



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

**VIA ELECTRONIC MAIL & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

February 2, 2023

Lucia Chiochio, Esq.  
Daniel Patrick, Esq.  
Cuddy & Feder, LLP  
445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
[lchiochio@cuddyfeder.com](mailto:lchiochio@cuddyfeder.com)  
[dpatrick@cuddyfeder.com](mailto:dpatrick@cuddyfeder.com)

RE: **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.

Dear Attorney Chiochio and Attorney Patrick:

By its Decision and Order dated February 2, 2023, the Connecticut Siting Council (Council)  
granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the  
construction, maintenance, and operation of a telecommunications facility located at 60 Vale  
Road, Brookfield, Connecticut.

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

Sincerely,

Melanie A. Bachman  
Executive Director

MAB/MP/lm

Enclosures (4)

c: Service List dated September 23, 2022  
State Documents Librarian ([csl.cda@ct.gov](mailto:csl.cda@ct.gov))



# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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**CERTIFICATE  
OF  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED  
DOCKET NO. 512**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to Homeland Towers, LLC for the construction, maintenance, and operation of a telecommunications facility located at 60 Vale Road, Brookfield, Connecticut. This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on February 2, 2023.



By order of the Council,

Melanie A. Bachman, Executive Director

February 2, 2023

**STATE OF CONNECTICUT** )

: ss. **Southington, Connecticut**      **February 2, 2023**

**COUNTY OF HARTFORD** )

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

**ATTEST:**



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Melanie A. Bachman  
Executive Director  
Connecticut Siting Council

**STATE OF CONNECTICUT** )

: ss. **New Britain, Connecticut**      **February 2, 2023**

**COUNTY OF HARTFORD** )

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 512 has been forwarded by Certified First Class Return Receipt Requested mail, on February 2, 2023, to all parties and intervenors of record as listed on the attached service list, dated September 23, 2022.

**ATTEST:**



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Lisa A. Mathews  
Office Assistant  
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS  
SERVICE LIST**

| Status Granted    | Document Service                           | Status Holder<br>(name, address & phone number)                         | Representative<br>(name, address & phone number)  |
|-------------------|--|---|---|
| <b>Applicants</b> | <input checked="" type="checkbox"/> E-mail | Homeland Towers, LLC<br>and New Cingular<br>Wireless PCS, LLC<br>(AT&T) | <p>Lucia Chiocchio, Esq.<br/>Daniel Patrick, Esq.<br/>Cuddy &amp; Feder, LLP<br/>445 Hamilton Avenue, 14th Floor<br/>White Plains, New York 10601<br/>Phone (914) 761-1300<br/><a href="mailto:lchiocchio@cuddyfeder.com">lchiocchio@cuddyfeder.com</a><br/><a href="mailto:dpatrick@cuddyfeder.com">dpatrick@cuddyfeder.com</a></p> <p>Raymond Vergati<br/>Manuel Vicente<br/>Homeland Towers, LLC<br/>9 Harmony Street, 2<sup>nd</sup> Floor<br/>Danbury, CT 06810<br/><a href="mailto:rv@homelandtowers.us">rv@homelandtowers.us</a><br/><a href="mailto:mv@homelandtowers.us">mv@homelandtowers.us</a></p> <p>Rachelle Bidon-Lewis<br/>Harry Carey<br/>AT&amp;T<br/>84 Deerfield Lane<br/>Meriden, CT 06067<br/><a href="mailto:rb9471@att.com">rb9471@att.com</a><br/><a href="mailto:hc3635@att.com">hc3635@att.com</a></p> |
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|                   |  |   |   |

