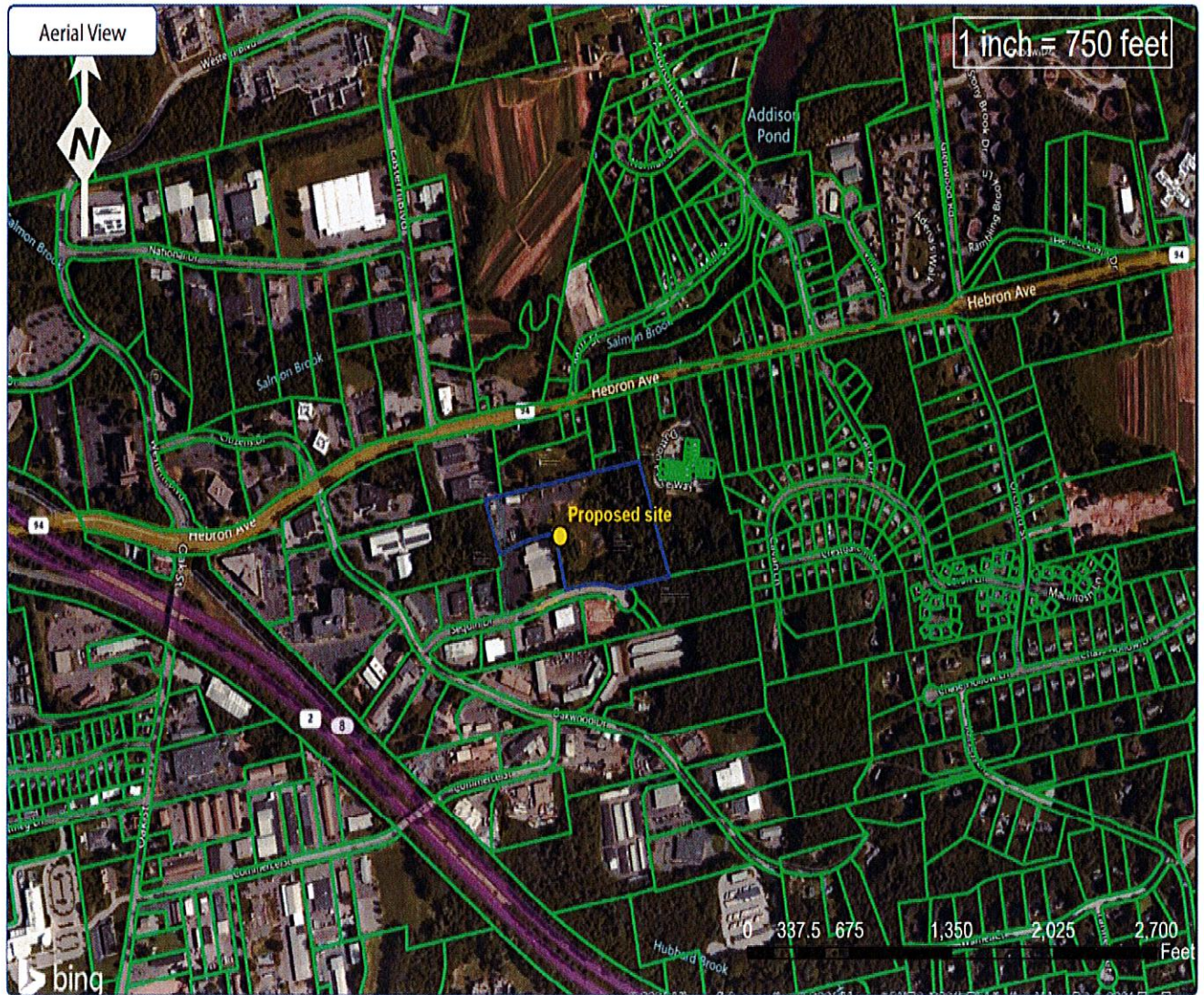
\*The study area is comprised of 2010.6 acres.  
(Applicant 1, revised Tab H, p. 7; viewshed maps)

147. The alternate site location would have the same visibility characteristics as the proposed site location. (Tr. 1, p. 19)
148. Most areas from which the facility would be visible are within approximately 1.0-mile of the site. This would include areas northwest and west along State Route 2 and north along Hebron Avenue. Year-round visibility of the facility would extend to areas 0.17 miles west on Sequin Drive, 0.37

miles north and northeast on Hebron Avenue, 0.41 miles northwest on National Drive and Eastern Boulevard and 0.42 miles southwest on Commerce Street. (Applicant 1, revised Tab H, pp. 6, 7)

149. Pursuant to CGS §16-50p(a)(3)(F), no public schools or commercial child day care facilities are located within 250 feet of the site. The nearest building containing a school is the Links Transition School/Links Academy located approximately 0.46 miles west of the proposed facility at 628 Hebron Avenue in Glastonbury. The nearest building containing a commercial child day care facility is the YMCA Child care program/Preschool located approximately 0.27 miles southwest of the proposed facility at 95 Oakwood Drive in Glastonbury. Visibility of the tower is expected from the preschool/day care center but not the school. (Applicant 1, p. 20; revised Tab H; Applicant 9, response 6)
150. There are no state or locally-designated scenic roads located within the two-mile study area. (Applicant 1, p. 25)
151. A stealth monopine facility at either the proposed or alternate location would be more visible above the existing tree line than the proposed monopole due to the lack of existing pine trees and the low heights of the existing tree line. (Applicant 4, response 21)
152. A stealth flagpole would reduce AT&T's wireless service coverage and cost \$100,000 more than a regular monopole. (Applicant 4, response 21)
153. No screening or landscaping around the compound would be installed. (Applicant 1, Revised Tab G, Sheet C-2; Tr. 1, p. 34)
154. There are no "blue-blazed" hiking trails maintained by the Connecticut Forest and Park Association within one-mile of the site. (Applicant 1, revised Tab H, p. 1)

**Figure 1 – Aerial Map**



Proposed Telecommunications Facility:

CT0114 Glastonbury  
 Sequin Street  
 Glastonbury, CT 06033

Legend:

