

<p>DOCKET NO. 512 - Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 60 Vale Road, Brookfield, Connecticut.</p>	<p>} } }</p>	<p>Connecticut Siting Council</p>
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February 2, 2023

Findings of Fact

Introduction

1. Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T (Applicants), in accordance with provisions of Connecticut General Statutes (C.G.S.) §16-50g, et seq, applied to the Connecticut Siting Council (Council) on August 10, 2022 for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 165-foot monopole wireless telecommunications facility at 60 Vale Road in Brookfield, Connecticut (refer to Figures 1 and 2). (Applicants 1, pp. 2-3)
2. Homeland Towers, LLC (HT) is a New York limited liability company with offices at 9 Harmony Street, Danbury, Connecticut. HT currently owns numerous tower facilities in Connecticut. HT would construct, maintain and operate the proposed facility and would be the Certificate Holder. (Applicants 1, pp. 3-4)
3. New Cingular Wireless PCS, LLC (AT&T) is a Delaware limited liability company with an office at 84 Deerfield Lane, Meriden, Connecticut. AT&T is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service to Connecticut. (Applicants 1, pp. 4, 10)
4. The party in this proceeding is Applicants. (Record; Transcript 1, November 3, 2022, 2 p.m. [Tr. 1], p. 5)
5. There are no Connecticut Environmental Protection Act (CEPA) Intervenors in this proceeding. (Record)
6. The purpose of the proposed facility is to provide reliable wireless communications services for AT&T's customers and address significant coverage deficiencies in AT&T's network in portions of southern Brookfield, eastern Danbury and northern Bethel. (Applicants 1, p. 2)
7. Under C.G.S. §16-50p(b), there is presumption of public need for personal wireless services and the Council is limited to consideration of a specific need for any proposed facility to be used to provide such services to the public. (C.G.S. §16-50p(b) (2021); Council Administrative Notice Item No. 4)
8. Also under C.G.S. §16-50p(b), the Council must examine whether the proposed facility may be shared with any public or private entity that provides service to the public if the shared use is technically, legally, environmentally and economically feasible and meets public safety concerns, and may impose reasonable conditions as it deems necessary to promote the immediate and shared use of telecommunications facilities and avoid the necessary proliferation of such facilities consistent with the state tower sharing policy. (C.G.S. §16-50p(b) (2021); C.G.S. §16-50aa (2021))

9. Pursuant to C.G.S. § 16-50l (b), Applicants provided public notice of the filing of the application that was published in the Danbury News-Times on August 4 and 5, 2022. (Applicants 1, p. 5; Applicants 2)
10. Pursuant to C.G.S. § 16-50l (b), notice of the application was provided to all abutting property owners by certified mail on August 3, 2022. Of the 14 abutting property owners, Applicants received receipt confirmation from 9 abutters. Supplemental notice letters were sent to the remaining 5 abutters that did not claim return receipts by first class mail on September 27, 2022. (Applicants 1, Attachment 11 – Certification of Service; Applicants 4, response 2)
11. On August 9, 2022, Applicants provided notice to all federal, state and local officials and agencies listed in C.G.S. § 16-50l (b). (Applicants 1, Attachment 12 – Certification of Service)

Procedural Matters

12. 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. 55)
13. 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. 55).
14. 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 C.G.S. §1-225. (Council Administrative Notice Items No. 55)
15. Public Act (PA) 22-3 took effect on April 30, 2022. It permits public agencies to hold remote meetings under the Freedom of Information Act (FOIA) and the Uniform Administrative Procedure Act. FOIA defines “meeting” in relevant part as “any hearing or other proceeding of a public agency.” (Council Administrative Notice Items No. 55; C.G.S. §1-200, *et seq.* [2021]).
16. PA 22-3 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 Items No. 55)
17. Upon receipt of the application, the Council sent a letter to the Town of Brookfield (Town) on August 11, 2022, as notification that the application was received and is being processed, in accordance with C.G.S. § 16-50gg. (Record)

18. Local zoning regulations do not apply to facilities under the exclusive jurisdiction of the Council. Pursuant to C.G.S. §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 C.G.S. §16-50gg as the Council shall deem appropriate. (C.G.S. §16-50x (2021))
19. On August 11, 2022, the Council requested an extension of time for a completeness review of the Application due to the cancellation of the Council's September 1, 2022 regular meeting. On August 19, 2022, Applicants granted the Council an extension of time to September 16, 2022. (Record)
20. During a regular Council meeting on September 15, 2022, the application was deemed complete pursuant to Regulations of Connecticut State Agencies (R.C.S.A.) § 16-50l-1a and the public hearing schedule was approved by the Council. (Record)
21. Pursuant to C.G.S. § 16-50m, on September 16, 2022, 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)
22. Pursuant to 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 Danbury News-Times on September 17, 2022. (Record; Tr. 1, p. 5)
23. 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. (Record; *Manor Development Corp. v. Conservation Comm. of Simsbury*, 180 Conn. 692, 701 (1980); *Grimes v. Conservation Comm. of Litchfield*, 243 Conn. 266, 278 (1997))
24. On October 13, 2022, in lieu of an in-person field review of the proposed site, the Council requested that Applicants submit photographic documentation of site-specific features into the record intended to serve as a "virtual" field review of the site. On October 26, 2022, Applicants submitted such information in response to the Council's interrogatories. (Record; Applicants 4, Response 37, Attachment 4)
25. On November 3, 2022, 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 C.G.S. §1-210(b) and consistent with the Conclusions of Law adopted in Docket 366. (Tr. 1, pp. 7-10; Record)
26. Pursuant to C.G.S. §16-50p(g), the Council shall in no way be limited by Applicants already having acquired land or an interest therein for the purpose of constructing the proposed facility. (C.G.S. §16-50p(g) (2021); *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))
27. The Council's evaluation criteria under C.G.S. §16-50p does not include the consideration of property ownership or property values nor is the Council otherwise obligated to take into account the status of property ownership or property values. (Tr. 1, p. 7; Tr. 2, p. 8; C.G.S. §16-50p (2021); *Westport v. Conn. Siting Council*, 47 Conn. Supp. 382 (2001); *Goldfisher v. Conn. Siting Council*, 95 Conn. App. 193 (2006))

28. On October 12, 2022, the Council held a remote pre-hearing conference 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 October 5, 2022; R.C.S.A §16-50j-22a; R.C.S.A. §16-50j-26)
29. In compliance with R.C.S.A. § 16-50j-21, on October 19, 2022 Applicants installed a four-foot by six-foot sign along Vale Road at the entrance of the existing access drive for the host parcel. The sign presented information regarding the proposed telecommunications facility and the Council's public hearing. (Applicants 3 - Sign Posting Affidavit)
30. Pursuant to C.G.S. § 16-50m, the Council gave due notice of a remote public hearing to be held on November 3, 2022, 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 September 16, 2022; Tr. 1, p. 1; Transcript 2, November 3, 2022, 6:30 p.m. [Tr. 2], p. 1)
31. The 6:30 p.m. public comment session afforded interested persons the opportunity to provide oral limited appearance statements. Interested persons were also afforded an opportunity to provide written limited appearance statements at any time up to 30 days after the close of the evidentiary record. Limited appearance statements in this proceeding, whether oral or written, were not provided under oath nor subject to cross examination. (Tr. 1, pp. 6-7; Tr. 2, pp. 6-8; C.G.S. §16-50n(f) (2021))
32. During the public comment session of the Council's hearing held on November 3, 2022, ten persons made oral limited appearance statements about the proposed facility. (Tr. 2, pp. 12-34)
33. In compliance with PA 22-3:
 - 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 recordings and transcripts were posted on the Council's website on November 3, 2022 and November 25, 2022, respectively;
 - c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearings were posted on the Council's website;
 - d) Prior to, during and after the remote public hearings, the record of the proceeding has been, and remains, available on the Council's website for public inspection; and
 - e) The Council, parties and intervenors provided their information for identification purposes during the remote public hearings.(Hearing Notice dated September 16, 2022; Tr. 1; Tr. 2; Record)
34. The purpose of discovery is to provide the Council, parties and intervenors access to all relevant information in an efficient and timely manner to ensure that a complete and accurate record is compiled. (R.C.S.A. §16-50j-22a)
35. In an administrative proceeding, irrelevant, immaterial or unduly repetitious evidence shall be excluded, and an agency has the right to believe or disbelieve the evidence presented by any witness, even an expert, in whole or in part. (C.G.S. §4-178 (2021); *Dore v. Commissioner of Motor Vehicles*, 62 Conn. App. 604 (2001); R.C.S.A. §16-50j-25)

36. Pursuant to C.G.S. §16-50n(f), at the conclusion of the hearing session held on November 3, 2022, the Council closed the evidentiary record for Docket 512 and established December 3, 2022 as the deadline for public comments and the submission of briefs and proposed findings of fact. (Record)
37. On December 1, 2022, Applicants submitted a post-hearing brief. (Record)
38. Constitutional principles permit an administrative agency to organize its hearing schedule so as to balance its interest in reasonable, orderly and non-repetitive proceedings against the risk of erroneous deprivation of a private interest. It is not unconstitutional for the Council, in good faith, to balance its statutory time constraints against the desire of a party, intervenor or CEPA intervenor for more time to present their objections to a proposal. (*Concerned Citizens of Sterling v. Conn. Siting Council*, 215 Conn. 474 (1990); *Pet v. Dept. of Public Health*, 228 Conn. 651 (1994); *FairwindCT, Inc. v. Conn. Siting Council*, 313 Conn. 669 (2014))

State Agency Comment

39. Pursuant to C.G.S. § 16-50j (g), on September 16, 2022, 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)
40. No state agencies responded with comment on the application. (Record)
41. 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. (C.G.S. §16-50p(g) (2021); *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)).