**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. } Connecticut  
} Siting  
} Council

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**

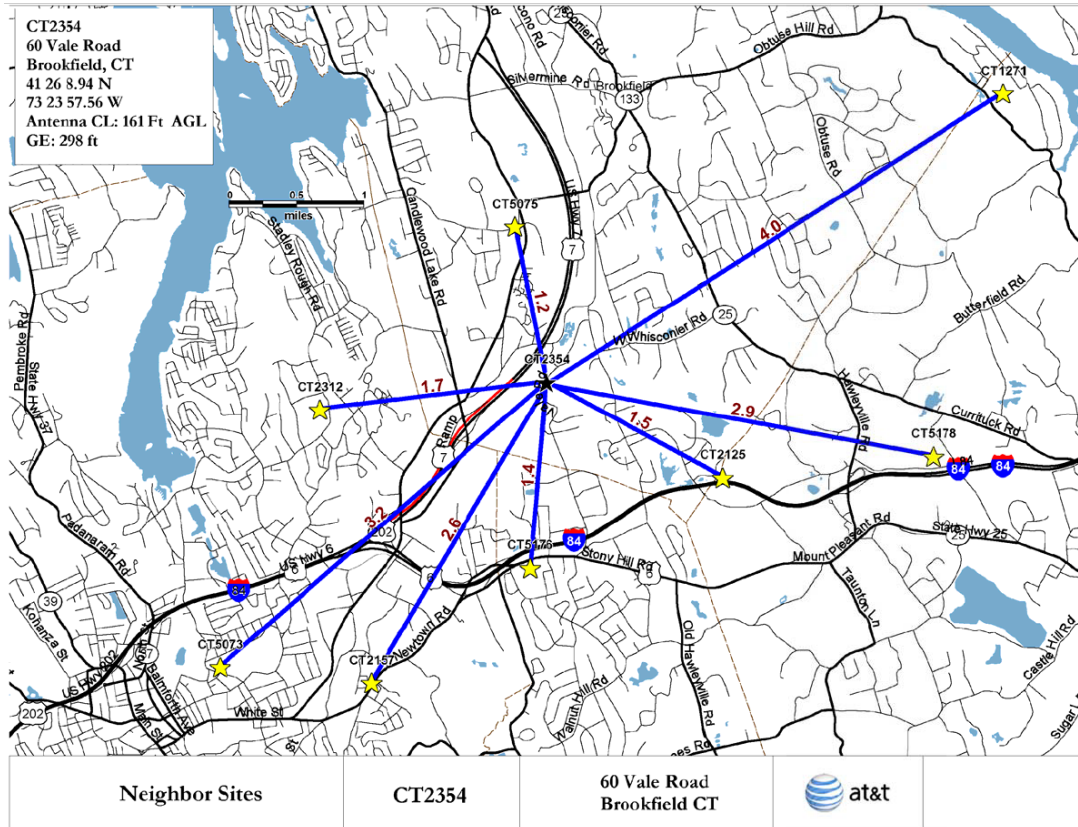
Proposed Wireless  
Telecommunications Facility  
Brookfield South  
80 Vale Road  
Brookfield, Connecticut



ALL-POINTS  
TECHNOLOGY CORPORATION

(Applicants 1, Attachment 4)