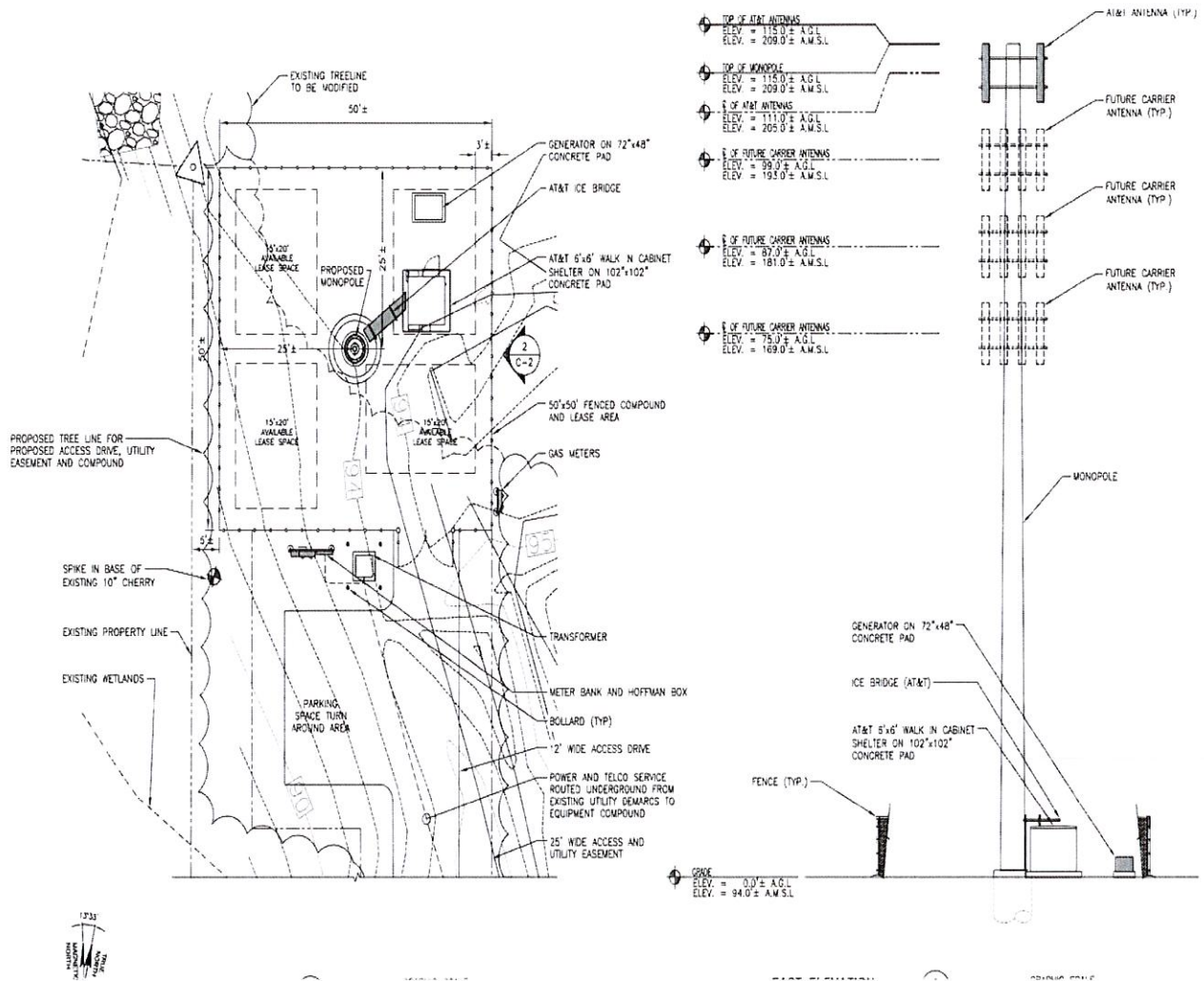
- Proposed Site Location
- Subject Property Boundary
- Parcel Boundary Lines

Note: This is not a survey, Parcel lines and boundaries are approximate



(Applicant 1, Tab P, Aerial Photograph)

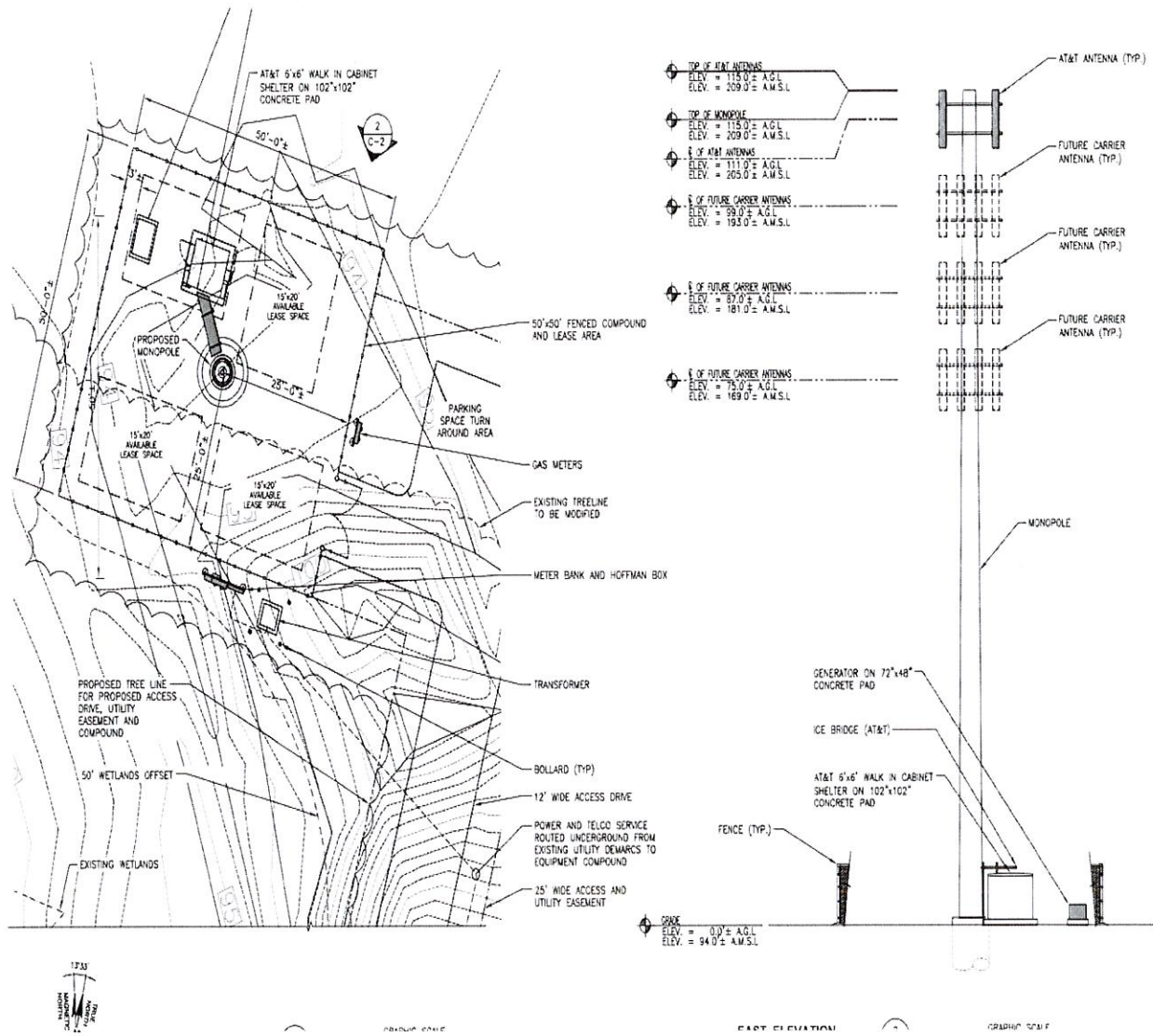
**Figure 2 – Site Plan and elevation: Proposed Tower Location**