Municipal Consultation

42. Pursuant to C.G.S. § 16-50l(f), Applicants commenced the 90-day pre-application municipal consultation process on April 14, 2022 by submitting a Technical Report to the Town First Selectperson regarding the proposed facility. (Applicants 1, p. 22 and Attachment 10)
43. A Public Information Meeting (PIM) was held at Town Hall on June 15, 2022, during which Applicants presented information about the proposed facility. (Applicants 1, p. 22)
44. Approximately 10 residents attended the PIM. Concerns that were raised include, but were not limited to, the facility's ability to improve coverage at the Town's schools, radio frequency emissions, and alternative tower locations. Applicants responded to each of the concerns at the PIM and did not receive any additional comments after the PIM. (Applicants 1, p. 22; Applicants 4, response 5)
45. During the public comment session of the Council's hearing held on November 3, 2022, among a total of 10 persons who made limited appearance statements about the facility, the Town First Selectperson made an oral limited appearance statement, a written copy of which was received by the Council on November 10, 2022, in opposition to the proposed facility noting that while there are wireless coverage issues in portions of Brookfield depending on the service provider, there are concerns about the effects of radio frequency emissions. (Tr. 2, pp. 12-15; Record)

46. Also during the public comment session of the Council's hearing held on November 3, 2022, the Chairman of the Police Commission; a Major at the Police Department; Police Chief; Fire Chief; and Deputy Fire Chief made oral limited appearance statements in support of the proposed facility, noting that it would improve public safety communications. (Tr. 2, pp. 21-29)

Public Need for Service

47. 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)
48. 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. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996)
49. 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)
50. 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)
51. 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)
52. 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)
53. 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)

54. 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)
55. 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. 12 – Presidential Executive Order 13616, Accelerating Broadband Infrastructure Development; Council Administrative Notice Item No. 23 – FCC Wireless Infrastructure Report and Order)
56. 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)
57. 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)
58. 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)
59. 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. (C.G.S. §16-50aa (2021))
60. On September 16, 2022, 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 October 27, 2022. (Record)
61. On October 6, 2022, Cellco Partnership d/b/a Verizon Wireless (Cellco) submitted correspondence to the Council that collocation is not in Cellco’s budget at this time, but it would seek the highest available antenna location for its network operations in the future. (Record; Applicants 4, response 16)
62. In addition to AT&T’s equipment, the facility is designed to accommodate three other wireless carriers and the Town/local emergency service providers. (Applicants 1, Attachment 4 – Sheet CP-1)

AT&T's Existing and Proposed Wireless Services

63. AT&T has a significant coverage deficiency in its wireless communications network in portions of southern Brookfield, eastern Danbury and Northern Bethel. Major travel corridors in this underserved area include Route 7, Route 202, Candlewood Lake Road, Federal Road, and White Turkey Road Extension. (Applicants 1, p. 1; Applicants 4, response 27)
64. AT&T proposes to operate 700 MHz, 850 MHz, 1900 MHz, 2100 MHz, 2300 MHz, and 3700 MHz frequencies at the site. All frequencies except 3700 MHz would be capable of supporting 5G services. (Applicants 1, Attachment 1, pp. 10-11; Applicants 4, response 19; Applicants 4, response 20, Attachment 2)
65. AT&T designs its 700 MHz and 850 MHz network using -83 dBm signal level threshold for reliable in-building service and a -93 dBm signal level threshold for reliable in-vehicle service. The 1900 MHz LTE, 2100 MHz, 2300 MHz, and 3700 MHz networks operate at -86 dBm and -96 dBm thresholds, respectively. (Applicants 1, Attachment 1, p. 2; Applicants 4, response 23)
66. AT&T currently operates eight facilities within an approximate four-mile radius of the proposed site. None of these facilities provide reliable network services to the proposed service area (refer to Figure 4). (Applicants 1, Attachment 1, p. 8; Applicants 4, response 25)
67. AT&T's proposed installation at the 161-foot level of the tower would provide a 700 MHz coverage footprint of 1.83 square miles at -83 dBm and 1.42 square miles at -93 dBm. (Applicants 1, Attachment 1, p. 5)
68. AT&T began its search for a site in March 2020. The search area was centered near the intersection of Duracell Drive and Research Drive and had a search radius of approximately 0.25 miles. (Applicants 4, response 6; Tr. 1, p. 18)
69. Within the 700 MHz footprint, reliable service would be provided to 2.0 miles of main roads and 7.5 miles of secondary roads (refer to Figure 5). "Main roads" include Route 7, Route 202, Candlewood Lake Road, Federal Road, and White Turkey Road Extension. (Applicants 4, response 27)
70. AT&T's proposed installation would not affect coverage at Brookfield Public Schools but would increase coverage along the Federal Road and Route 7 corridor. (Tr. 1, p. 21)
71. In addition to providing reliable service to the surrounding area, the proposed site would also provide capacity relief at the 700 and 850 MHz frequencies to the alpha sectors of existing AT&T sites CT2157 (48 Newtown Road, Danbury) and CT5073 (24 Hospital Avenue, Danbury). (Applicants 1, p. 2 and Attachment 1, p. 8; Applicants 4, response 29)
72. Lowering the height of AT&T's proposed antennas would affect AT&T's ability to fill the coverage gaps and provide handoff to adjacent sites. (Applicants 4, response 21)

Site Selection

73. HT began searching for a site in the Brookfield area in November 2020. AT&T began searching for a site in March 2020. HT entered into a lease agreement with the property owner for 60 Vale Road in 2021. (Applicants 1, Attachment 2; Applicants 4, response 6; Applicants 6; Tr. 1, p. 18)

74. There are no existing towers, buildings, or other structures within the search area that would meet coverage objectives for AT&T. Electrical transmission structures in the area would not be considered viable candidates for collocation due to the need to schedule outages to perform maintenance to antennas. (Applicants 1, Attachment 2 – Site Search Summary; Applicants 1, Attachment 2 – Existing Facilities within 4-mile Radius)
75. Applicants investigated 21 sites (refer to Figure 8) within the search area as follows:
- a) **60 Vale Road, Brookfield** (the proposed site): a 3.99 acre parcel zoned industrial that HT selected as the proposed site and entered into a lease agreement with the property owner.
 - b) **93 Grays Bridge Road, Brookfield**: a 3.77-acre Town-owned parcel zoned industrial. On August 2, 2021, Town Board of Selectman voted to not proceed with a lease.
 - c) **35 Old Grays Bridge Road, Brookfield**: a 4.09-acre Town-owned parcel zoned industrial. The Town Board of Selectman was not interested in pursuing a lease.
 - d) **1 Sand Cut Road, Brookfield**: a 23.84-acre parcel zoned industrial. The property owner was not interested in a lease.
 - e) **105 Grays Bridge Road, Brookfield**: a 2.8-acre parcel zoned industrial. The property owner did not respond to lease inquiry.
 - f) **61 Grays Bridge Road, Brookfield**: a 3.5-acre parcel zoned industrial. The property owner was not interested in leasing the amount of ground space required.
 - g) **56 Vale Road, Brookfield**: a 10.07-acre parcel zoned industrial. The property owner did not respond to lease inquiry.
 - h) **120 Park Ridge Road, Brookfield**: a 13.31-acre parcel zoned industrial. The property owner did not respond to lease inquiry.
 - i) **65 Vale Road, Brookfield**: a 1.9-acre parcel zoned industrial. While the property owner expressed interest, AT&T determined that this site would not meet its coverage objectives.
 - j) **93 Vale Road, Brookfield**: a 3.67-acre parcel zoned industrial. While property owner expressed interested, HT rejected this site due to wetland/flooding issues and because it would not meet AT&T's coverage objectives.
 - k) **107 Vale Road, Brookfield**: a 35.53-acre parcel zoned industrial. The property owner did not respond to lease inquiry.
 - l) **234 Grays Bridge Road, Brookfield**: a 3.67-acre parcel zoned industrial. This site was rejected because it would not meet AT&T's coverage objectives.
 - m) **86 Candlewood Lake Road, Brookfield**: a 5.04-acre parcel zoned industrial. This site was rejected because it would not meet AT&T's coverage objectives.
 - n) **14 Research Drive, Bethel**: a 43.80-acre parcel zoned industrial. The property owner was not interested in a lease.
 - o) **Stadley Rough Road and Rockwell Road, Danbury**: a 9.2-acre State-owned parcel zoned residential. This site was rejected because it would not meet AT&T's coverage objectives.
 - p) **100 Pocono Road, Brookfield**: a 45.15-acre Town-owned parcel zoned industrial with a 130-foot monopole. The tower was rejected because it would not meet AT&T's coverage objectives.
 - q) **Park Ridge Road, Brookfield**: a 13.31-acre parcel zoned industrial. The property owner was not interested in a lease for this site.
 - r) **Park Lawn Drive, Bethel**: a 2.96-acre parcel zoned industrial. The property owner was not interested in a lease for this site.
 - s) **Park Ridge Road, Bethel**: a 3.496-acre parcel zoned industrial with an Eversource Energy (Eversource) transmission structure. This site was rejected because neither the transmission structure nor a new tower build would meet AT&T's coverage objectives.
 - t) **111 Park Ridge Road, Bethel**: a 8.78-acre parcel zoned industrial. The property owner was not interested in a lease for this site.