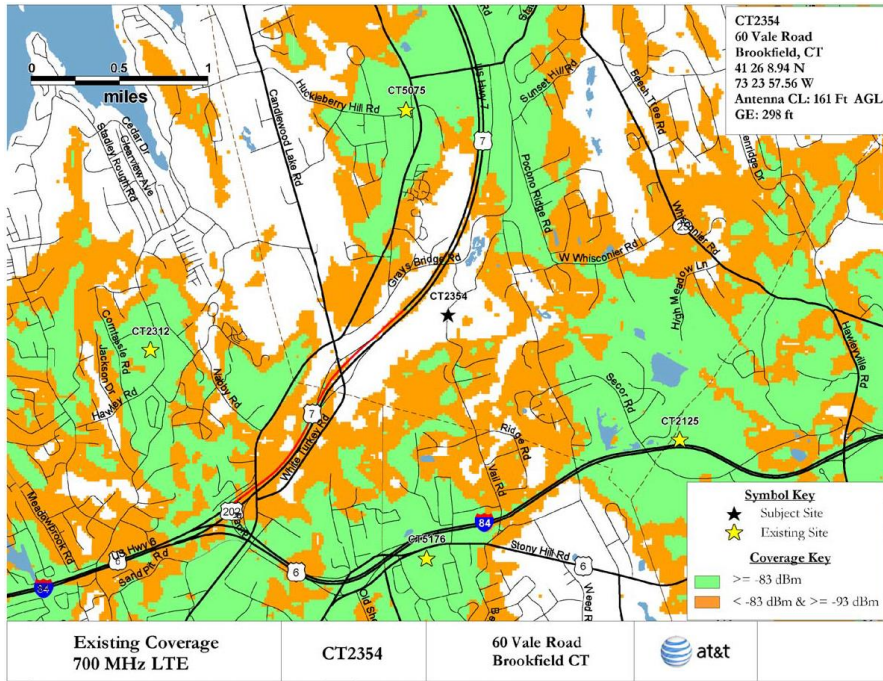
**Figure 3 – AT&T Adjacent Sites**



| 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              |

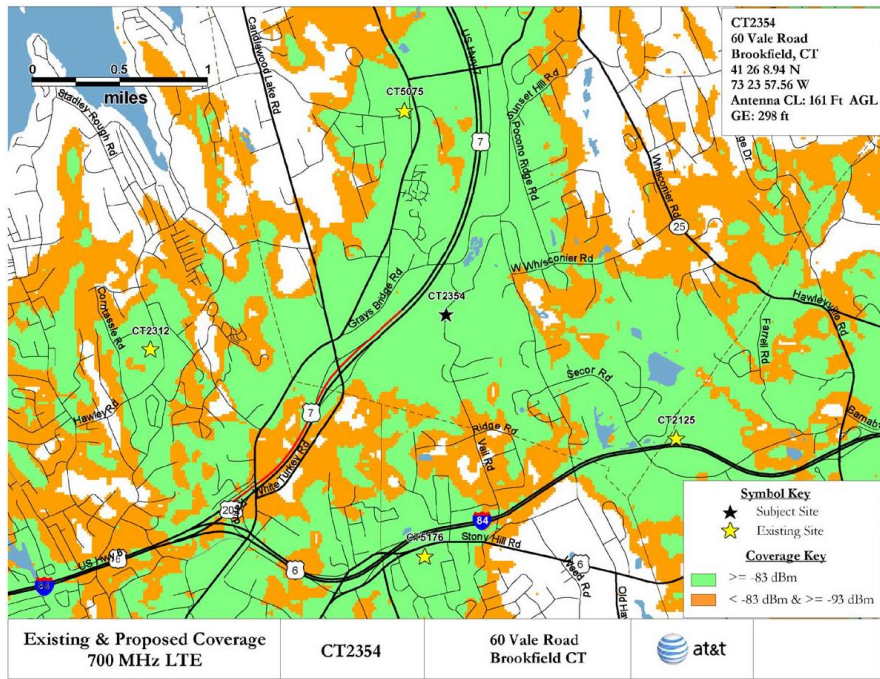
(Applicants 1, Attachment 1, pp. 8-9)

