



**HOMELAND TOWERS, LLC (HOMELAND)
NEW CINGULAR WIRELESS PCS, LLC (AT&T)**

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

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

–NEW CANAAN WEST FACILITY–

Docket No. _____

**HOMELAND TOWERS, LLC (HOMELAND)
9 HARMONY STREET, 2ND FLOOR
DANBURY, CONNECTICUT 06810**

**NEW CINGULAR WIRELESS PCS, LLC (AT&T)
84 DEERFIELD LANE
MERIDEN, CONNECTICUT 06450**

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1. AT&T's Statement of Radio Frequency (RF) Need with Coverage Plots
2. Summary of Site Search and List of Existing Tower/Cell Sites
3. General Facility Description, Site Evaluation Report, Site Impact Statement, Tree Inventory, List of Residential Buildings within 1,000'
4. Aerial Map, Topographical Map, Drawings, FAA 1-A Survey Certification, FAA Determination of No Hazard to Air Navigation
5. Environmental Assessment Statement
6. Wetland Inspection and Avian Resources Evaluation
7. Power Density Analysis
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9. State Historic Preservation Office (SHPO) Consultation; USFWS & NDDDB Compliance Report; and CT Department of Energy and Environmental Protection (DEEP) Correspondence
10. Materials related to municipal consultation
11. Text of legal notice published in the Stamford Advocate; Notice to Abutting Landowners; List of Abutting Landowners; Certification of Service of Notice
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I. Introduction

A. Purpose and Authority

Pursuant to Chapter 277a, § 16-50g et seq. of the Connecticut General Statutes (C.G.S.), as amended, and § 16-50j-1 et seq. of the Regulations of Connecticut State Agencies (R.C.S.A.), as amended, Homeland Towers, LLC (“Homeland”) and New Cingular Wireless PCS, LLC (“AT&T”) (together the “Applicants”), hereby submit an application and supporting documentation (collectively, the “Application”) for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications tower facility (the “Facility”). The Facility is proposed on a 5.16 acre parcel of land owned by 1837 LLC with an address of 1837 Ponus Ridge Road in the Town of New Canaan (the “Parcel”). The Parcel is improved with a single-family residence. The Facility is proposed within an approximately 5,100 square-foot (“s.f.”) lease area in the northeastern section of the Parcel. Construction of the Facility will permit AT&T, Verizon and other FCC licensed wireless carriers to provide reliable wireless services to residents, businesses, schools, municipal facilities, and visitors to northwestern New Canaan. AT&T plans to deploy FirstNet services and the Town of New Canaan will also utilize the proposed Facility for emergency communications.

B. Executive Summary

It is well established that the northwestern portion of the Town of New Canaan suffers from a lack of reliable wireless services. Indeed, an independent wireless market study that the Town commissioned in 2014 confirms the lack of reliable wireless service in this part of Town, including emergency communication services (“independent wireless market study”).¹ The Facility will provide reliable wireless communications services to the northwestern portion of New Canaan and address the significant coverage deficiency in the existing AT&T wireless communications network along the nearby roadways and the neighboring residential and business/retail areas in New Canaan as well as portions of eastern Stamford. The Facility is needed by AT&T in conjunction with other existing facilities to provide reliable wireless services to the public that is not currently provided in this part of New Canaan. The area is characterized by significant changes in ground

¹ Wireless Market Study for the Town of New Canaan, CT, prepared by Centerline Solutions, December 1, 2014.

elevation resulting in challenging terrain for signal propagation as well as several forested parcels. The challenging terrain and distance between existing wireless sites and the targeted coverage area result in limited options for AT&T to provide reliable wireless services.

The proposed Facility will also be utilized for emergency communications by the Town's fire, police, and EMS services.

AT&T and Homeland independently investigated different parcels of land in and around New Canaan, including locations in the adjacent City of Stamford. AT&T's site search efforts date back several years, and Homeland's search was conducted over the last three and one-half years. These searches determined that there are no tall structures located at the higher elevations in this area of the Town of New Canaan and other sites investigated were either unavailable or inappropriate for the siting of a tower facility or technically inadequate to satisfy coverage requirements in this part of the state.

The Facility consists of a new self-supporting monopole designed to resemble a pine tree ("monopine") that is 110' in height with faux branches extending an additional 5' above the top of the pole, bringing the total height of the monopine to approximately 115'. The monopine tower will be located within a 3,000 s.f. fenced equipment compound located within the 5,100 s.f. lease area in the northeastern portion of the parcel. AT&T's antennas would be installed at an antenna centerline height of 106' on the monopine tower with a walk-in equipment cabinet and emergency back-up generator located within the equipment compound. The monopine tower and fenced equipment compound are designed to support the antennas and equipment of other FCC licensed wireless carriers as well as the Town fire, police, and EMS services communications equipment. Access and utilities to the Facility will be extended from Ponus Ridge Road. The facility will be unmanned with no sanitary or water services and will generate on average 1 vehicle trip per month by each wireless carrier consisting of a service technician in a light duty van or truck.

The Applicants respectfully submit that the public need for a tower to provide reliable wireless services to northwestern New Canaan far outweighs any potential adverse environmental effects from the Facility as proposed in this Application. Indeed, the proposed Facility will provide the important benefit of reliable wireless services to the nearby roadways and the neighboring residential and business/retail areas as well as

reliable emergency communication services and will not have any substantial adverse effect on the aesthetics or scenic quality of the neighborhood.