(Applicant 1, Tab G (revised), Project Plans Sheet C-2)

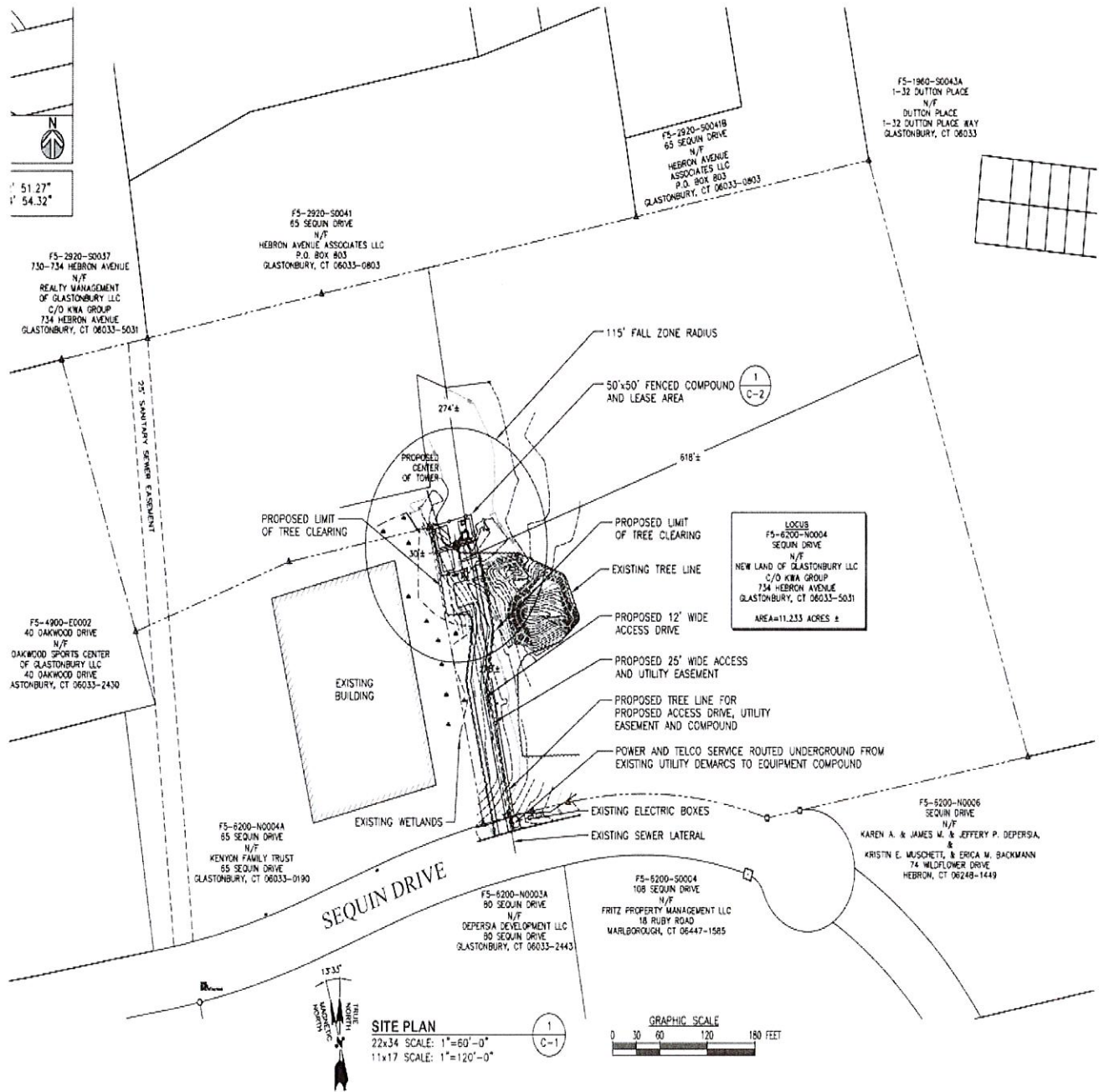


**Figure 3 – Site Plan and Elevation: Alternate Tower Location**



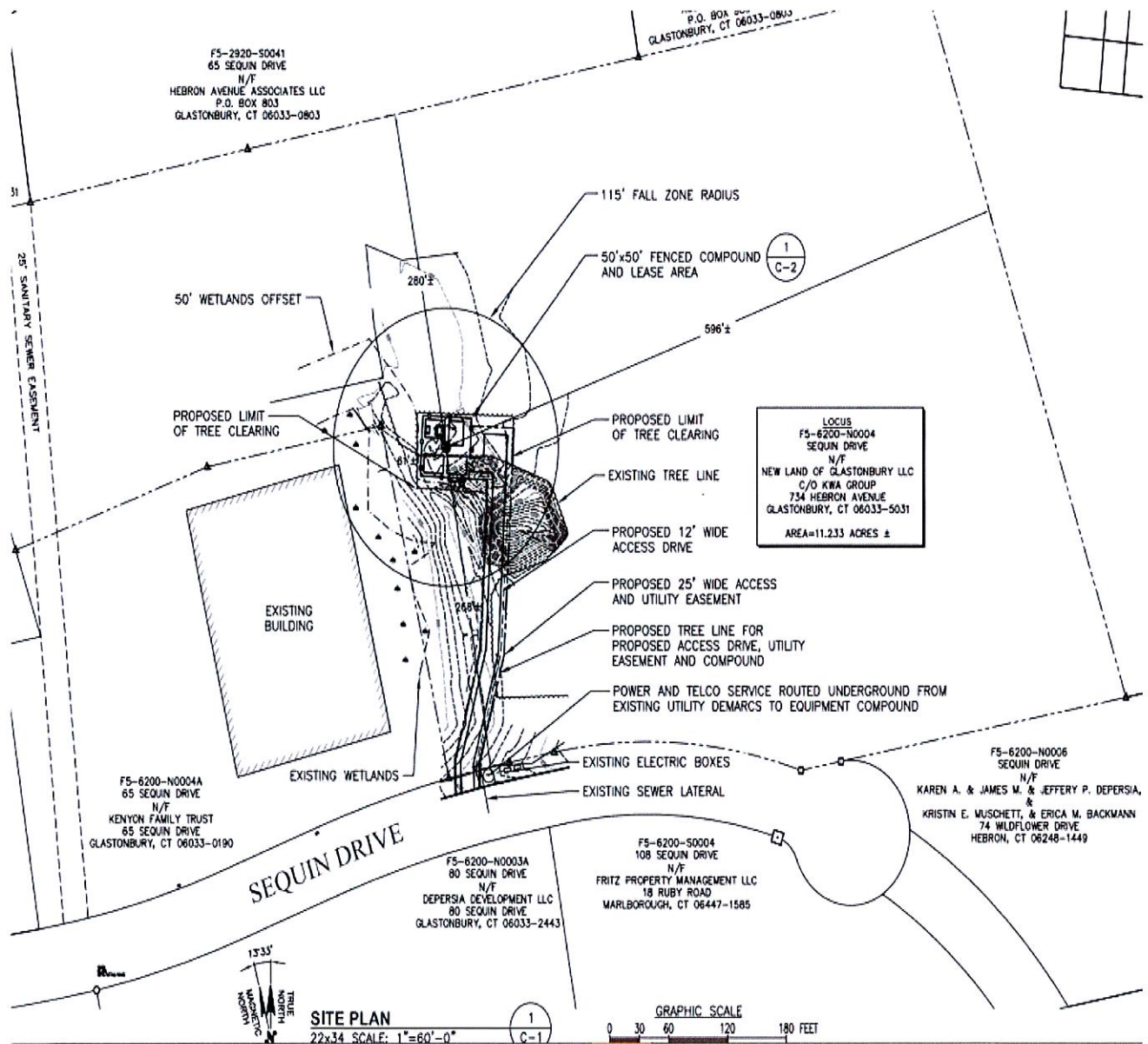
(Applicant 4, Attachment #9, Project Plans Alternate Site Sheet C-2)