**Figure 4 – AT&T Existing 700 MHz Coverage**



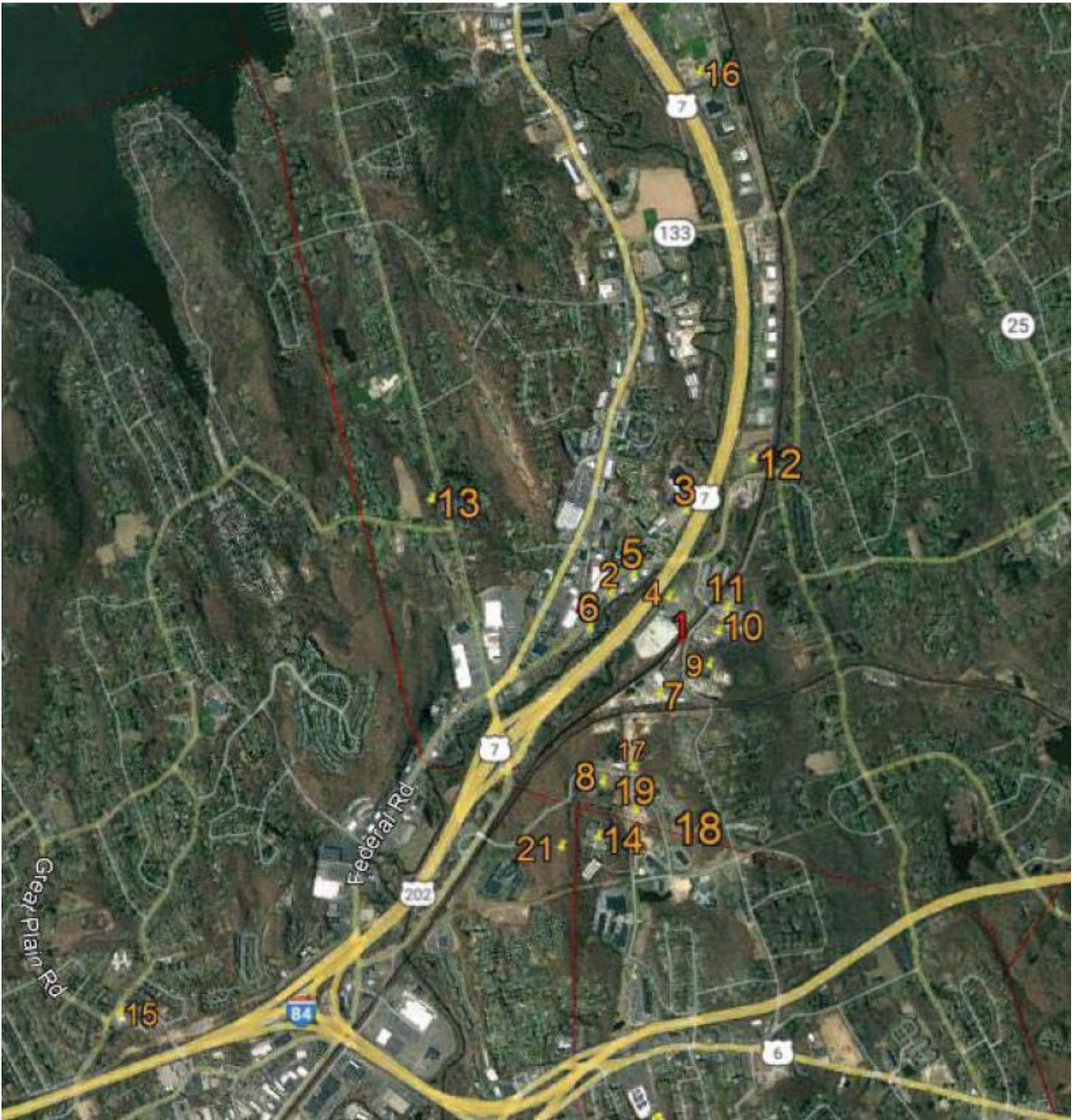
(Applicants 1, Attachment 1 – RF Report, p. 10)