C. The Applicants

Homeland Towers, LLC (“Homeland”), is a New York limited liability company with offices at 9 Harmony Street, Danbury, Connecticut. Homeland currently leases, permits, constructs and has owned numerous tower facilities in Connecticut. Homeland entered into a long term lease with 1837 LLC. Homeland will construct, maintain and own the proposed Facility and would be the Certificate holder.

New Cingular Wireless PCS, LLC (“AT&T”), is a Delaware limited liability company with an office at 84 Deerfield Lane, Meriden, Connecticut 06450. The company’s member corporation is licensed by the Federal Communications Commission (“FCC”) to construct and operate a personal wireless services system, which has been interpreted as a “cellular system”, within the meaning of C.G.S. Section 16-50i(a)(6).

Neither company conducts any other business in the State of Connecticut other than the development of tower sites and provision of personal wireless services under FCC rules and regulations. Correspondence and/or communications regarding this Application shall be addressed to the attorneys for the Applicants:

Cuddy & Feder, LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Attention: Lucia Chiochio, Esq.
Kristen Motel, Esq.

A copy of all correspondence shall also be sent to:

Homeland Towers, LLC
9 Harmony Street
Danbury, CT 06810
Attention: Raymond Vergati
Manuel Vicente

AT&T
84 Deerfield Lane
Meriden, CT 06067
Attention: Brian Leyden
Harry Carey

D. Application Fee

Pursuant to R.C.S.A. § 16-50v-1a (b), a check made payable to the Siting Council in the amount of \$1,250 accompanies this Application. Included in this Application and its accompanying attachments are reports, plans and visual materials detailing the design and location for the proposed Facility and the environmental effects associated therewith. A copy of the Siting Council's Community Antennas Television and Telecommunication Facilities Application Guide with page references from this Application is also included in Attachment 13.

E. Compliance with C.G.S. §16-50/ (c)

Neither of the Applicants is engaged in generating electric power in the State of Connecticut. Therefore, the Facility is not subject to C.G.S. § 16-50r. Furthermore, the proposed Facility has not been identified in any annual forecast reports. Accordingly, the proposed Facility is not subject to § 16-50/ (c).

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

Pursuant to C.G.S. § 16-50/ (b), copies of this Application have been sent by certified mail, return receipt requested, to municipal, regional, state, and federal officials. A certificate of service, along with a list of the parties served with a copy of the Application is included in Attachment 12. Pursuant to C.G.S. § 16-50/ (b), notice of the Applicants' intent to submit this application was published on two occasions in The Stamford Advocate, one of the publications used for notices in the Town of New Canaan. The text of the published legal notice is included in Attachment 11. The original affidavits of publication will be provided to the Siting Council once received from the publisher. Furthermore, in compliance with C.G.S. § 16-50/ (b), notices were sent to each person or entity appearing of record as the owner of a property which abuts the premises on which the Facility is proposed. Certification of such notice, a sample notice letter, and the list of property owners to whom the notice was mailed are also included in Attachment 11.

III. Statements of Need and Benefits

A. Statement of Need

1. United States Policy & Law - Wireless Facilities

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

In December 2009, then President Obama issued Proclamation 8460 which included wireless facilities within his definition of the nation’s critical infrastructure and declared in part:

Critical infrastructure protection is an essential element of a resilient and secure nation. Critical infrastructure are the assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety. From water systems to computer networks, power grids to cellular phone towers, risks to critical infrastructure can result from a complex combination of threats and hazards, including terrorist attacks, accidents, and natural disasters.²

² Presidential Proclamation No. 8460, 74 C.F.R. 234 (2009).

Congress and the Federal Communications Commission further developed a national plan entitled “Connecting America: The National Broadband Plan” (the “Plan”).³ Although broad in scope, the Plan’s goal is undeniably clear:

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

A specific goal of the Plan is that “[t]he United States should lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.”⁵

Shortly after adoption of the Plan, and in April 2011, the FCC issued a Notice of Inquiry concerning the best practices available to achieve wide-reaching broadband capabilities across the nation including better wireless access for the public.⁶ The FCC also adopted various orders in furtherance of the public need for the deployment of wireless infrastructure including specific time limits for decisions on land use and zoning permit applications.⁷ Congress also acted again when it passed the Middle Class Tax Relief and Job Creation Act of 2012, which includes Section 6409 in the Spectrum Act which preempts a discretionary review process for eligible modifications of existing wireless towers or base stations.

In 2018, the FCC adopted two separate orders incorporating several declaratory rulings and a set of new regulations to specifically address various areas of state and municipal

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

⁴ *Id.* at XI.

⁵ *Id.* at 25.

⁶ FCC 11-51: Notice of Inquiry, In the Matter of Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, available at <https://docs.fcc.gov/public/attachments/FCC-11-51A1.pdf>.

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

oversight of wireless facility siting including towers and small cells.⁸ The first order prohibits any actual or de facto moratoria on the siting of wireless facilities. The second, intended to streamline the siting of current 4G LTE and future 5G wireless infrastructure, addressed numerous provisions of the Telecommunications Act and focused on any state or local siting requirements that might materially inhibit the deployment of wireless facilities including small cells. The Trump Administration has further developed a national strategy for the United States to win the 5G global race and continue American leadership in wireless technology.⁹

Throughout the pandemic, the critical importance of reliable wireless services was underscored as various government entities issued stay-at-home orders and Americans utilized wireless services for work, school, telehealth, deliveries, etc. Indeed, telecommunications was deemed an essential service during the pandemic state of emergency. The federal government also identifies the continued operation and growth of telecommunications capabilities as vital during this unprecedented time. On March 16, 2020, the Director of the United States Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, National Communications Coordination Branch issued a directive ordering cooperation and access to allow telecommunications providers to maintain their infrastructure to ensure the continuation of critical communication capabilities during the COVID-19 pandemic.¹⁰

More recently, in an effort to close the digital divide and maintain America's leadership in wireless technology, the Biden Administration allocated \$65 billion for broadband expansion in the Infrastructure Bill to build high-speed internet networks, to assist low-income families pay for service and to establish digital equity programs.¹¹

⁸ WT Docket No. 17-79 - Declaratory Ruling and Third Report and Order, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.