u) **12 Riverview Drive, Danbury:** a 18.25-acre parcel zoned industrial. The property owner was not interested in a lease for this site.
(Applicants 1, Attachment 2 – Site Search Summary)

76. 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); C.G.S. §16-50p(g)(2019))
77. For any site to be considered a feasible and prudent alternative to a proposed facility site, it must be available to host the proposed facility. The Council has no authority to force a property owner to agree to sell or lease land, or any portion thereof, as a primary or alternative location for a proposed facility. (Corcoran v. Conn. Siting Council, 284 Conn. 455 (2007))

Small Cells and Distributed Antenna Systems

78. Small cells or distributed antenna systems would not be a practicable or feasible means of addressing the existing coverage deficiency within the proposed service area. Small cells are typically installed to provide added network capacity and serve well defined target areas such as commercial buildings, shopping malls and tunnels. The proposed tower (macrosite) would enable AT&T to provide wireless service to a large area. (Applicants 1, p. 12; Applicants 4, response 22)
79. AT&T estimates at least 30 utility pole small cells would be required to provide coverage to the target area. The approximate cost per small cell facility would be approximately \$50k to \$70k, depending on the amount of make-ready work including pole replacements. The front haul fiber connections to each facility would cost an additional \$50k to \$70k per facility. (Applicants 4, response 22)

Facility Description

80. Pursuant to R.C.S.A. §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))
81. The proposed site is located on an approximate 3.99-acre irregular shaped parcel at 60 Vale Road. The parcel has frontage on Vale Road (refer to Figure 2). (Applicants 1, Attachment 4 – Sheet EX-1)
82. The host parcel is located within the Industrial Height Overlay Zone (I-1) and is developed with a single-story office building, detached garage and surface parking. The parcel is accessed from a driveway extending west from Vale Road. (Applicants 1, pp. 2, 19 and Attachment 4 – Sheet SP-1)
83. The office building and garage are located in the central portion of the parcel. The southern and northeastern portions of the parcel are wooded/undeveloped. (Applicants 1, Attachment 4 – Sheet EX-1)
84. Land use immediately to the north/northwest is a railroad line; to the south are industrial/commercial; and to the west and east are industrial. (Applicants 1, p. 20 and Attachment 4 – Site Location Map; Applicants 1a – Town 2015 Plan of Conservation and Development, Current Land Use Map)

85. The proposed tower site is located in the northwestern portion of the host parcel, at an approximate elevation of 298 feet above mean sea level (amsl) (refer to Figure 7). (Applicants 1, Attachment – Sheet SP-1 and FAA-1A Survey Certification)
86. The proposed facility would consist of a 165-foot monopole. The tower would be designed to support four wireless carrier antennas as well as municipal emergency services antennas. (Refer to Figure 8). (Applicants 1, p. 13 and Attachment 4 – Sheet CP-1)
87. AT&T would install twelve antennas at a tower centerline height of 161 feet agl. (Applicants 1, Attachment 4 – Sheet CP-1)
88. The proposed tower is designed to support Town emergency communications and public works equipment. The site plan depicts municipal antennas on the tower, two 22-foot long whip antennas: one at the top of the tower and one at the 90-foot level of the tower. (Applicants 1, pp. 2-3 and Attachment 4 – Sheet CP-1; Tr. 1, pp. 14, 30)
89. A 70-foot by 45-foot (3,150 square foot) fenced equipment compound would be constructed at the base of the tower, within a 3,600 square foot lease area. The compound is oriented generally in a northwest-southeast direction. (Applicants 1, Attachment 4 – Sheet CP-1)
90. Within the compound, AT&T would install a walk-in equipment cabinet on a concrete pad and backup generator on a concrete pad with a containment trench. (Applicants 1, Attachment 4 – Sheet CP-1)
91. The proposed equipment compound would be surrounded by an eight-foot high chain link fence. The proposed compound fence would have a double-swing access gate that would be locked for security purposes. (Applicants 1, Attachment 4 – Sheet CP-1; Applicants 4, response 14)
92. Access to the site would be via an existing paved driveway/parking area off of Vale Road and would continue along a new 12-foot wide gravel drive for a total distance of 640 feet to reach the proposed compound. (Applicants 1, Attachment 3 – General Facility Description; Applicants 1, Attachment 4 – Sheets CP-1 and SP-2)
93. Power and telco utilities would extend underground from the southern side of the compound to a new on-site pole and then continue overhead to a new utility pole on the opposite side of Vale Road as part of the connection. (Applicants 1, Attachment 3 – General Facility Description; Applicants 1, Attachment 4 – Sheet SP-2)
94. The proposed overhead utility connection is preferred by Eversource. Applicants are willing to consider an all-underground utility route which could connect to an existing pole on the host property located to the southwest. (Applicants 1, Attachment 6 – Wetland Inspection Map; Tr. 1, pp. 49-50)
95. The site does not require water supply or wastewater utilities. There would be no water connection to the site. (Applicants 1, p. 3)
96. A geotechnical survey would be performed prior to construction to evaluate subsurface conditions as part of the Development and Management (D&M) Plan. (Applicants 4, response 9)

97. A D&M Plan is a condition of a Council final decision that must be met prior to commencement of construction and constitutes the “nuts and bolts” of a facility approved by the Council. (C.G.S. §16-50p (2021); R.C.S.A. §16-50j-75, *et seq.*; *Town of Westport v. Conn. Siting Council*, 260 Conn. 266 (2002))
98. The geotechnical study would involve utilizing a drill rig to perform boring tests. No tree clearing is expected to be necessary to perform the geotechnical study. (Tr. 1, pp. 26-27)
99. HT does not anticipate the need for blasting to construct the site. Subject to the results of the geotechnical survey, if ledge is encountered, HT would prefer to remove the ledge via chipping. If blasting is necessary, HT would follow appropriate protocols in accordance with state and municipal regulations. (Applicants 4, response 9)
100. Construction of the facility compound would require approximately 70 cubic yards (cy) of cut. Approximately 70 cy of clean broken stone fill would be used for the compound and access drive construction. Approximately 8 cy of cut would be initially removed to construct the utility trench, but such material would be reused to backfill the trench. (Applicants 1, Attachment 3 – Site Impact Statement)
101. There are no residences within 1,000 feet of the proposed tower. The nearest off-site residence is approximately 1,273 feet to the south (7 Park Lane). (Applicants 1, Attachment 3 – Site Impact Statement)
102. The proposed tower would be approximately 54 feet from the nearest railroad track. (Applicants 4, response 8)
103. The abutting property boundaries from the proposed tower are approximately 36 feet to the northwest (railroad corridor), 58 feet to the east (93 Vale Road) and 475 feet to the southwest (58 Vale Road). The proposed fence line would be approximately 9 feet from the nearest property line (railroad corridor). (Applicants 1, Attachment 4 – Sheet SP-1)
104. HT anticipates the facility could be constructed within eight weeks, followed by 2 weeks of facility testing/integration for the carrier. (Applicants 1, p. 23)
105. Site construction would commence following Council approval of a D&M Plan for the facility. (Applicants 1, p. 22)
106. A copy or notice of the filing of a D&M Plan with the Council, is required to be provided to the service list for comment. (R.C.S.A. §16-50j-75(e))
107. The Council has statutory authority to order a D&M Plan and the Council’s D&M Plan process has been upheld by the Connecticut Supreme Court. (C.G.S. §16-50p (2021); *FairwindCT, Inc. v. Conn. Siting Council*, 313 Conn. 669 (2014); Council Administrative Notice Item No. 61)
108. Once operational, the site would be accessed monthly for approximately one hour for maintenance visits. (Applicants 1, p. 17)
109. The estimated cost of the proposed facility is:
- | | |
|-------------------------|-----------|
| <u>HT</u> | |
| Monopole and Foundation | \$150,000 |
| Site Development | \$100,000 |
| Utility Installation | \$55,000 |

Facility Installation \$75,000

AT&T
Antennas and equipment \$172,000

Total Estimated Costs **\$552,000**
(Applicants 1, p. 22)

110. HT would recover construction costs associated with the facility by the revenue generated from leasing space on the facility to other wireless providers. (Applicants 4, response 4)
111. AT&T would recover the costs of its equipment as part of its business operations and services provided. (Applicants 4, response 4)
112. Neither the project, nor any portion thereof, is proposed to be undertaken by state departments, institutions or agencies or to be funded in whole or in part by the state through any grant or contract. Applicants are private entities. (Tr. 5, p. 46; C.G.S. §22a-1, *et seq.* (2021))

Public Health and Safety

113. 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)
114. The proposed facility would be in compliance with the requirements of the 911 Act and would provide Enhanced 911 services. (Applicants 1, p. 11)
115. 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)
116. AT&T's proposed equipment installation would be capable of supporting text-to-911 service. (Applicants 4, response 32)
117. 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)
118. AT&T's proposed equipment would provide WEA services. (Applicants 1, p. 11)