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



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

**Figure 6 – Site Search Summary Map**

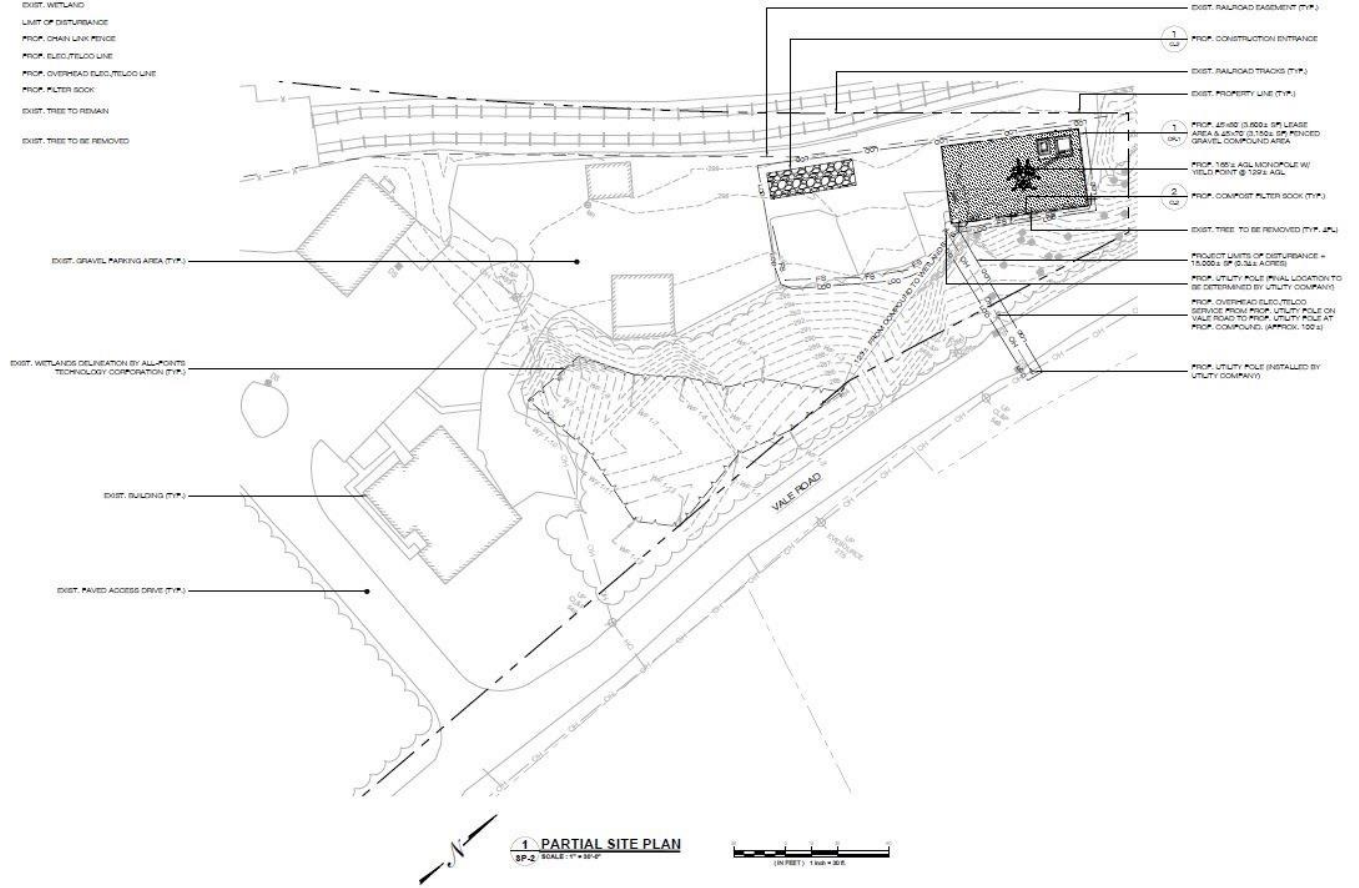


(Applicants 1, Attachment 2)