⁹ See <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-developing-sustainable-spectrum-strategy-americas-future> and <https://www.whitehouse.gov/articles/america-will-win-global-race-5g>

¹⁰ <https://www.cisa.gov/news/2020/03/19/cisa-releases-guidance-essential-critical-infrastructure-workers-during-covid-19>

¹¹ H.R.3684 - Infrastructure Investment and Jobs Act 117th Congress (2021-2022)
<https://www.congress.gov/bill/117th-congress/house-bill/3684/text>

2. United States Wireless Usage Statistics

Over the past thirty plus years, wireless communications have revolutionized the way Americans live, work and play. The ability to connect with one another in a mobile environment has proven essential to the public's health, safety and welfare. As of June 2020, there were an estimated over 442 million wireless devices in the United States amounting to approximately 1.3 devices per person.¹²

The United States also saw a record-setting amount of data-traffic with over 37.06 trillion MBs of data carried over U.S. wireless networks in 2020, which represents 30% growth year over year.¹³ The ever-increasing number of households transitioning to mobile voice connection only (i.e. abandoning land lines) has now grown to approximately 62.5% of households nationwide.¹⁴ As of 2016, Connecticut in contrast lags behind in this statistic with approximately 40.8% wireless only households.¹⁵

Wireless access to the internet has also grown exponentially since the advent of the truly "smartphone" device. Cisco reports that data use in 2019 was 96 times more than 2010. A total of 174.8 million data-only devices, such as smartwatches were connected in 2019.¹⁶

Wireless access has also provided individuals a newfound form of safety. Up to 80% of *all* 9-1-1 calls made each year come from a wireless device.¹⁷ Beginning May 15, 2015, wireless carriers in the U.S. voluntarily supported Text-to-911, a program that allows

¹² CTIA Annual "The State of Wireless 2020" available at <https://api.ctia.org/wp-content/uploads/2020/08/2020-Annual-Survey-final.pdf>.

¹³ Id.

¹⁴ See *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January-June 2020*, National Center for Health Statistics, Stephen J. Blumberg Ph.D and Julian V. Luke, found at <https://stacks.cdc.gov/view/cdc/100855>.

¹⁵ See *Modeled Estimates of the percent distribution of household telephone status for adults aged 18 and over, by state: United States, 2018* available at https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201912-508.pdf.

¹⁶ CTIA Annual "The State of Wireless 2020" available at <https://api.ctia.org/wp-content/uploads/2020/08/2020-Annual-Survey-final.pdf>.

¹⁷ 911 Wireless Services Guide last reviewed November 2, 2015 available at <https://transition.fcc.gov/cgb/consumerfacts/wireless911srv.pdf>.

users to send text messages to emergency services as an alternative to placing a phone call.¹⁸

During the pandemic, when so many relied on wireless service during an unprecedented time, mobile voice use increased by 24.3% and data traffic increased by 19.6%.¹⁹

3. Public Need For A Tower For Wireless Services

The Facility proposed in this Application will be an integral component of AT&T's network in its FCC licensed areas throughout the state. There is a significant deficiency in all carriers' wireless communications service in the northwestern part of New Canaan, as demonstrated in the Town's independent wireless market study. The proposed Facility in northwestern New Canaan will provide reliable services in AT&T's network to an area of the Town currently experiencing deficient coverage, including Ponus Ridge Road, Dan's Highway, High Ridge Road (Route 137) as well as other roads in the area and the surrounding neighborhood. The proposed Facility will also provide service to northeastern Stamford. Attachment 1 is a Radio Frequency Engineering Report with coverage plots depicting the "Current Coverage" provided by AT&T's existing facilities in this area of the state and "Proposed Coverage" as predicted from the proposed Facility together with existing coverage from adjacent sites, including the recently constructed facility on Soundview Lane. Additional statistics regarding the overall area, population and roadway miles of expanded coverage in the community are included in AT&T's report.

B. Statement of Benefits

Northwestern New Canaan is an area that experiences significant gaps in both emergency communications and reliable wireless services. The coverage area for reliable wireless

¹⁸ See *Text-to-911: What you need to know* available at <https://www.fcc.gov/consumers/guides/what-you-need-know-about-text-911>. It should be noted that while the carriers have committed to supporting 911 texting in their service areas, text-to-911 is not available everywhere. Emergency call centers, called PSAPs (Public Safety Answering Points), are the bodies in charge of implementing text messaging in their areas. These PSAPs are under the jurisdiction of their local state and counties, not the FCC, which governs the carriers. See also *Text-to-911 is now available in Connecticut* available at <https://www.text911ct.org/>, indicating that the State of Connecticut has recently transitioned to the Text-to-911.