**Figure 4 – Site overview with easements: proposed tower location**



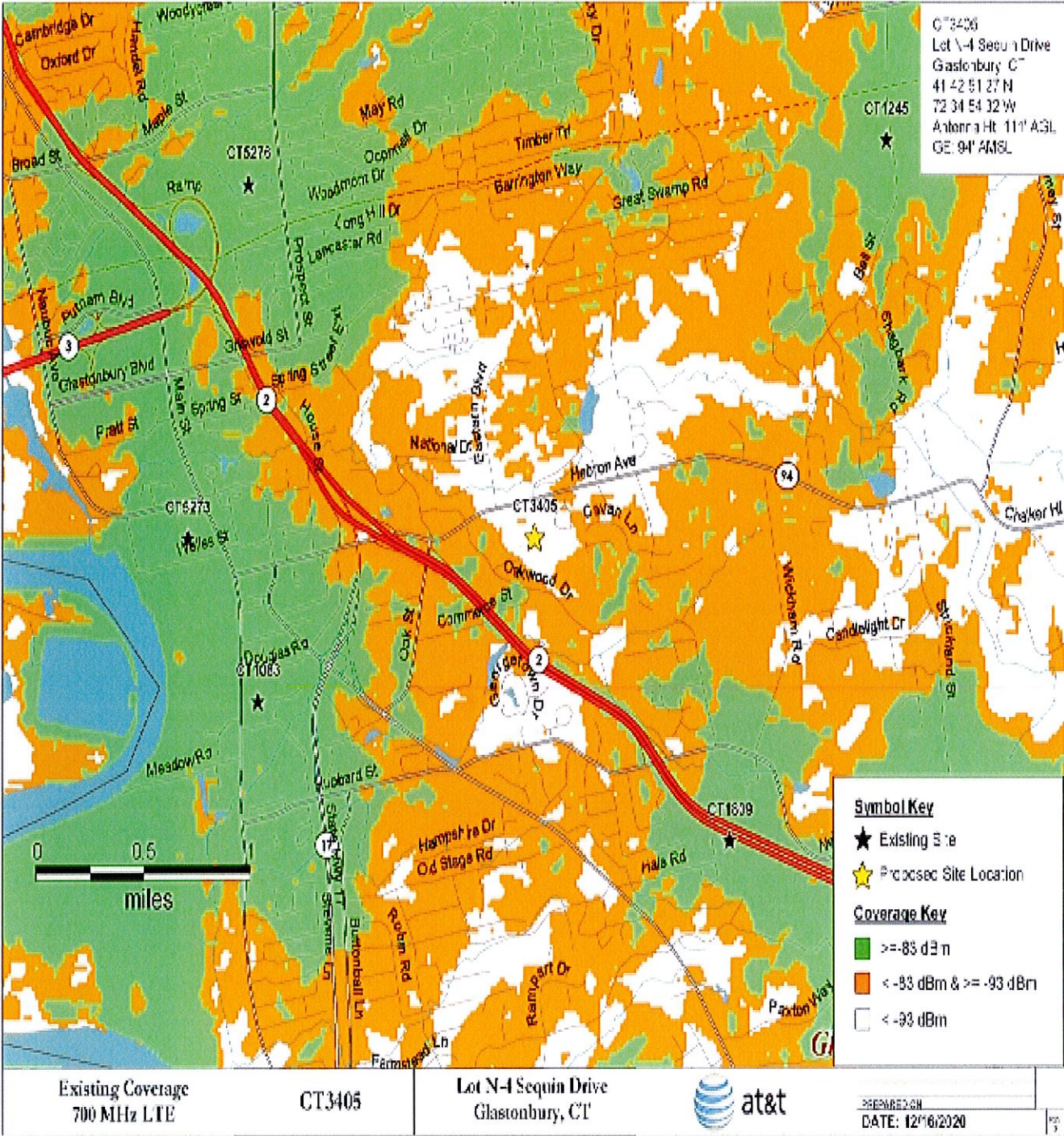
(Applicant 1, Tab G(revised), Project Plans sheet C-1)