119. FirstNet is a subscriber service available to local emergency response entities that would allow preferred wireless service on AT&T's 700 MHz system during emergencies. These services are provided through a federal program to establish emergency communications to areas with deficient wireless service. AT&T's proposed equipment would support FirstNet services. (Applicants 1, p. 12 and Attachment 1, p. 1)
120. Pursuant to C.G.S. §16-50p(a)(3)(G), the facility would be constructed in accordance with the current Connecticut Building Code for tower design and in accordance with the currently adopted International Building Code. (Applicants 4, responses 10 and 15)
121. 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. (Applicants 1, p. 18 and Attachment 4)
122. The tower would be designed with a yield point at a height of 129 feet agl to ensure the tower setback radius* remains within the boundaries of the host property.
*The horizontal distance equal to the tower height that extends radially from the center of the tower.
(Applicants 1, p. 13 and Attachment 4, Sheets SP-1 and CP-1)
123. Security measures at the site would include, but are not limited to, the proposed compound fence, a locked access gate, and silent intrusion alarms on the equipment cabinets. (Applicants 4, response 14)
124. Operational noise from the facility would comply with DEEP Noise Control Regulations. (Applicants 1, p. 20)
125. 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))
126. The proposed site is not located within the Federal Emergency Management Agency (FEMA) designated flood zone. (Applicants 1a – Town 2015 Plan of Conservation and Development, FEMA Floodplain Map)
127. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of AT&T's antennas is 3.67% of the standard for the General Public/Uncontrolled Maximum Permissible Exposure, as adopted by the FCC, at a horizontal distance of 729 feet from the tower using the proposed antenna arrangement. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) using far-field methodology that assumes all channels would be operating simultaneously, which creates the highest possible power density levels. (Applicants 4, response 34, Attachment 3 – Calculated Radio Frequency Exposure, p. 6)

Emergency Backup Power

128. 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. 51)

129. 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)
130. 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. (Council Administrative Notice Item No. 33 – Council Docket No. 432)
131. AT&T would install a 15-kilowatt diesel-fueled generator in the northern portion of the compound. The generator includes a 54-gallon belly tank that could provide 54 hours of run time before refueling is required. AT&T would also install battery backup that would provide three to four hours of run time. (Applicants 1, Attachment 4, Sheet CP-1; Tr. 1, pp. 27, 42)
132. AT&T’s generator would be tested weekly, typically on Mondays or Tuesdays during daylight hours for approximately 30 minutes. (Applicants 1, Attachment 5 – Environmental Assessment Statement; Applicants 4, response 31)
133. A shared emergency backup generator among multiple carriers is not preferred in order to avoid a single point of failure. (Tr. 1, p. 38-39)
134. 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)

Environmental Considerations

Air and Water Quality

135. Operation of the proposed facility would not produce air emissions, excluding operation of the emergency backup generator. (Applicants 1, p. 17; Applicants 1, Attachment 5 – Environmental Assessment Statement, p. 1)
136. Pursuant to R.C.S.A. §22a-174-3b, AT&T’s generator would be managed to comply with DEEP’s “permit by rule” criteria. Therefore, the generator would be exempt from general air permit requirements. (Applicants 1, Attachment 5 – Environmental Assessment Statement, p. 1)
137. The Inland Wetlands and Watercourses Act (IWWA), C.G.S. §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. (C.G.S. §22a-36, et seq. (2021))
138. 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. (C.G.S. §22a-42a (2021))

139. 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. (C.G.S. §22a-41 (2021))
140. A Wetland Inspection was conducted on November 11, 2021. It identified one wetland area located in the eastern-central portion of the host property. (Applicants 1, Attachment 6)
141. Wetland 1 is located approximately 123 feet south of the facility lease area and fenced compound and consists of an isolated depressional wetland which experiences seasonal saturation from a perched seasonal groundwater table. (Applicants 1, Attachment 6; Applicants 1, Attachment 4 – Sheet SP-2)
142. No vernal pools were identified in the project area. (Applicants 1, Attachment 6)
143. Applicants would install appropriate erosion and sedimentation (E&S) controls consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control* (2002 Guidelines). This includes, but is not limited to, filter socks along the eastern portion of the project area. (Applicants 1, p. 17; Applicants 1, Attachment 4 – Sheet SP-2)
144. The distance from Wetland 1 to limits of disturbance (LOD) for the installation of E&S controls, is approximately 55 feet. (Applicants 1, p. 17; Applicants 1, Attachment 4 – Sheet SP-2)
145. Pursuant to C.G.S. §22a-430b, a DEEP Stormwater Permit is required for any disturbance greater than 1.0 acre. The construction LOD for the proposed site is approximately 15,000 square feet, therefore the project would not require a DEEP Stormwater Permit. (C.G.S. §22a-430b; DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities; Applicants 1, p. 14 and Attachment 4 – Sheet SP-1).
146. Generally, a minimum 100-foot undisturbed upland buffer along a wetland boundary or on either side of a watercourse should be maintained to promote water quality. Establishment of buffers should also consider slopes and the sensitivity of wetland/watercourse resources. (Council Administrative Notice Item No. 35 - *2004 Stormwater Quality Manual*, pp. 4-3 – 4-4)
147. With the proposed E&S controls in accordance with the 2002 Guidelines, the proposed project would not be expected to adversely impact Wetland 1. (Applicants 1, Attachment 6 – Wetland Delineation Field Form, p. 2)
148. AT&T's tertiary containment measures for the proposed generator include a double-walled tank and secondary containment trench below the tank in the event of a spill. (Applicants 1, Attachment 4 – Sheet C-3; Tr. 1, p. 27)
149. The site is not within a state-designated aquifer protection area or a public drinking water supply watershed. (Council Administrative Notice No. 72 – DEEP Aquifer Protection Map for Town of Brookfield; Applicants 1a – Town 2015 Plan of Conservation and Development, Watershed Map)

Forests and Parks

150. Development of the site would require the removal of 4 trees with a diameter of six inches or greater at breast height. (Applicants 1, Attachment 3 – Site Impact Statement)

Fish and Wildlife

151. DEEP Natural Diversity Database (NDDB) maps show approximate locations of state-listed endangered, threatened, and special concern species and are used to find areas of potential conservation concern. (Council Administrative Notice Item No. 71)
152. The proposed facility is not located within a NDDB buffer area, and thus, HT did not consult with the DEEP NDDB program. The nearest DEEP NDDB area is located approximately 0.17-mile north of the site. (Applicants 1, p. 16 and Attachment 5; Council Administrative Notice Item No. 71)
153. The site is within the range of the northern long-eared bat (NLEB), a federally 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. (Applicants 1, Attachment 5)
154. The proposed facility is not located in proximity to a National Audubon Society designated Important Bird Area (IBA). The nearest IBA is the Audubon Center at Bent of the River in Southbury located approximately 6.7 miles to the northeast. The proposed facility would not adversely affect the IBA. (Applicants 1, Attachment 6; Council Administrative Notice Item No. 76)
155. Applicants complied with National Environmental Policy Act (NEPA) requirements for telecommunications facilities. (Applicants 1, p. 18)
156. The proposed facility would comply with the USFWS telecommunications tower guidelines for minimizing the potential for impact to bird species. (Applicants 1, Attachment 6)

Agriculture and Soils

157. The host parcel does not contain prime farmland soils. (Applicants 4, response 17)

Scenic, Historic and Recreational Values

158. By letter dated May 17, 2022, SHPO determined that no properties listed or determined to be eligible for listing on the National or State Register of Historic Places are located within 0.5-mile of the project area; one previously recorded archaeological site located within 0.5-mile of the project area would not be impacted by the project; and no historic properties would be affected by the project. (Applicants 1, p. 22 and Attachment 9 – SHPO Determination dated May 17, 2022)
159. There are no state or locally designated scenic roads located within two miles of the proposed site. (Applicants 1, Attachment 8 – Viewshed Analysis Map; Tr. 1, p. 28)
160. There are no “blue-blazed” hiking trails maintained by the Connecticut Forest and Park Association within two miles of the site. (Applicants 1, Attachment 8 – Viewshed Analysis Map; Council Administrative Notice Item No. 75)

161. Pursuant to C.G.S. §16-50p(b), the Council shall examine whether the proposed facility would be located in an area of the state which the Council, in consultation with DEEP and any affected municipalities, finds to be a relatively undisturbed area that possesses scenic quality of local, regional or state-wide significance and the latest facility design options intended to minimize aesthetic and environmental impacts. The Council may deny an application for a certificate if it determines that the proposed facility would substantially affect the scenic quality of its location or surrounding neighborhood and no public safety concerns require that the proposed facility be constructed in such a location. (C.G.S. §16-50p(b) (2021))
162. No comments were received from the Town, OPM or DEEP regarding any impacts to scenic quality or resources. (Record)