¹⁹ CTIA Annual "The State of Wireless 2020" available at <https://api.ctia.org/wp-content/uploads/2020/08/2020-Annual-Survey-final.pdf>.

services encompasses a large area of northwestern New Canaan, which has been labeled by the Town of New Canaan as the “Cellular Communication Priority Area.”²⁰ Carriers have seen the public’s demand for traditional cellular telephone services in a mobile setting develop into a requirement for anytime-anywhere wireless connectivity with critical reliance placed on the ability to send and receive voice, text, image and video. Provided that network service is available, modern devices allow for interpersonal and internet connectivity, irrespective of whether a user is mobile or stationary, which has led to an increasing percentage of the population to rely on their wireless devices as their primary form of communication for personal, business and emergency needs. This reliance on wireless services became critical during the pandemic for working-from-home, virtual schooling, telehealth appointments and access to goods. The Facility would allow AT&T and other carriers to provide these benefits to the public that are not offered by any other form of communication system.

Moreover, AT&T will provide “Enhanced 911” services from the Facility, as required by the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (codified in relevant part at 47 U.S.C. § 222) (“911 Act”). The purpose of this federal legislation is to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. In enacting the 911 Act, Congress recognized that networks that provide for the rapid, efficient deployment of emergency services would enable faster delivery of emergency care with reduced fatalities and severity of injuries. With each year since passage of the 911 Act, additional anecdotal evidence supports the public safety value of improved wireless communications in aiding lost, ill, or injured individuals, such as motorists and hikers. Carriers are able to help 911 public safety dispatchers identify wireless callers’ geographical locations within several hundred feet, a significant benefit to the community associated with any new wireless site.

In 2009, Connecticut became the first state in the nation to establish a statewide emergency notification system. The CT Alert ENS system utilizes the state Enhanced 911 services database to allow the Connecticut Department of Homeland Security and Connecticut State Police to provide targeted alerts to the public and local emergency response personnel alike during life-threatening emergencies, including potential terrorist attacks, Amber Alerts and natural disasters. Pursuant to the Warning, Alert and Response

²⁰ See page 76-77 of the Town of New Canaan 2014 Plan of Conservation & Development.

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

Public safety will also be serviced by AT&T's deployment of FirstNet services from this Facility. 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 FirstNet network. By deploying FirstNet at this Facility, AT&T will provide prioritize, preemptive wireless services for first responders in this area of New Canaan.

The important benefits of emergency communication services will also be provided by the Town which intends to install equipment on the proposed Facility for the New Canaan Fire Department, the Town of New Canaan Office of Emergency Management and the Town of New Canaan Police Department.

C. Technological Alternatives

The FCC licenses granted to wireless carriers operating in Connecticut authorize them to provide wireless services in this area of the state through deployment of a network of wireless transmitting sites. New Canaan is a community with significant changes in ground elevation with mainly forested land which provides for a challenging topography for transmitting wireless services in all directions. At this time, there are no known existing tower sites or structures in the northwestern New Canaan area that would meet the technical requirements and/or are available for lease or acquisition for construction of a tower site that could support a wireless facility.

Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means of addressing the existing coverage deficiency in New Canaan. Technologies like small cells are best suited for specifically defined areas where capacity is necessary, such as commercial buildings, shopping malls, and tunnels. Closing the coverage gaps and providing reliable wireless services in northwestern New Canaan requires a tower site that can provide reliable service over a footprint that spans several square-miles. The Applicants submit that there are no equally effective, feasible technological alternatives to a new tower for providing reliable personal wireless services in the northwestern New Canaan area.

IV. Site Selection and Tower Sharing

A. Site Selection

AT&T and indeed all other licensed carrier networks, currently do not provide reliable services in most areas of northwestern New Canaan as noted in the Town's independent wireless market study. Carriers, including AT&T have been engaged in site searches in the New Canaan area over a period of several years. This particular site search area in New Canaan is predominated by significant ranges in ground elevation with mainly forested land and challenging terrain. No tall structures are located at the higher elevations in this area of the Town of New Canaan. The entire area consists principally of a mix of single-family residential structures, wooded land and the Laurel Reservoir.

AT&T and Homeland independently investigated a number of different parcels of land within northwestern New Canaan as well as the City of Stamford for construction of a new tower facility. AT&T's site search efforts date back several years. Homeland's search was conducted over a three and one-half year period. As provided in Attachment 2, other than the Parcel, twenty-three (23) other sites were investigated and deemed either unavailable or inappropriate for the siting of a tower facility or technically inadequate to satisfy AT&T's coverage requirements for this area of need.

B. Tower Sharing

The proposed Facility is designed to accommodate the antennas and equipment of AT&T and up to three (3) additional wireless carriers for wireless services networks in the Town of New Canaan as well as Town Fire Department, Emergency Management and

Police Department. Verizon indicated a need to use the proposed Facility to remedy a gap in its wireless network and plans to intervene in this proceeding.

V. Facility Design

The proposed Facility includes an approximately 5,100 s.f. rectangular shaped lease area located in the northeast portion of the approximately 5.16 acre Parcel located at 1837 Ponus Ridge Road. The Facility consists of a new self-supporting monopole designed to resemble a pine tree (“monopine”) that is 110’ in height with faux branches extending an additional 5’ above the top of the pole, bringing the total height of the monopine to approximately 115’. The monopine tower will be located within a 3,000 s.f. fenced equipment compound. AT&T would install six (6) antennas with nine (9) remote radio head units (RRHs) at a centerline height of 106’ and will install a walk-in equipment cabinet and emergency generator at grade within the fenced equipment compound. The tower would be designed for future shared use of the structure by other FCC licensed wireless carriers. Municipal antennas for the Town include a 12’ long omni antenna located at the top of the monopine structure; a 12’ log omni antenna located at approximately 60’ AGL; and a 2’ microwave dish at an elevation of 114’ AGL.²¹ The monopine will be designed with a hinge point at approximately 80’ AGL so that in the unlikely event of a catastrophic failure, the tower radius will be contained within the Parcel boundaries.