**Figure 5 – Site overview with easements: Alternate site**



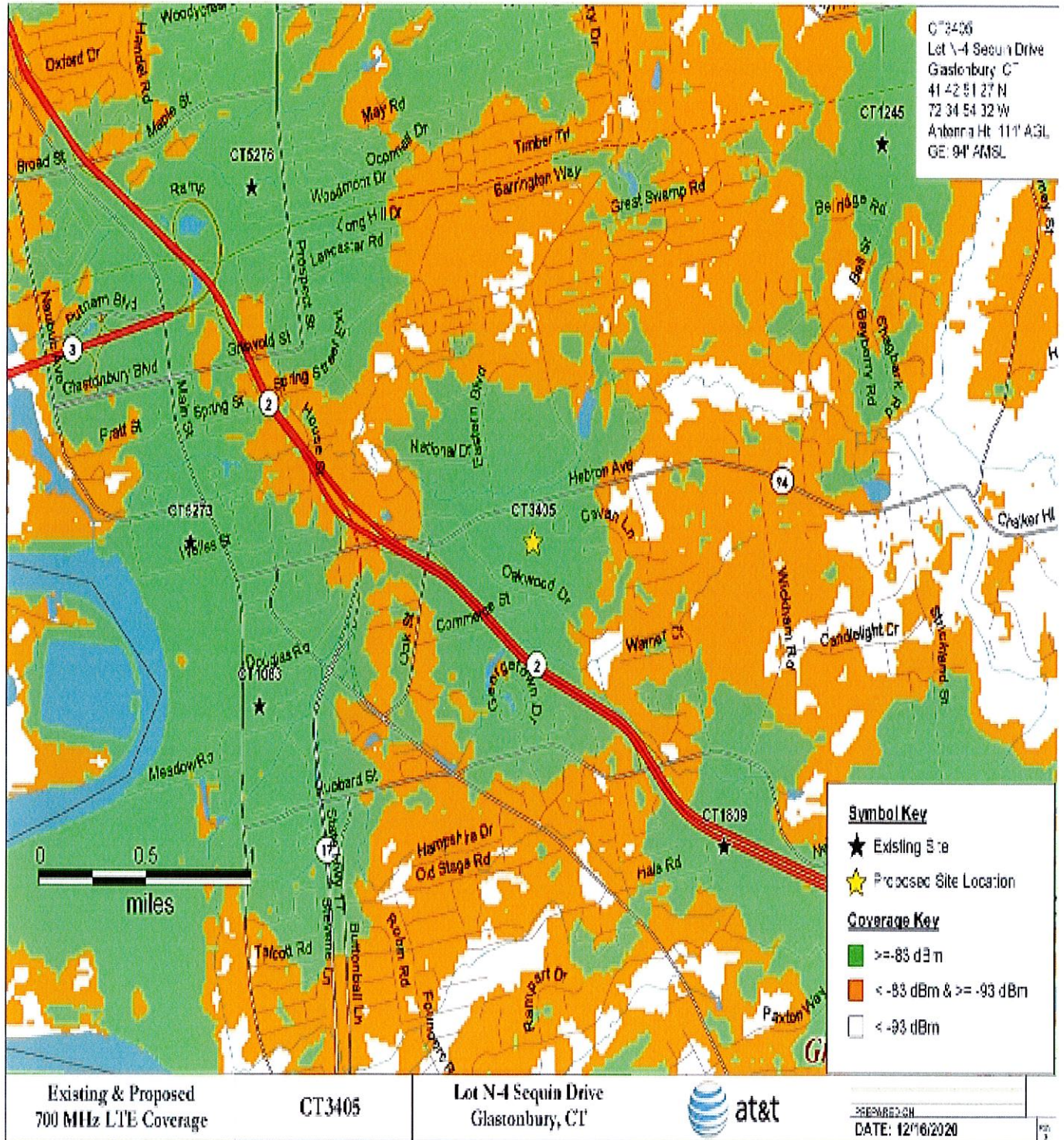
(Applicant 4, Attachment #9, Project Plans Alternate location Sheet C-1)

Figure 6 – AT&T Existing 700 MHz Coverage



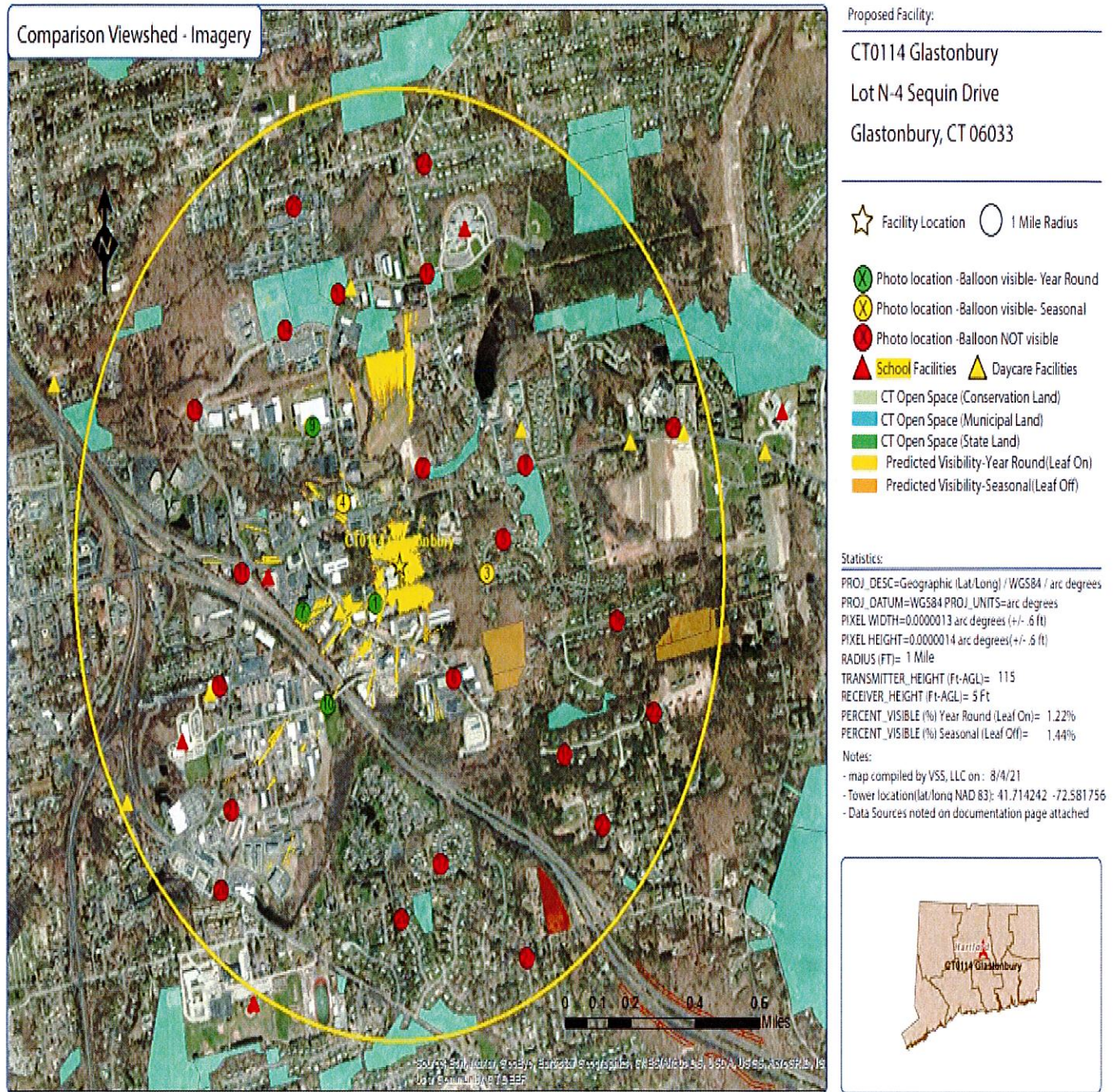
(Applicant 1, Tab E Coverage maps)

Figure 7 – AT&T Existing and Proposed 700 MHz Coverage



(Applicant 1, Tab E Coverage maps)