Visibility

163. Property owners have no right to an unobstructed view from structures built on adjacent property except where there is an express statutory provision or there is a contract or restrictive covenant protecting the private right to a view or vista. (*Mayer v. Historic District Comm'n of Town of Groton*, 325 Conn. 765 (2017); C.G.S. §47-25 (2021))
164. Applicants used a combination of predictive computer models, in-field analysis, and a review of various data sources to evaluate the visibility of the proposed facility. (Applicants 1, Attachment 8 – Visual Assessment, p. 2)
165. On April 4, 2022, Applicants conducted a crane test and field reconnaissance at the proposed tower site to assist in the visibility evaluation. The crane test consisted of positioning a crane at the proposed facility location and extending the crane boom with a red flag on top to a height of approximately 165-feet agl. An in-field reconnaissance was then performed from publicly accessible locations in the surrounding area to determine where the proposed tower would be visible. The in-field reconnaissance included photographs taken from various areas around the site. (Applicants 1, Attachment 8, pp. 2-4)
166. Information obtained during the field reconnaissance was incorporated into a viewshed map that depicts areas with year-round visibility within a two-mile radius (8,042 acres) of the site (Study Area) based on computer modeling and in-field observations from local and State roads and other publicly-accessible locations. (Applicants 1, Attachment 8)
167. Based on the final viewshed analysis (refer to Figure 10), the proposed tower would be visible year-round from approximately 35 acres (0.44%) of the Study Area. Year-round visibility would be generally limited to within 0.25-mile of the site and intermittently up to one mile from the site. (Applicants 1, Attachment 8, p. 7)
168. The tower would be seasonally visible (leaf-off conditions) from an additional approximately 96 acres (1.2%) of the Study Area. Seasonal views may extend southwestwards for up to approximately 0.72-mile, northwards for approximately 0.32-mile, eastwards for approximately 0.28-mile, and southwards for approximately 0.43-mile. (Applicants 1, Attachment 8, p. 7 and Viewshed Map)
169. Approximately 14 residences within 0.5-mile of the proposed facility would have seasonal and year round views of the facility. 8 of those residences would have year-round views, and an additional 6 residences would have seasonal views. (Applicants 4, response 35)

170. The Town whip antenna at the top of the tower would not affect the visibility of the facility. This antenna would not be a prominent feature to a near-view observer, and views of such antenna become indistinguishable at distances of greater than 0.25-mile away. (Applicants 1, Attachment 8, p. 7; Tr. 1, pp. 14, 30)
171. Due to the lack of tall, mature coniferous trees at the site, a monopine would appear larger and draw additional attention due to the increased width created by the faux branches. (Applicants 4, response 36)
172. A unipole design would require a pole with a larger diameter to accommodate the antennas and would require increased height for additional levels of antenna arrays to achieve coverage objectives. (Applicants 4, response 36)
173. Pursuant to C.G.S. §16-50p(a)(3)(F), for a telecommunications proposed to be installed on land near a building containing a school, the facility will not be less than 250 feet from the building containing the school unless the location is acceptable to the chief elected official of the municipality or the Council finds that the facility will not have a substantial adverse effect on the aesthetics or scenic quality of the neighborhood in which such school is located. (C.G.S. §16-50p(a)(3)(F) (2021))
174. No schools or commercial child day care facilities are located within 250 feet of the site. The nearest building containing a school or commercial child day care is Country Kids Child Care approximately 0.38 mile south-southeast of the proposed facility site. The tower would be visible from the day care grounds. (Applicants 1, Attachment 8 – Visual Assessment, p. 7)

Figure 1 – Site Location – Topographic Map



- Legend**
- Site
 - Municipal Boundary

Map Notes:
Base Map Source: USGS 7.5 Minute Topographic
Copyright Map: Danbury, CT (1986) and Newtown, CT (1986)
Map Scale: 1:24,000
Map Date: November 2021



Site Location Map

Proposed Wireless
Telecommunications Facility
Brookfield South
60 Vale Road
Brookfield, Connecticut



ALL-POINTS
TECHNOLOGY CORPORATION

Figure 2 – Site Location – Aerial Image



- Legend**
- Site
 - Subject Property
 - Approximate Parcel Boundary
 - Municipal Boundary

Map Notes:
Base Map Source: CT EDC 2019 Imagery
Map Scale: 1 inch = 400 feet
Map Date: November 2021

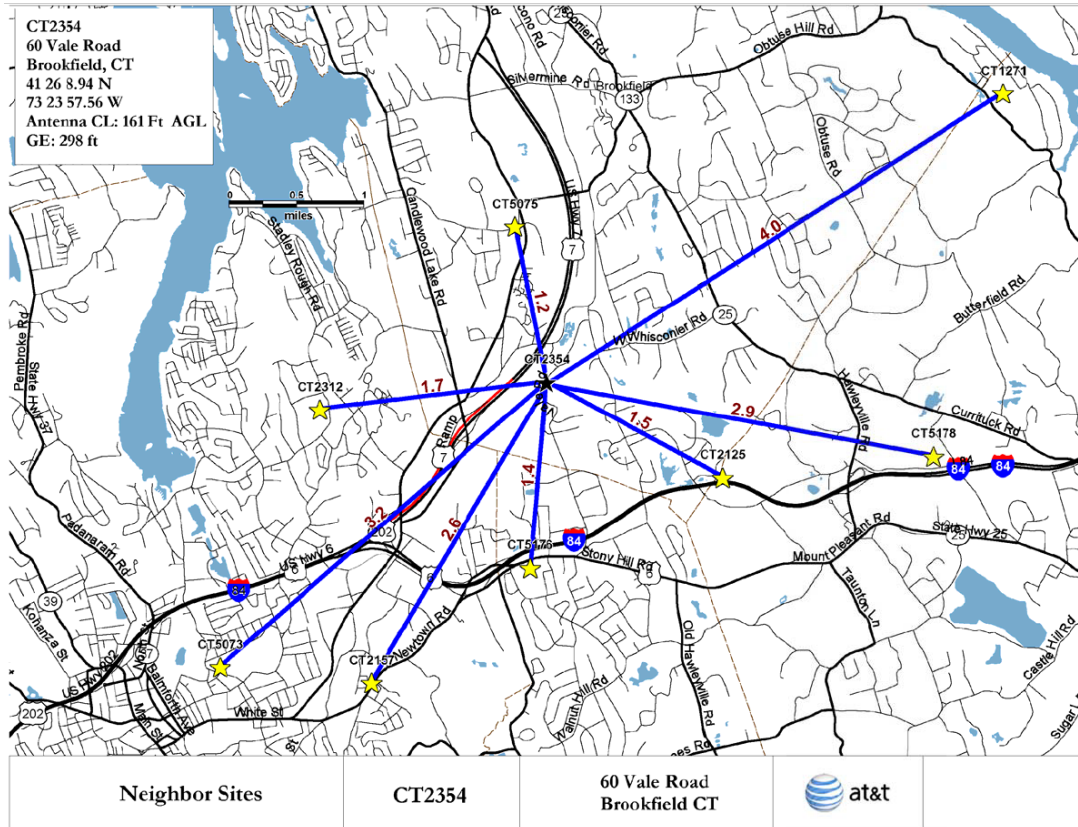


Site Location Map
Proposed Wireless
Telecommunications Facility
Brookfield South
80 Vale Road
Brookfield, Connecticut



(Applicants 1, Attachment 4)

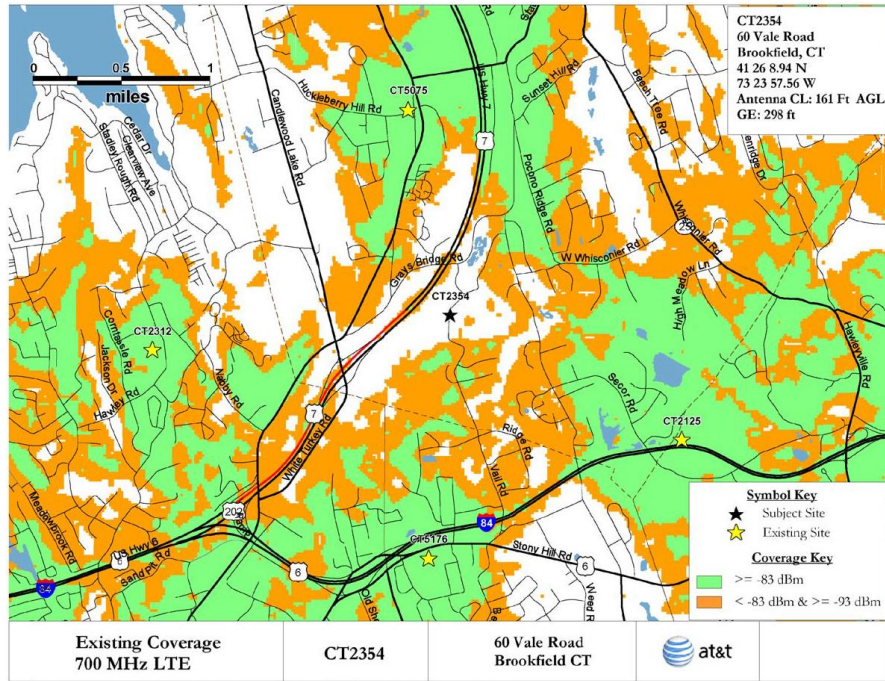
Figure 3 – AT&T Adjacent Sites



Site Name	Address	City	Latitude	Longitude	Antenna Height (ft AGL)	Ground Elevation	Distance (miles)
CT1271	24 Dinglebrook Lane	Newtown	41.4669	-73.3339	150	430	4.0
CT2125	6 Fairfield Drive	Newtown	41.4255	-73.3741	152	433	1.5
CT2157	48 Newtown Road	Danbury	41.4034	-73.4244	100	371	2.6
CT2312	52 Stadley Rough Road	Danbury	41.4329	-73.4318	107	541	1.7
CT5073	24 Hospital Avenue	Danbury	41.4051	-73.4462	133/137	466	3.2
CT5075	2 Huckleberry Hill Road	Brookfield	41.4526	-73.4039	57	387	1.2
CT5176	7 Stony Hill Road	Bethel	41.4158	-73.4017	145	427	1.4
CT5178	20 Barnabas Road	Newtown	41.4278	-73.3439	135	446	2.9