The 3,000 s.f. fenced equipment compound would accommodate AT&T’s equipment, the Town’s equipment and provide for future shared use of the Facility by other carriers. The tower compound would be enclosed by an 8’ high chain link fence with brown privacy slats and evergreen landscaping outside of the fence along the northern and eastern sides of the equipment compound. An AT&T walk-in cabinet and 15kW diesel emergency generator would be installed at the tower base on a concrete pad with a containment trench within the tower compound.

Vehicle access to the Facility would be provided from Ponus Ridge Road over an existing paved driveway a distance of approximately 40’ then along a proposed gravel access drive a distance of approximately 460’ to the proposed compound. Utility connections

²¹ Verizon intends to intervene in this proceeding and will propose to install its antennas at a centerline height of approximately 95’ AGL.

would be routed underground from the existing utility pole located on Ponus Ridge Road. Attachments 3 and 4 contain the specifications for the proposed Facility, including an abutters map, existing conditions survey, site plan, compound plan and tower elevation, and other relevant details of the proposed Facility.

Included as Attachments 5, 6, 7, 8 and 9 are various documents obtained or created as part of the Applicants' environmental review including a Visibility Analysis (Attachment 8). Some of the relevant information included in Attachments 5, 6, 7, 8 and 9 reveals that:

- Total area of disturbance is approximately 40,000 s.f. and 103 trees at 6" or greater dbh are proposed for removal. Thirteen replacement trees will be installed along the northern and eastern boundaries of the fenced equipment compound. Site improvements entail approximately 65 cubic yards of fill. Approximately 250 cubic yards of crushed stone are needed for the compound and driveway construction.
- On-site management of stormwater and erosion controls will be implemented during and after construction and as such, the proposed Facility will have little to no impact on water flow or water quality. Additional measures, such as construction phasing or erosion controls and soil stabilization and redundant erosion control measures will be incorporated for additional protection of the nearby reservoir. No direct impacts to any wetlands or watercourses are anticipated.
- Topography and vegetation will obscure, partially or totally, views of the tower from most locations within the two-mile radius study area during leaf-on conditions. Visual mitigation is also enhanced by the monopine design.

VI. Environmental Compatibility

Pursuant to C.G.S. §16-50p (a)(3)(B), the Siting Council is required to find and determine as part of the Application process any probable impact of the Facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity, and fish and wildlife. As demonstrated in this Application, the Facility will be constructed in compliance with applicable regulations

and guidelines, and best practices will be followed to ensure that the construction of the proposed Facility will not have a significant adverse environmental impact. In addition, the regular operation and monthly maintenance of the Facility will not have a significant environmental impact.

A. Visual Assessment

Included in Attachment 8 is a Visibility Analysis which contains a viewshed map and photo simulations of off-site views. As detailed in the enclosed Visibility Analysis, areas from where the Facility would be visible comprise 198+/- acres of year round visibility with 195 acres of visibility occurring over open water on the Laurel Reservoir. Seasonal visibility is estimated at an additional 80+/- acres. Together, this represents approximately 3.5%, or less than 4% of the 2-mile radius study area. Topography, vegetation, the relative height of the tower and the monopine design will obscure, partially or totally, views of the tower from most locations in the study area during leaf-on conditions. The visual assessment concludes that the majority of the views beyond the Parcel would occur along the shoreline of the reservoir.

No schools or commercial child care centers are located within 250' of the Parcel. West Elementary School of New Canaan is located approximately 2.4 miles southeast of the Parcel and no visibility is predicted from this school.

Weather permitting, the Applicants will raise a balloon with a diameter of at least three (3) feet at the Parcel on the day of the Siting Council's first hearing session on this Application, or at a time otherwise specified by the Siting Council.²²

B. CT DEEP, SHPO and Other State and Federal Agency Comments

Various consultations and analyses for potential environmental impacts are summarized and included in Attachment 9. Representatives of the Applicants submitted requests for review from federal and state entities including the Connecticut Department of Economic and Community Development State Historic Preservation Office (SHPO). Homeland Towers conducted an evaluation of the proposed Facility's potential effects on historic resources and concluded that the proposed Facility will have no effect on historic

²² The Applicants will comply with Siting Council directives regarding the state-wide efforts to prevent the spread of the corona virus with respect to conducting the balloon float.

properties listed or eligible for listing on the National Register of Historic Places. Attachment 9 includes this Preliminary Historic Resource Determination. Homeland Towers is consulting with SHPO to confirm these findings. Homeland will also conduct a Phase IB professional cultural resources assessment and reconnaissance survey and provide the results to SHPO.

The proposed Facility is located within a DEEP Natural Diversity Data Base (“NDDDB”) buffer zone as shown in the map included in Attachment 9. According to DEEP, three State-listed species may be influenced by activities associated with the proposed Facility: Little brown bat, Red bat, and Eastern box turtle. As set forth in the USFWS & NDDDB Compliance Report included in Attachment 9, Homeland will comply with all protective measures to minimize impacts to these species as detailed in DEEP’s January 7, 2022 correspondence, a copy of which is included in Attachment 9.