**Figure 8 - Viewshed Map/Analysis of the proposed site**



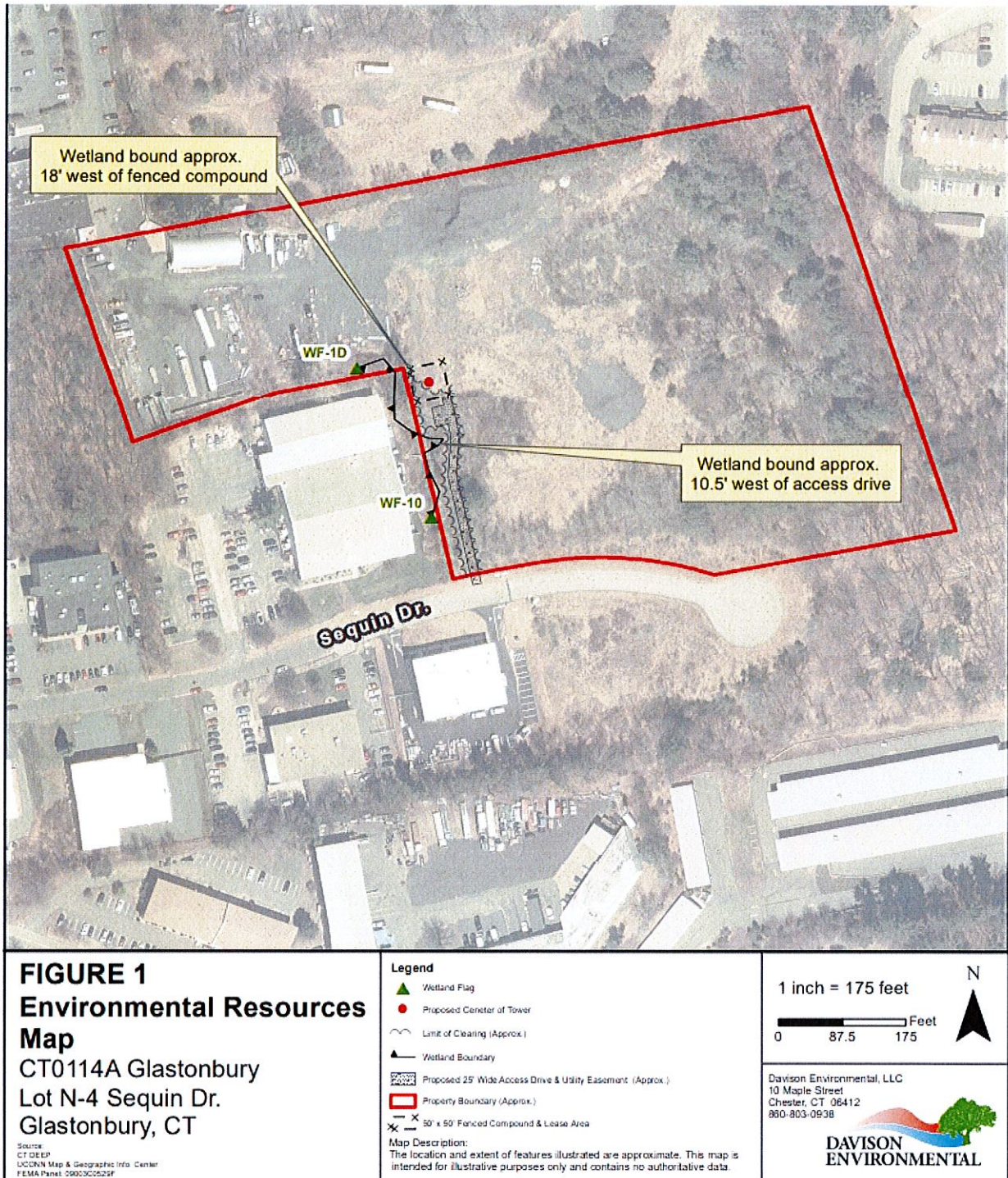
(Applicant 1, Tab H Viewshed map)

Figure 9 – Photolog

Image No	Approximate Address	Distance from tower	Visibility	Approximate amount of tower visible (ft)
1	40 Sequin Dr	0.17 Miles	Year Round	45 ft
2	45 Mill St	0.18 Miles	Not Visible	NA
3	370 Cavan Ln	0.22 Miles	Obscured	40 ft
4	Eastern Blvd and Hebron Ave	0.25 Miles	Obscured	11 ft
5	237 Cavan Ln	0.27 Miles	Not Visible	NA
6	271 Oakwood Dr	0.29 Miles	Not Visible	NA
7	628 Hebron Ave	0.37 Miles	Year Round	22 ft
8	1001 Hebron Ave	0.38 Miles	Not Visible	NA
9	National Dr and Eastern Blvd	0.41 Miles	Year Round	35 ft
10	133 Commerce St	0.42 Miles	Year Round	56 ft
11	556 Hebron Ave	0.54 Miles	Not Visible	NA
12	198 Addison Rd	0.58 Miles	Not Visible	NA
13	195 Eastern Blvd	0.59 Miles	Not Visible	NA
14	305 Western Blvd	0.61 Miles	Not Visible	NA
15	108 Warner Ct	0.63 Miles	Not Visible	NA
16	96 Chase Hollow Ln	0.64 Miles	Not Visible	NA
17	33 Lenox Dr	0.66 Miles	Not Visible	NA
18	155 Oak St	0.67 Miles	Not Visible	NA
19	151 National Dr	0.74 Miles	Not Visible	NA
20	77 Wadsworth St	0.77 Miles	Not Visible	NA
21	22 Kreiger Ln	0.79 Miles	Not Visible	NA
22	561 Oakwood Dr	0.8 Miles	Not Visible	NA
23	38 Rolling Hills Dr	0.81 Miles	Not Visible	NA
24	15 Heywood Dr	0.82 Miles	Not Visible	NA
25	2 Firethorn Dr	0.82 Miles	Not Visible	NA
26	1193 Hebron Ave	0.83 Miles	Not Visible	NA
27	326 Neipsic Rd	0.92 Miles	Not Visible	NA
28	952 New London Turnpike	0.93 Miles	Not Visible	NA

(Applicant 4, Tab H (revised) Photo visibility chart)

Figure 10 – Wetland Delineation



(Applicant 1, Tab L, Environmental Resources Map)



**DOCKET NO. 504** - Arx Wireless Infrastructure, LLC application } Connecticut  
for a Certificate of Environmental Compatibility and Public Need }  
for the construction, maintenance, and operation of a } Siting  
telecommunications facility located at Lot N-4, Sequin Drive, }  
Glastonbury, Connecticut. } Council

November 18, 2021

### Opinion

On June 4, 2021, Arx Wireless Infrastructure, LLC, (Applicant), applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a wireless telecommunications facility at Lot N-4, Sequin Drive, Glastonbury, Connecticut. The purpose of the proposed facility is to provide service to an existing coverage gap and provide reliable wireless communications services for AT&T's customers along portions of Route 2, Hebron Avenue, Route 94 and nearby residential neighborhoods and business areas in Glastonbury. AT&T is an intervenor to the proceeding.

The United States Congress recognized a nationwide need for high quality wireless services through the adoption of the Federal Telecommunications Act of 1996 and directed the Federal Communications Commission (FCC) to establish a market structure for system development and develop technical standards for network operations. The FCC preempts state or local regulation on matters that are exclusively within the jurisdiction and authority of the FCC, including, but not limited to, network operations and radio frequency emissions. Preservation of state or local authority extends only to placement, construction and modifications of telecommunications facilities based on matters not directly regulated by the FCC, such as environmental impacts. The Council's statutory charge is to balance the need for development of proposed wireless telecommunications facilities with the need to protect the environment.