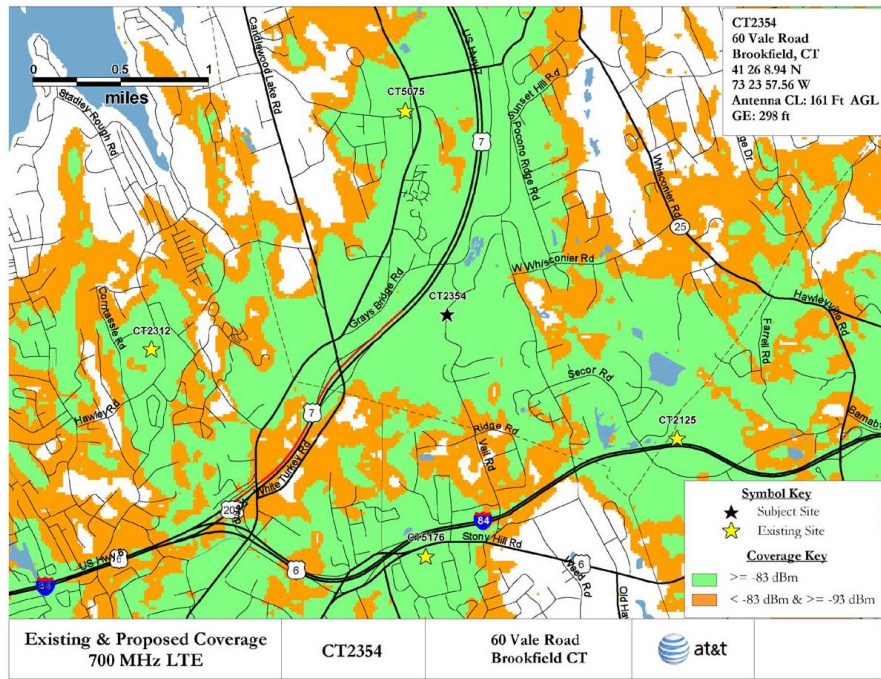
(Applicants 1, Attachment 1, pp. 8-9)

Figure 4 – AT&T Existing 700 MHz Coverage



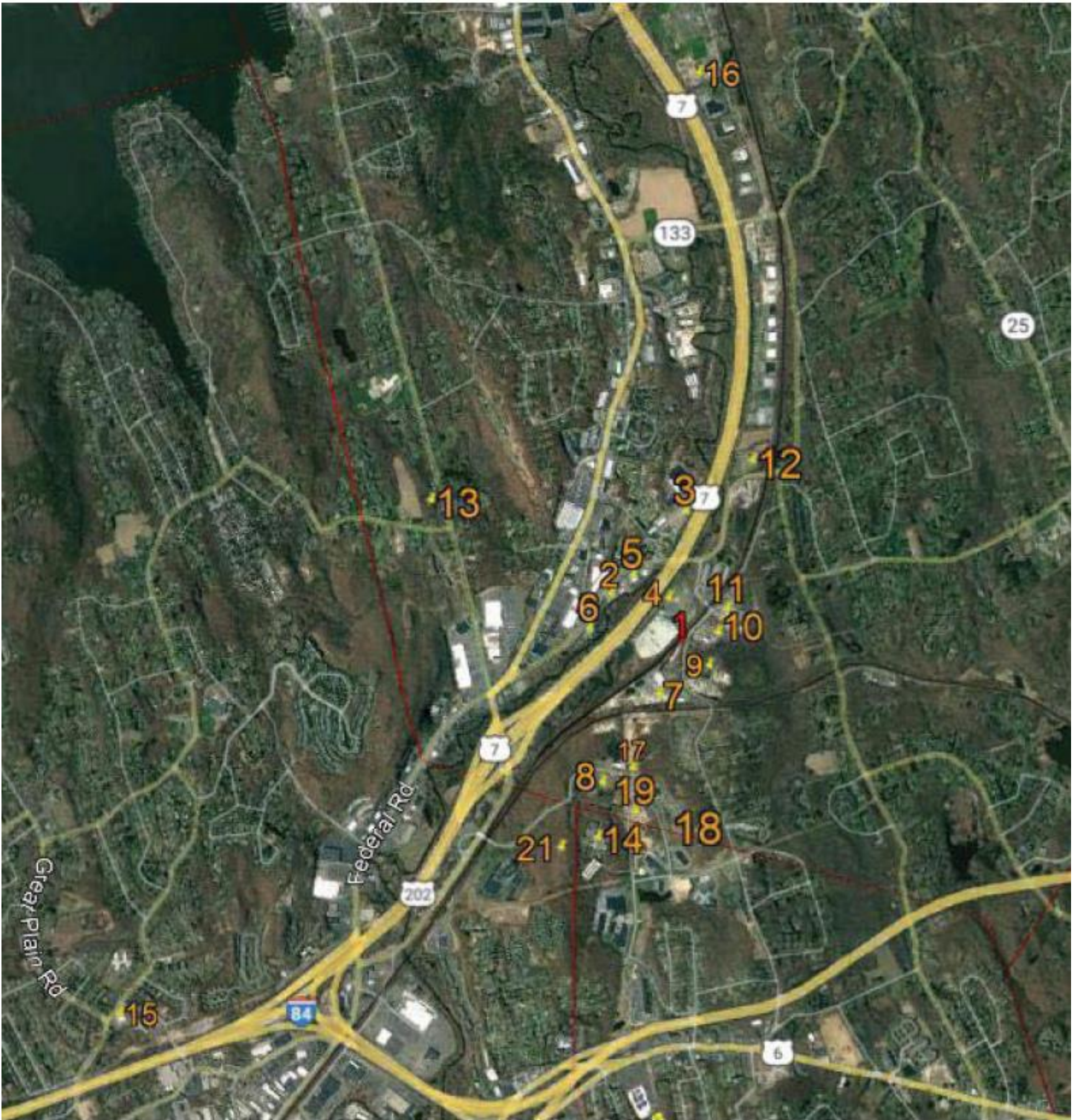
(Applicants 1, Attachment 1 – RF Report, p. 10)

Figure 5 – AT&T Existing and Proposed 700 MHz Coverage



(Applicants 1, Attachment 1 – RF Report, p. 11)