Homeland also conducted a review of the potential impact of the Proposed Facility on the northern long-eared bat (“NLEB”) and bog turtle, two federally listed threatened species. With respect to the NLEB, while the proposed Facility is not located within 150’ of a known occupied NLEB maternity roost tree and is not within 0.25 mile of a known NLEB hibernaculum, Homeland will implement the protection measures as outlined in the USFWS & NDDDB Compliance Report included in Attachment 9. An assessment of the potential suitable habitat for bog turtle revealed that the wetlands at the Site do not support the preferred habitat of bog turtles. As such, the proposed Facility will not affect bog turtles. See the USFWS & NDDDB Compliance Report included in Attachment 9.

As required by statute, this Application is being served on state and local agencies, which may choose to comment on the Application prior to the close of the Siting Council’s public hearing.

C. Power Density

In August of 1996, the FCC adopted a standard for Maximum Permissible Exposure (MPE) for RF emissions from telecommunications facilities like the one proposed in this Application. The tower site will fully comply with federal and state MPE standards. The cumulative worst-case calculation of power density from AT&T’s operations would be

5.49% of the MPE standard. A maximum power density report is included in Attachment 7.

D. Wetlands, Drainage & Other Environmental Factors

A wetland delineation was conducted at the Parcel and there were no wetlands identified in or immediately adjacent to the proposed access drive or the lease area. Wetlands are located approximately 245' west of the proposed compound and approximately 146' west of the proposed gravel access drive at its closest point. Proposed sedimentation and erosion controls will be designed, installed, and maintained during construction activities in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control which will minimize any temporary impacts. Additional protection measures such as phasing of erosion controls, soil stabilization techniques and redundant erosion control measures will be implemented to protect the nearby reservoir. Overall, the construction and operation of the proposed Facility will not impact any wetlands or inland waterways. The Wetlands Inspection is included in Attachment 6.

Included in Attachment 6 is an Avian Resources Evaluation which concludes that no migratory bird species are anticipated to be impacted by the Proposed Facility. No Important Bird Areas are located in proximity to the Proposed Facility and it will comply with the United States Fish and Wildlife Service guidelines for minimizing impacts to bird species.

The proposed Facility would be unmanned, requiring monthly maintenance visits approximately one hour long. Carriers that maintain antennas and equipment at an approved Facility monitor their facility 24 hours a day, seven days a week from a remote location. The proposed Facility does not require a water supply or wastewater utilities. No outdoor storage or solid waste receptacles will be needed. Furthermore, the proposed Facility will neither create nor emit any smoke, gas, dust, other air contaminants, noise, odors, nor vibrations other than those created by any heating and ventilation equipment or generators installed by the carriers. During power outages and weekly equipment cycling an emergency generator would be utilized with air emissions in compliance with State of Connecticut requirements.

E. National Environmental Policy Act Review

The Applicants evaluated the project in accordance with the FCC's regulations implementing the National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat. 852 (codified in relevant part at 42 U.S.C. § 4321 et seq.) ("NEPA"). The parcel was not identified as a wilderness area, wildlife preserve, National Park, National Forest, National Parkway, Scenic River, State Forest, State Designated Scenic River or State Gameland. Furthermore, according to the site survey and field investigations, no federally regulated wetlands or watercourses will be impacted by the proposed Facility.

F. Air Navigation

The proposed Facility was analyzed for potential impacts to air navigation. The Applicants obtained a Federal Aviation Administration ("FAA") 1-A Survey as well as an FAA Determination of No Hazard to Air Navigation Determination. These confirm that no marking or lighting of the tower for air navigation safety is required and that the tower will not be an obstruction to aviation. See materials included in Attachment 4.

VII. **Consistency with the Town of New Canaan's Land Use Regulations**

Pursuant to the Siting Council's Application Guide, a narrative summary of the consistency of the project with the Town's zoning and wetland regulations and plan of conservation and development is included in this section. A description of the zoning classification of the site and the planned and existing uses of the proposed site location are also detailed in this section.

A. New Canaan's Plan of Conservation and Development

The New Canaan 2014 Plan of Conservation & Development ("POCD"), effective August 1, 2014, is included in the Bulk Filing. POCD Pages 76-77 address wireless service and infrastructure and confirm that "New Canaan needs to enhance the wireless communications coverage in the community and do it in ways which are available, effective, and discrete." The POCD confirms the existence of areas in northern New Canaan where service is not available, as well as documented instances where people were unable to summon emergency assistance when needed as a result of car accidents and fires. The proposed Facility will provide coverage to a significant portion of the "Cellular Communication Priority Area" on POCD's Conceptual Telecommunication Plan.

It is respectfully submitted that the proposed Facility fulfills the POCD's goals by providing reliable wireless service to the northwestern portion of New Canaan.

B. New Canaan's Zoning Regulations and Zoning Classification

The Town of New Canaan Zoning Regulations Section 7.8 set forth general requirements for communications tower siting. The Parcel is classified in the Town's 4 Acre Residence Zone. The Town of New Canaan Zoning Regulations provide specific standards to be submitted to the CSC for consideration in reviewing the "location preferences or criteria" of the proposed Facility pursuant to C.G.S. Chapter 277a. The table below provides a review of general requirements of tower facilities under the Town of New Canaan Zoning Regulations accompanied by the proposed Facility's overall conformity with those requirements.