Arx constructs and owns tower facilities throughout the United States. Arx would construct, maintain and own the proposed facility and would be the Certificate Holder. AT&T is licensed by the FCC to provide personal wireless communications service throughout the state and would lease space on the proposed tower for their telecommunications equipment.

AT&T's radio frequency propagation modeling and an analysis of ineffective attempts and dropped call data in the Voice over LTE wireless system indicate that AT&T is experiencing coverage gaps within its 700 MHz, 850 MHz, 1900 MHz, 2100 MHz and 2300 MHz frequencies along Hebron Avenue and the neighboring residential and business areas. AT&T currently operates equipment on 4 existing facilities within a four-mile radius of the site. As a result of distance from the target area and the geographical terrain, none of these facilities are able to provide adequate coverage to the proposed service area.

AT&T proposes to provide digital voice and data services to the proposed service area using 4th Generation (4G) services over LTE technology in the 700 MHz, 850 MHz, 1900 MHz, 2100 MHz and 2300 MHz, frequency bands. AT&T's coverage modeling indicates the proposed facility would provide about 0.9 square miles of service to the area surrounding the tower (700 MHz at -93 dBm), which includes, but is not limited to, 0.1 miles on State Route 2 and 0.8 miles on Hebron Avenue.

AT&T's proposed deployment would enable customers to make wireless emergency calls within the service area. In addition to wireless call capability, AT&T's deployment would feature emergency communication FirstNet services. These services are provided through a federal program to establish emergency

communications to areas with deficient wireless service. FirstNet gives emergency responders on AT&T's 700 MHz 4G LTE network first priority to ensure emergency communications are not interrupted.

AT&T's proposed equipment installation would also provide 5G service over all its frequency bands.

AT&T established a search ring for the proposed service area which had a radius of 0.25 miles and was centered about 0.3 miles southeast of the proposed site. AT&T determined that there were no existing structures available within the search ring and subsequently joined Arx in searching for properties suitable for tower development. A total of 12 potential sites were investigated. The 11 other sites investigated were rejected due to property owners lack of interest in hosting a tower or deficient coverage to the proposed service area. Arx subsequently entered into a lease agreement with the owner of Lot N-4, Sequin Drive.

During the proceedings, AT&T considered various alternatives to the proposed site suggested by the Council, such as rooftop facilities, distributed antenna systems, small cell deployments and multi-site solutions, none of which were viable due to reasons that include, but are not limited to, cost, deficient coverage, difficulty providing back up power, antenna mounting and height, and higher radio frequency emissions than the proposed facility. Also during the proceedings, the Town of Glastonbury (Town), expressed its preference for a tower location at 311 Oakwood Drive, approximately 0.46 miles southeast of the proposed site. A facility at this site would not satisfy AT&T's coverage objectives.

Although many sites were examined and many landowners were not interested in a lease agreement for a wireless facility, the Council has no authority to compel a parcel owner to sell or lease property, or portions thereof, for the purpose of siting a facility nor shall the Council be limited in any way by the applicant having already acquired land or an interest therein for the purpose of constructing a facility.

The proposed site consists of a 115-foot monopole located in the western portion of the 11.2-acre commercial parcel south of Route 2 and currently used to store equipment. The monopole would be located within a 50-foot by 50-foot fenced equipment compound designed to accommodate the equipment of four wireless carriers as well as municipal emergency services antennas and equipment. As of August 12, 2021, neither the Town nor any emergency response entity has expressed an interest in co-locating antennas on the tower. The equipment compound with an elevation of 94 feet above mean sea level (amsl) is located 5-feet from the western property boundary and is close to an existing commercial warehouse building on the adjacent parcel to the west.

AT&T proposes to install six panel antennas and 12 remote radio heads on a low-profile platform antenna mount at a centerline height of 111 feet above ground level which is the minimum height required to achieve its coverage objectives. AT&T would install one equipment walk-in cabinet and a 15-kilowatt emergency backup generator on concrete pads within the equipment compound at ground level. The generator would be fueled directly from the existing natural gas line on Sequin Drive and would be capable of running as long as there is supply for the duration of any power outage.

The proposed equipment compound will be surrounded by an 8-foot high chain link fence with a 12-foot wide gate that would be locked for security purposes. No landscaping would be installed around the compound. The compound would be accessed utilizing a proposed 25-foot wide paved driveway extending about 250 feet north from Sequin Drive to the proposed site. Utilities would extend underground from the southern side of the compound and along the proposed driveway to an existing utility box located along Sequin Drive.

During the proceedings, to increase the distance from the nearest property boundary and associated wetlands, Arx proposed a potential alternate location approximately 32 feet east of the proposed location

within the host parcel. At the alternate location, the equipment compound would have the same dimensions as the proposed location and AT&T would install antennas at a similar height (111 feet) without compromising its proposed coverage objectives. Access to the alternate location would be via a slightly longer driveway (268 feet) also extending north from Sequin Drive. The cost of construction would remain the same for both locations.

The nearest property boundary is at 65 Sequin Drive approximately 30 feet west of the base of the proposed tower and 5 feet from the western compound fence. The adjacent property boundary at 65 Sequin Drive would be approximately 61 feet west of the base of the alternate tower location and 30 feet from the compound fence. Thus, the tower setback radius for the proposed and alternate locations would extend beyond the boundary of the subject property to the west by 85 feet and 54 feet, respectively. Arx would design a tower yield point at the 85-foot level and 54-foot level for the proposed and alternate tower locations, respectively, to ensure the tower setback radius remains within the boundaries of the host parcel.

There are approximately 38 residential structures within 1,000 feet of the proposed and alternate tower locations. The nearest residence is approximately 582 feet northeast of the proposed tower location at 836 Hebron Avenue and 575 feet northeast of the alternate tower location at the same address.

Arx does not anticipate the need for blasting to construct the site. Development of the proposed site location would require about 8 cubic yards of cut, approximately 40 cubic yards of stone and concrete fill for the compound base and 120 cubic yards of cut and fill for a pad and pier foundation. The alternate location would require an additional 25 cubic yards of material. A large pile of excavated material from past development activity with a peak elevation of about 113 feet amsl is located in close proximity to the alternate site and would be relocated during construction or used for grading at the site.

The nearest wetland is previously disturbed and located on an adjacent property approximately 18 feet west of the proposed equipment compound and 10 feet west of its access road. The alternate location would maintain a consistent 50-foot buffer from the equipment compound and access road to the off-site wetland. No trees with a diameter of six inches or greater at breast height would be removed at the proposed or the alternate site location.

At either location, the proposed facility would be constructed in compliance with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control*.

Neither the proposed location nor the alternate location is within a flood zone, an aquifer protection area, or in an area with mapped prime farmland soils. Operation of the facility at either location would comply with DEEP Noise Control Standards.

The site is not located within a DEEP Natural Diversity Database buffer area. One federally-listed Threatened Species and State Endangered Species, the northern long-eared bat (NLEB), is known to occur in the vicinity of the proposed site. However, the proposed site is not located within 150 feet of a known NLEB maternity roost tree or within 0.25-mile of a known hibernaculum. The U.S. Fish and Wildlife Service (USFWS) determined that the proposed facility would not have an impact on the NLEB.