Figure 6 – Site Search Summary Map

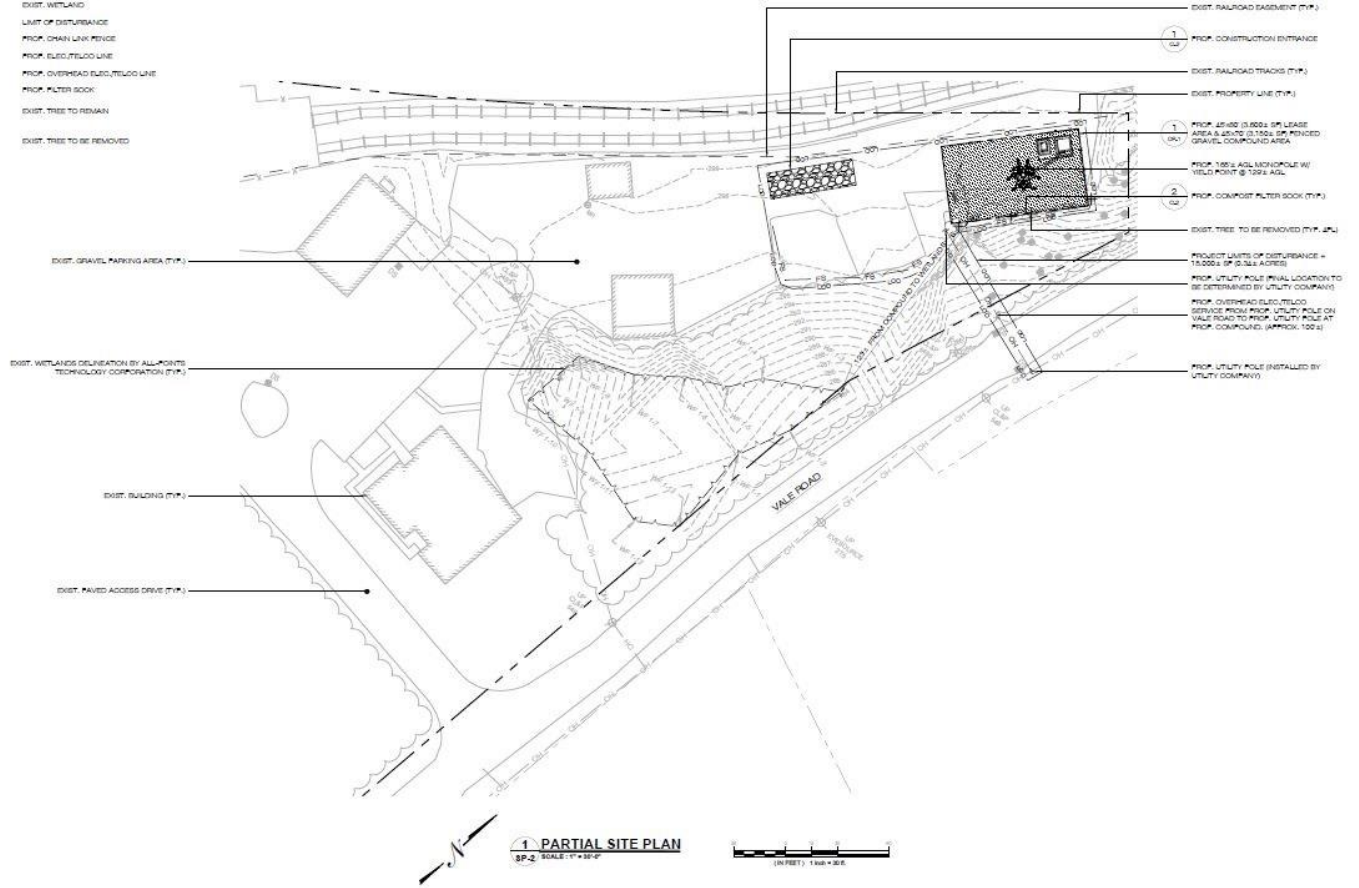


(Applicants 1, Attachment 2)

Figure 7 – Site Plan and parcel topographic features

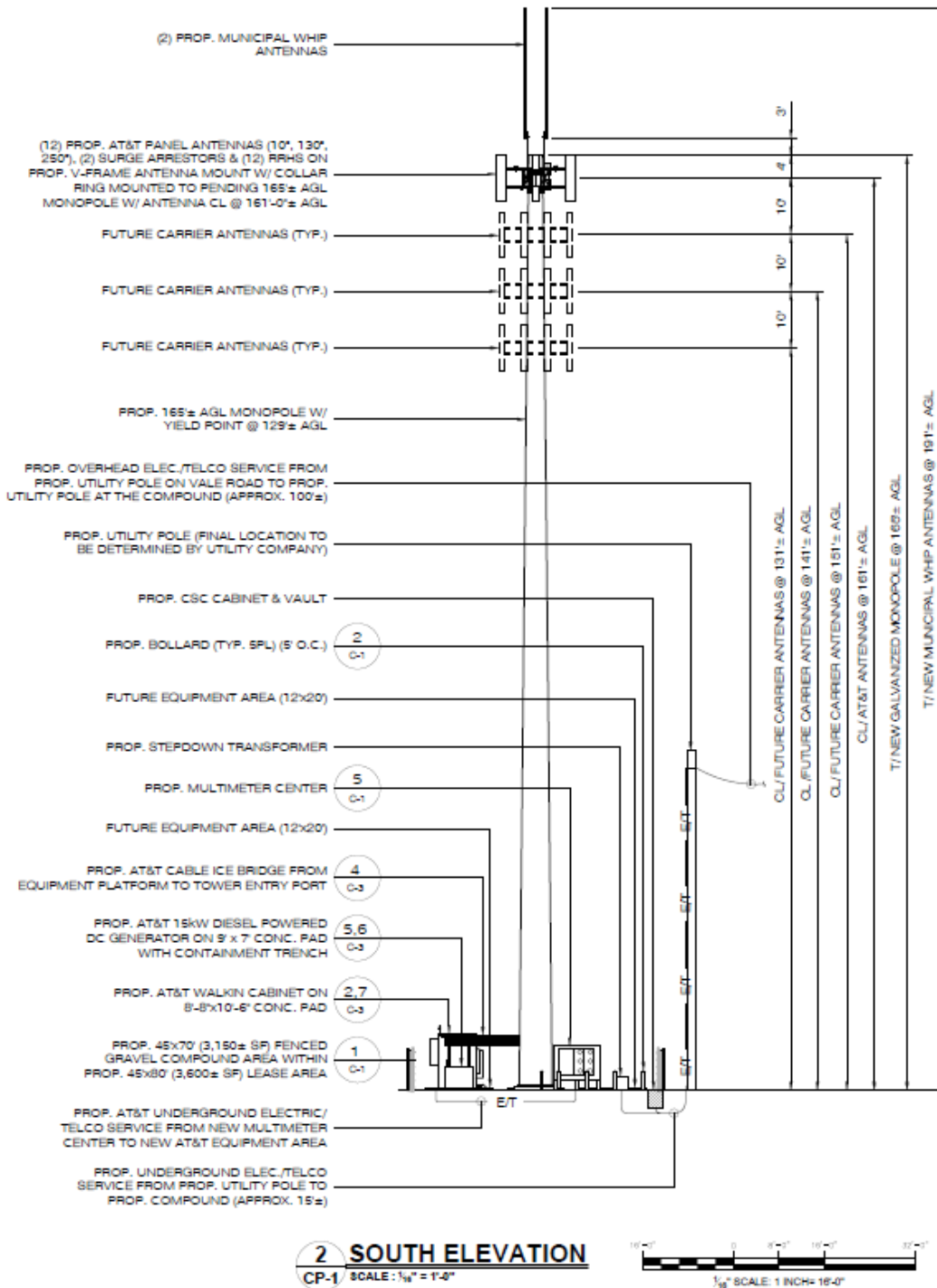
LEGEND

---	PROPERTY LINE
---	RAILROAD EASEMENT
---	EXIST. WETLAND
---	LIMIT OF DISTURBANCE
---	PROP. CHAIN LINK FENCE
---	PROP. ELEC. TELECO LINE
---	PROP. OVERHEAD ELEC. TELECO LINE
---	PROP. FILTER SOCK
---	EXIST. TREE TO REMAIN
---	EXIST. TREE TO BE REMOVED



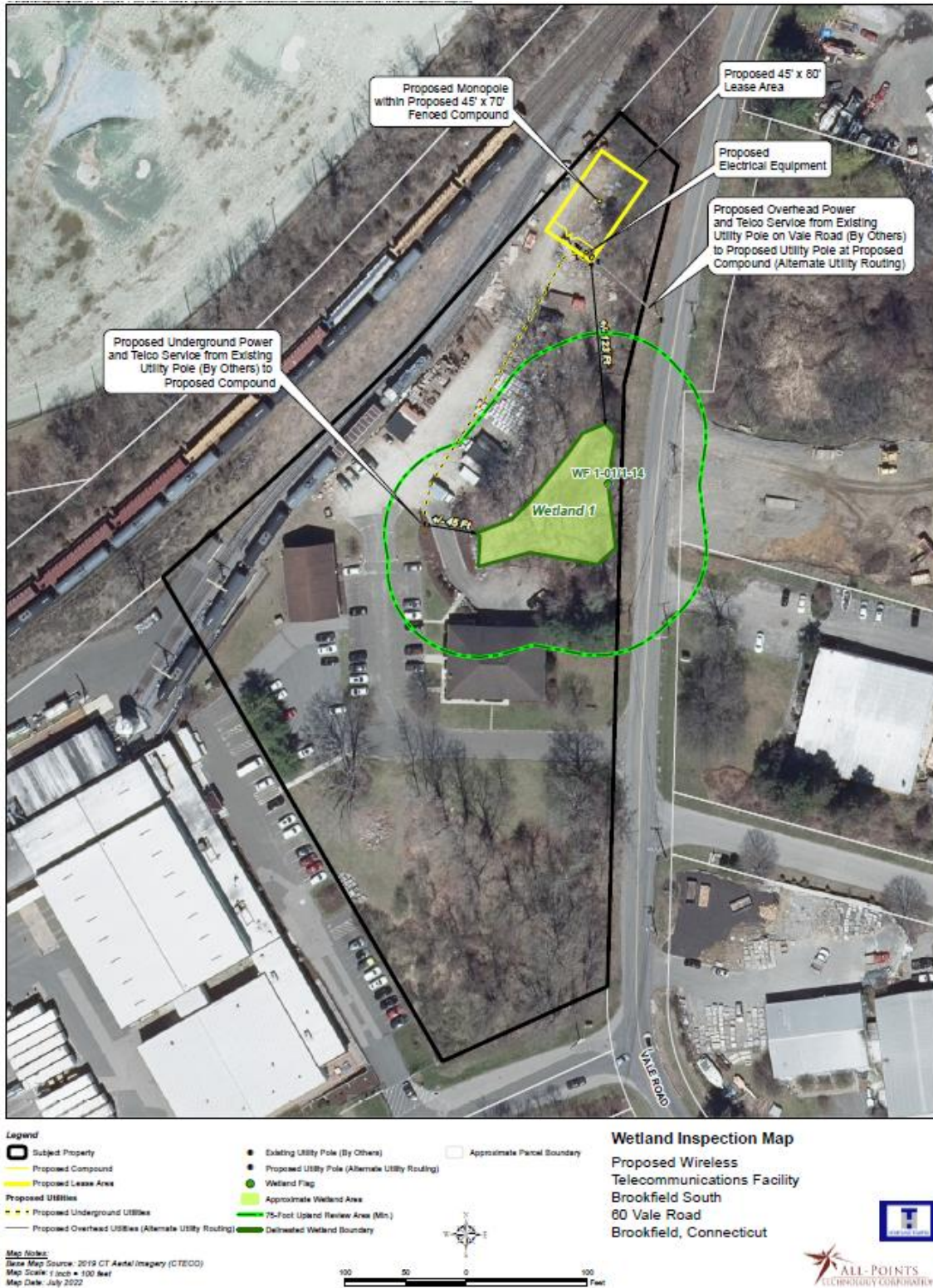
(Applicants 1, Attachment 4 – Sheet SP-2)