Section from the Zoning Regulations	Standard or Preference	Proposed Facility
7.8.G.1	Protect the Town's visual quality and minimize any adverse visual impacts of wireless communications facilities through proper design, siting, and screening.	The Town's visual quality will be protected from any adverse visual impacts due to the proposed stealth "monopine" design and surrounding topography and vegetation. As set forth herein, the limited visibility of the proposed Facility will occur over open water on the reservoir to the west and southwest.
7.8.G.2	Avoid locating wireless facilities in: <ul style="list-style-type: none"> - Special Flood Hazard zones; - Regulated wetland areas. 	As set forth herein, the proposed Facility will not be located within any Special Flood Hazards zones or any regulated wetlands, watercourses, or required buffers.
7.8.G.3	Avoid locating wireless communication facilities in locations which will have adverse visual impacts upon: <ul style="list-style-type: none"> - Recognized historic plans (properties listed in the National Register of Historic Places and/or the State Register of Historic Places); - Designated historic district (National Register of Historic Districts, State Register Historic 	An evaluation of the proposed Facility on historic resources indicates that such resources are not located proximate to the Parcel or within one-half mile of the Parcel. As such, it is anticipated that the proposed Facility will not have any adverse visual impacts on any recognized historic places or structures. The visibility analysis included in Attachment 8 demonstrates that the proposed Facility will not have an adverse

	<p>Districts, and/or local historic districts);</p> <ul style="list-style-type: none"> - Scenic resources designated in the Plan of Conservation and Development or elsewhere; <p>Areas shown on the: Connecticut DEEP Natural Diversity Database, and/or Federal Listed Species and Natural Communities Maps.</p>	<p>visual impact on the Laurel Reservoir views.</p> <p>With respect to the federally-listed and State-listed species that may occur on the Parcel, Homeland will comply with all applicable protection measures to minimize any impacts.</p>
7.8.G.4	For new towers, New Canaan expresses its preference that the number of towers be minimized, especially visually prominent ground-mounted towers.	The proposed Facility is designed to accommodate additional carriers to allow colocation in the future to reduce the need for additional towers.
7.8.G.5	Order and hierarchy of preferences for wireless communication facilities.	While the proposed Facility is technically listed as "Not Preferred" under the Town of New Canaan preferences, none of the preferred antenna types are feasible due to the lack of existing tall structures or buildings in the vicinity and the necessary number of antennas to address the coverage gap preventing the use of internal mounting designs or the use of preferred technological alternatives.
7.8.G.7	New towers shall be located away from property lines and habitable buildings at least as far as the height of the tower, including any antennas or other appurtenances unless adequate information has been provided to demonstrate that a "yield point" or other approach has been designed into the tower to avoid a tower falling on adjacent properties or habitable buildings.	The 115' monopine tower is proposed to be located approximately 232' from the nearest habitable building. While the tower is 110' feet from the nearest lot line, the proposed monopine tower is designed with a "hinge point" or yield point at 80' AGL so that in the unlikely event of a catastrophic failure, the tower radius will be contained within the parcel.
7.8.G.9	Lighting of any wireless communication facilities shall be clearly disclosed and shall not exceed what is clearly necessary for public safety. No towers shall be artificially lighted unless required by the FAA or other applicable authority and specifically authorized by the Commission.	No illumination is required by the FAA and none is proposed.

7.8.G.10	Signage shall be clearly disclosed and should not exceed what is clearly necessary for public safety.	No advertising signs are proposed, and any other signage would be minimal in scale and nature and would be limited to no trespassing, warning, FCC registration, and associated signs on the compound fencing.
7.8.G.11	Site Development shall minimize impervious surfaces, avoid soil erosion and runoff problems, maintain natural buffers, and provide for security and safe access.	As set forth herein, the proposed Facility will not result in any significant adverse environmental impacts.
7.8.G.12	Tower shall be protected to prevent unauthorized climbing.	The monopine tower will be located within a compound enclosed with an 8' tall fence.
7.8.G.13	<p>Equipment shelters associated with telecommunications facilities:</p> <ul style="list-style-type: none"> - Shall be concealed within buildings that resemble shed and other building types found in New Canaan; - Shall not exceed one story in height and shall not exceed the minimum height in feet for an accessory building as specified in Section 3.5.F.2 of these Regulations; - Shall be setback from property lines in accordance with the requirements in the zoning district for the minimum yard setbacks for principal buildings; - Shall be appropriately scaled and designed for the setting and number of carriers provided; <p>The Commission may allow the use of underground vaults or ground-mounted equipment shielded by extensive landscaping and/or fencing.</p>	The proposed equipment cabinet will be concealed from view behind an 8' fence as well as shielded from view by the natural buffer in the area as well as proposed landscaping. The proposed walk-in equipment cabinet will not exceed one story or the maximum permitted height of accessory structures in the Four Acre Residence Zone (30 feet above finished average grade; 35 feet above pre-existing average grade). The proposed equipment compound will meet all setbacks required for principal buildings except for one side yard setback (proposed 45' where 50' are required). The proposed equipment compound and cabinets are scaled appropriately to accommodate AT&T's equipment as well as the equipment of additional carriers.
7.8.G.15	Any equipment cabinets or other appurtenances used in association with the tower or antennas shall be clearly shown as part of the application including how such equipment is designed to blend with the surrounding landscape or be obscured from adjacent properties and streets.	The equipment cabinets and other grade-level equipment are incorporated as part of this application and will be concealed utilizing the natural buffer, the proposed 8' fence and proposed landscaping.