The site is approximately 5.0 miles from the nearest Important Bird Area as designated by the National Audubon Society. The proposed facility will comply with the USFWS guidelines for minimizing the potential for telecommunications towers to impact bird species.

The proposed facility would not have an adverse effect on sites listed on or eligible for listing on the National Register of Historic Places.

The Applicant prepared a visual impact assessment of the site utilizing computer modeling supplemented with in-field studies. These analyses were used by the applicant to generate photo-simulations of the proposed tower.

Based on a visual impact assessment within a one-mile radius of the site (Study Area-2,010.6 acres), the proposed tower would be visible year-round from approximately 24.5 acres (or 1.22%) and seasonally visible (leaf-off conditions) from approximately 28.9 acres (or 1.4%) of the Study Area. The majority of the year-round and seasonal views of the facility would be located within the commercial/ Industrial area surrounding the site. Residences located on Dutton Place would have no year round views of the facility however, residences located on Cavan Lane and Crestdale Road are predicted to have obstructed views of the tower through the existing tree canopy. The alternate tower location would have the same visibility characteristics as the proposed tower location.

Arx determined that a stealth monopine facility would be more visible above the existing tree line due to the lack of existing pine trees and the low heights of the existing tree line. A stealth flagpole would reduce AT&T's wireless service coverage and cost \$100,000 more than a regular monopole.

There are no Connecticut blue-blazed or other hiking trails located within two miles of the proposed site. In addition, there are no state or locally-designated scenic roads located within two miles of the proposed site.

No public schools or commercial child day care facilities are located within 250 feet of the proposed site.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the cumulative worst-case maximum power density from the radio frequency emissions from the operation of AT&T's proposed antennas to be installed on the tower have been calculated to amount to 13.7 % of the FCC's General Public/Uncontrolled Maximum Permissible Exposure, as measured at the base of the tower. This is conservatively based on all antennas of a given sector pointing down to the ground and emitting maximum power. This percentage is below federal standards established for the frequencies used by wireless companies. If federal standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. Regarding potential harm to wildlife from radio emission; this, like the matter of potential hazard to human health, is a matter of federal jurisdiction. The Council's role is to ensure that the tower meets federal permissible exposure limits.

After considering the record in this matter, the Council finds a need for a new tower at the proposed location to provide the necessary wireless coverage to an underserved area. The Council notes that the off-site wetland to the west has been previously disturbed by earlier commercial development. The site would also offer FirstNet emergency communications service allowing for dedicated on-demand first responder communications service to subscribers.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the telecommunications facility at the proposed site in the proposed location, including effects on the natural environment, ecological balance, public health and safety, scenic, historic, and recreational values, agriculture, forests and parks, air and water purity, and fish, aquaculture and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need,

are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of a 115-foot galvanized steel monopole telecommunications facility at the proposed site located at Lot N-4, Sequin Drive, Glastonbury, Connecticut.

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Glastonbury, Connecticut. } Council

November 18, 2021

### Decision and Order

Pursuant to Connecticut General Statutes §16-50p, and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a telecommunications facility, including effects on the natural environment, ecological balance, public health and safety, scenic, historic, and recreational values, agriculture, forests and parks, air and water purity, and fish, aquaculture and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes §16-50k, be issued to Arx Wireless Infrastructure, LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility at the proposed location at Lot N-4, Sequin Drive, Glastonbury, Connecticut.

Unless otherwise approved by the Council, the facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole at a height of 115 feet above ground level to provide the proposed wireless services, sufficient to accommodate the antennas of New Cingular Wireless PCS, LLC d/b/a AT&T, and other entities, both public and private. The height of the tower may be extended after the date of this Decision and Order pursuant to regulations of the Federal Communications Commission.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) A certified letter from a wireless telecommunications carrier with a firm commitment to install associated wireless equipment at the facility upon completion of construction;
  - b) final site plan(s) for development of the facility that employ the governing standard in the State of Connecticut for tower design in accordance with the currently adopted International Building Code and include specifications for the tower, tower foundation, antennas and equipment compound including, but not limited to, fence design, ground equipment, access road, utility installation and emergency backup power;
  - c) the tower shall be designed with a yield point to ensure that the tower setback radius remains within the boundaries of the subject property;
  - d) construction plans for site clearing, grading, water drainage and stormwater control, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended; and
  - e) construction schedule including hours and days of the week for construction activities.
3. Prior to the commencement of operation, the Certificate Holder shall provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the

closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.

4. Upon the establishment of any new federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall provide the Council with a copy of necessary permits from any other state or federal agency with concurrent jurisdiction prior to the commencement of construction.
6. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
8. Any request for extension of the time period referred to in Condition 7 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Glastonbury.
9. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council within 90 days from the one year period of cessation of service. The Certificate Holder may submit a written request to the Council for an extension of the 90 day period not later than 60 days prior to the expiration of the 90 day period.
10. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.
11. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.
12. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under Conn. Gen. Stat. §16-50v.
13. This Certificate may be transferred in accordance with Conn. Gen. Stat. §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their

respective annual assessments and invoices under Conn. Gen. Stat. §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under Conn. Gen. Stat. §16-50v(b)(2) that may be associated with this facility. If construction has not been completed in accordance with Condition 7 of this Decision and Order at the time the Certificate is requested to be transferred, a certified letter from a wireless telecommunications carrier with a firm commitment to install associated wireless equipment at the facility upon completion of construction shall also be provided.

14. The Certificate Holder shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this Decision and Order and a Development and Management Plan to be approved by the Council.
15. If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, the Council shall be notified of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the Certificate Holder within 30 days of the sale and/or transfer.
16. This Certificate may be surrendered by the Certificate Holder upon written notification and acknowledgment by the Council.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed in the Service List, dated July 15, 2021, and notice of issuance published in the Glastonbury Citizen.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.







STATE OF CONNECTICUT  
*CONNECTICUT SITING COUNCIL*

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**VIA ELECTRONIC MAIL**

November 19, 2021

TO: Classified/Legal Supervisor  
**504211119**  
The Glastonbury Citizen  
87 Nutmeg Lane, P.O. Box 373  
Glastonbury, CT 06033-0373  
[legals@glcitizen.com](mailto:legals@glcitizen.com)

FROM: Lisa A. Mathews, Office Assistant *LM*

RE: **DOCKET NO. 504** - Arx Wireless Infrastructure, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Lot N-4, Sequin Drive, Glastonbury, Connecticut.

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Please publish the attached legal notice for one day on the first day possible from receipt of this notice.

Please send an affidavit of publication and invoice to my attention.

Thank you.

LM



## STATE OF CONNECTICUT

### CONNECTICUT SITING COUNCIL

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### NOTICE

Pursuant to General Statutes § 16-50p (a), the Connecticut Siting Council (Council) announces that, on November 18, 2021, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Arx Wireless Infrastructure, LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at Lot N-4, Sequin Drive, Glastonbury, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.