Figure 8 – Tower Plan



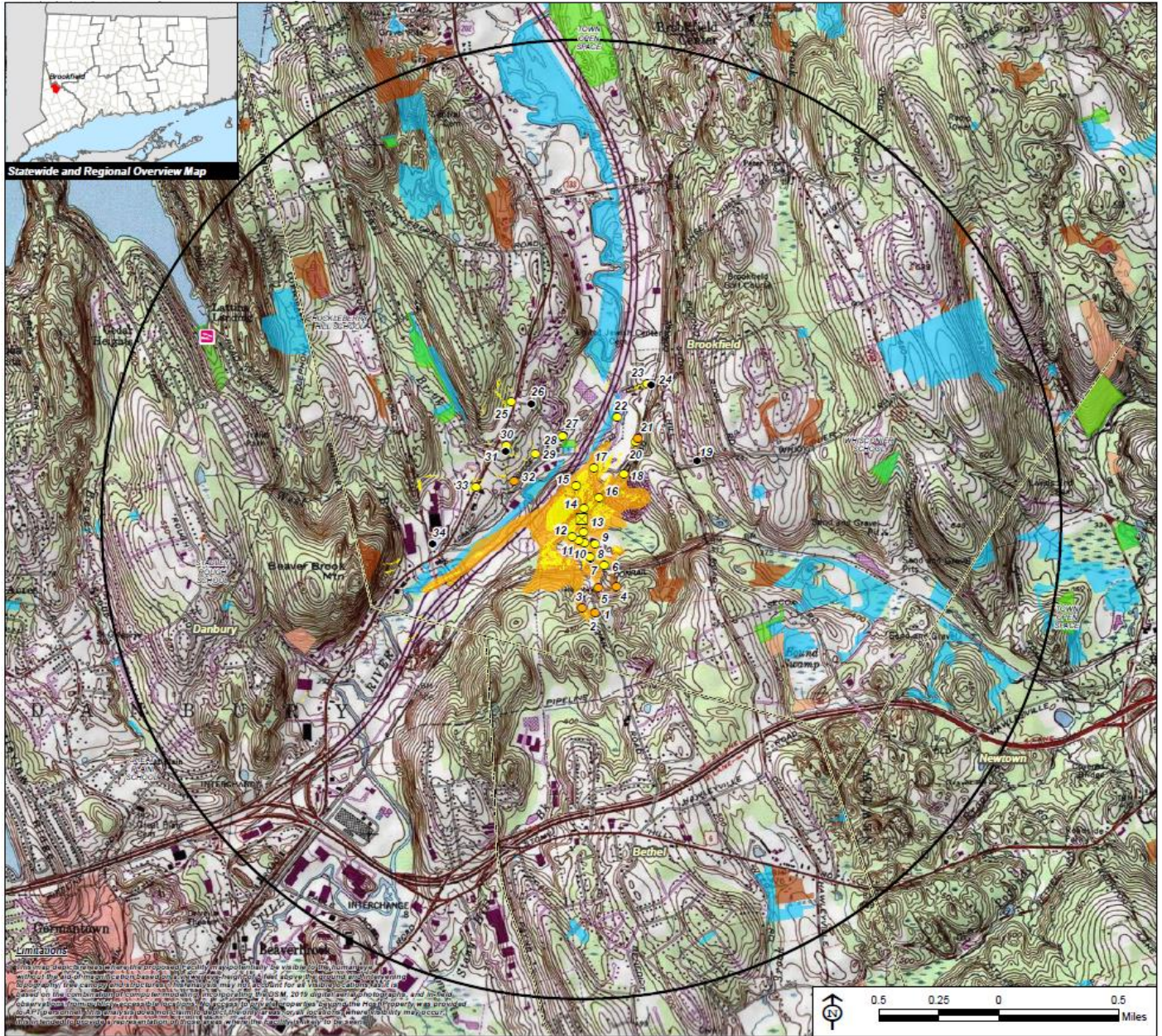
(Applicants 1, Attachment 4 – Sheet CP-1)

Figure 9 – Wetland Location



(Applicants 1, Attachment 6 – Wetland Inspection Map)

Figure 10 – Proposed Site Visibility Analysis



- Legend**
- Proposed Site
 - Study Area (2-Mile Radius)
 - Photo Locations (April 4, 2022)**
 - Year-Round
 - Seasonal
 - Not Visible
 - Predicted Year-Round Visibility (35 Acres)
 - Areas of Potential Seasonal Visibility (96 Acres)
 - Municipal Boundary
 - Trail
 - Scenic Highway
 - DEEP Boat Launches
 - Municipal and Private Open Space Property
 - State Forest/Park
 - Protected Open Space Property**
 - Federal
 - Land Trust
 - Municipal
 - Private
 - State

(Applicants 1, Attachment 8)

Figure 11 – Visibility Analysis Map Photolog

Photo	Location	Orientation	Distance to Site	Height of Facility Visible in Photograph	Visibility
1	Vale Road at Tead Road*	North	+ 0.40 Mile	N/A	Not Visible
2	Park Lane at Vale Road	North	+ 0.39 Mile	30'-40'^^	Seasonal
3	Park Lane	North	+ 0.37 Mile	50'-60'^^	Seasonal
4	Parkwood Drive	Northwest	+ 0.32 Mile	30'-40'^^	Seasonal
5	Parkwood Drive at Vale Road	Northwest	+ 0.29 Mile	50'-60'^^	Seasonal
6	Vale Road	Northwest	+ 0.22 Mile	80'-90'	Year Round
7	Vale Road**	Northwest	+ 0.17 Mile	N/A	Not Visible
8	Vale Road	Northwest	+ 0.16 Mile	150'-160'	Year Round
9	63 Vale Road	Northwest	+ 0.12 Mile	110'-120'	Year Round
10	Vale Road	North	+ 0.10 Mile	150'-160'	Year Round
11	Host Property**	North	+ 460 Feet	50'-60'	Year Round
12	Host Property	Northeast	+ 448 Feet	150'-160'	Year Round
13	Vale Road**	Northwest	+ 289 Feet	150'-160'	Year Round
14	Golf Quest – 1 Sand Cut Road**	South	+ 250 Feet	150'-160'	Year Round
15	Golf Quest – 1 Sand Cut Road	South	+ 0.14 Mile	140'-150'	Year Round

*Photograph was taken at 35 mm focal length.
 **Photograph was taken at 24 mm focal length.
 ^^Facility visible through trees in leaf-off conditions
 All locations photographed during this assessment are in Brookfield.

Photo	Location	Orientation	Distance to Site	Height of Facility Visible in Photograph	Visibility
16	Vale Road*	Southwest	+ 0.11 Mile	150'-160'	Year Round
17	Sand Cut Road	Southwest	+ 0.22 Mile	70'-80'	Year Round
18	Vale Road	Southwest	+ 0.26 Mile	70'-80'	Year Round
19	Stony Brook Road at West Whisconier Road*	Southwest	+ 0.54 Mile	N/A	Not Visible
20	Vale Road	Southwest	+ 0.39 Mile	90'-100'	Year Round
21	Vale Road	Southwest	+ 0.41 Mile	40'-50'	Seasonal
22	Grays Bridge Road	Southwest	+ 0.45 Mile	80'-90'	Year Round
23	Grays Bridge Road	Southwest	+ 0.62 Mile	60'-70'	Year Round
24	Grays Bridge Road*	Southwest	+ 0.63 Mile	N/A	Not Visible
25	Route 202	Southeast	+ 0.57 Mile	40'-50'	Year Round
26	Sandy Lane*	Southeast	+ 0.53 Mile	N/A	Not Visible
27	Old Grays Bridge Road*	Southeast	+ 0.36 Mile	N/A	Not Visible
28	Sandy Lane at Old Grays Bridge Road	Southeast	+ 0.35 Mile	50'-60'	Year Round
29	Edwards Drive	Southeast	+ 0.33 Mile	50'-60'^^	Year Round
30	Old State Road	Southeast	+ 0.44 Mile	90'-100'	Year Round
31	Old State Road*	Southeast	+ 0.42 Mile	N/A	Not Visible
32	Old State Road*	Southeast	+ 0.32 Mile	30'-40'^^	Seasonal
33	Route 202	Southeast	+ 0.46 Mile	20'-30'	Year Round
34	Route 202*	East	+ 0.63 Mile	N/A	Not Visible

*Photograph was taken at 35 mm focal length.
 **Photograph was taken at 24 mm focal length.
 ^^Facility visible through trees in leaf-off conditions
 All locations photographed during this assessment are in Brookfield.