7.8.G.16	Security fencing, no more than six feet in height, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.	The Applicants are proposing an 8' fence to completely enclosed the Facility.
7.8.G.17	Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.	The Facility is proposed on a portion of the Property characterized with a dense natural vegetated buffer. The Applicants propose additional trees, 8'-10' in height, along the northern and eastern portions of the Facility to further increase the natural buffer.
7.8.G.18	All antennae and equipment shall be operated in a manner consistent with FCC guidelines for radio frequency emissions and other requirements.	An RF Power Density report is included in Attachment 7 which demonstrates compliance with applicable standards.
7.8.G.19	All antennae and equipment shall, under normal operating conditions, be consistent with the noise standards as stated in the Town of New Canaan Noise Ordinance, Chapter 6B of the Town of New Canaan Code.	The only noise that will be emitted from the proposed Facility will result from the proposed generator's use during emergency situations and occasional testing. The Town of New Canaan Noise Ordinance specifically exempts and excludes "noise created as a result of, or relating to, an emergency, including emergency generators, and public health and safety emergencies." ²³ Additionally, the emergency generator will be enclosed within the fenced compound for additional noise mitigation.

C. Planned and Existing Land Uses

The Facility is proposed on an approximately 5.16-acre parcel of land owned by 1837 LLC with the surrounding area being made up of single family residences and the Laurel Reservoir to the west. Consultation with municipal officials did not indicate any other planned changes to the existing surrounding land uses. Copies of the Town of New

²³ Town of New Canaan Code § 36A-4.

Canaan Zoning Code, Inland Wetlands Regulations, Zoning Map and Plan of Conservation and Development are included in the Bulk Filing.

D. New Canaan's Inland Wetlands and Watercourses Regulations

The New Canaan Inland Wetlands Regulations ("Local Wetlands Regulations") regulate certain activities conducted in "Wetlands" and "Watercourses" as defined therein. The Town established upland review areas for wetlands and watercourses of 50' for regulated activities. As set forth in the Wetland Investigation Report in Attachment 6, the proposed Facility is located approximately 245' west of the nearest wetland resource located on the western side of the Parcel. As such, the project would not constitute a regulated activity under Local Wetlands Regulations. The proposed Facility is not anticipated to result in an adverse impact to wetlands due to the distance separating the proposed work activities from the nearest wetland or watercourse. Further, all appropriate sediment and erosion control measures will be designed and employed in accordance with the Connecticut Soil Erosion Control Guidelines, as established by the Connecticut Council of Soil and Water Conservation and DEP (2002). Soil erosion control measures and other best management practices will be established and maintained throughout the construction of the proposed Facility, including additional measures to protect the nearby reservoir. The Applicants do not anticipate an adverse impact on any wetland or water resources as part of construction or longer term operation of the Facility and respectfully submit that any indirect impacts would be less than those associated with development of the Parcel for a use as a single family residence.

VIII. Consultation with Town Officials

C.G.S. § 16-50/ generally requires an applicant to consult with the municipality in which a new tower facility may be located for a period of ninety days prior to filing any application with the Siting Council. On October 5, 2021, Homeland met with Tiger Mann, Director of Public Works and Maria Coplit, Town Engineer, to discuss the preliminary design of the Facility and to obtain any input/comments from the Town. Homeland and All-Points Technology conducted a follow-up call on November 5, 2021 attended by Mr. Mann, Ms. Coplit and Kathleen Holland with inland wetlands to discuss implementation of the Town's comments that were received as it related to the proposed access drive, mitigation of any potential run off and implementation of soil and erosion control measures. With respect to the Facility as proposed in this Application, a Technical Report

was filed with the Town of New Canaan on December 14, 2021. On January 24, 2022, the Town of New Canaan Board of Selectmen held a duly noticed hybrid (virtual and limited in-person) public information meeting at the Town of New Canaan Town Hall which included an opening statement by First Selectman Moynihan, a presentation by the Applicants, and comments and questions from the Board of Selectman and the public. The Applicants did not receive any additional comments after the public information meeting.

A copy of the December 14, 2021 Technical Report is included in the Bulk Filing.

IX. Estimated Cost and Schedule

A. Overall Estimated Cost

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

Requisite Component:	Cost (USD)
Tower & Foundation	150,000
Site Development	150,000
Utility Installation	55,000
Facility Installation	75,000
Subtotal Homeland Towers Cost	430,000
Antennas and Equipment	107,000
Subtotal AT&T Cost	107,000
Total Estimated Costs	537,000

B. Overall Scheduling

Site preparation work would commence following Siting Council approval of a Development and Management (“D&M”) Plan and the issuance of a Building Permit by the Town of New Canaan. The site preparation phase is expected to be completed in 4-5 weeks. Installation of the monopole, antennas and associated equipment is expected to take an additional 3 weeks. The duration of the total construction schedule is

approximately 8 weeks. Facility integration and system testing for carrier equipment is expected to require an additional 2 weeks after construction is completed.

X. Conclusion

This Application and the accompanying materials and documentation clearly demonstrate that a public need for a new tower in northwestern New Canaan and northeastern Stamford exists to provide both emergency communications and wireless services to the public. AT&T and other wireless carriers have gaps in reliable communications in and around this area of the state. The Applicants respectfully submit that the public need for the proposed Facility outweighs any potential environmental effects from development of the tower, none of which have been identified as substantial or significant. Accordingly, the Applicants respectfully request that the Siting Council grant a Certificate of Environmental Compatibility and Public Need to Homeland Towers for a new wireless telecommunications Facility in northwestern New Canaan.

Respectfully Submitted,

By: 

Lucia Chiochio, Esq.
Kristen Motel, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
(914) 761-1300
Attorneys for the Applicants