**Figure 7 – Site Plan and parcel topographic features**

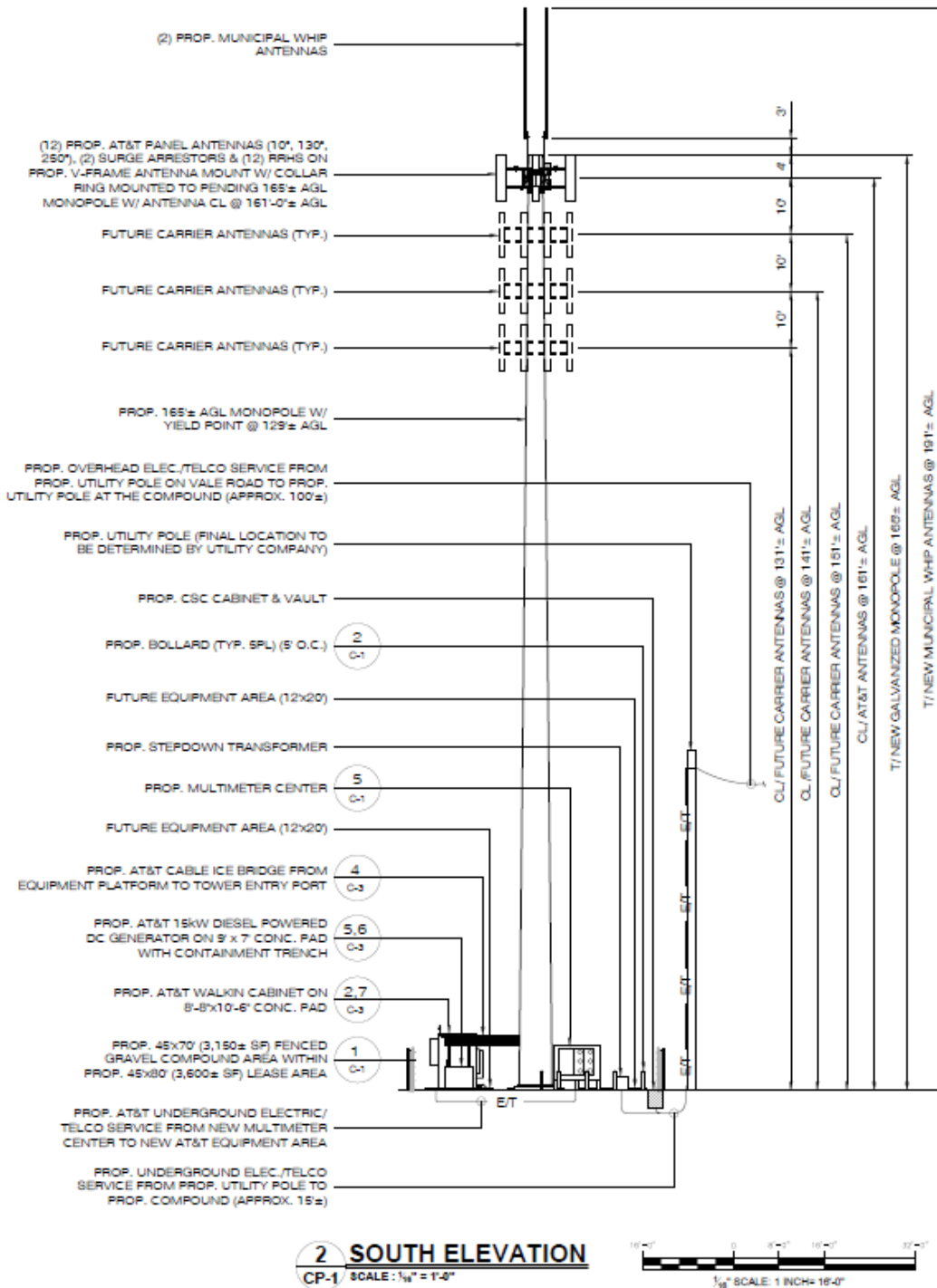
**LEGEND**

|     |                                  |
|-----|----------------------------------|
| --- | 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        |



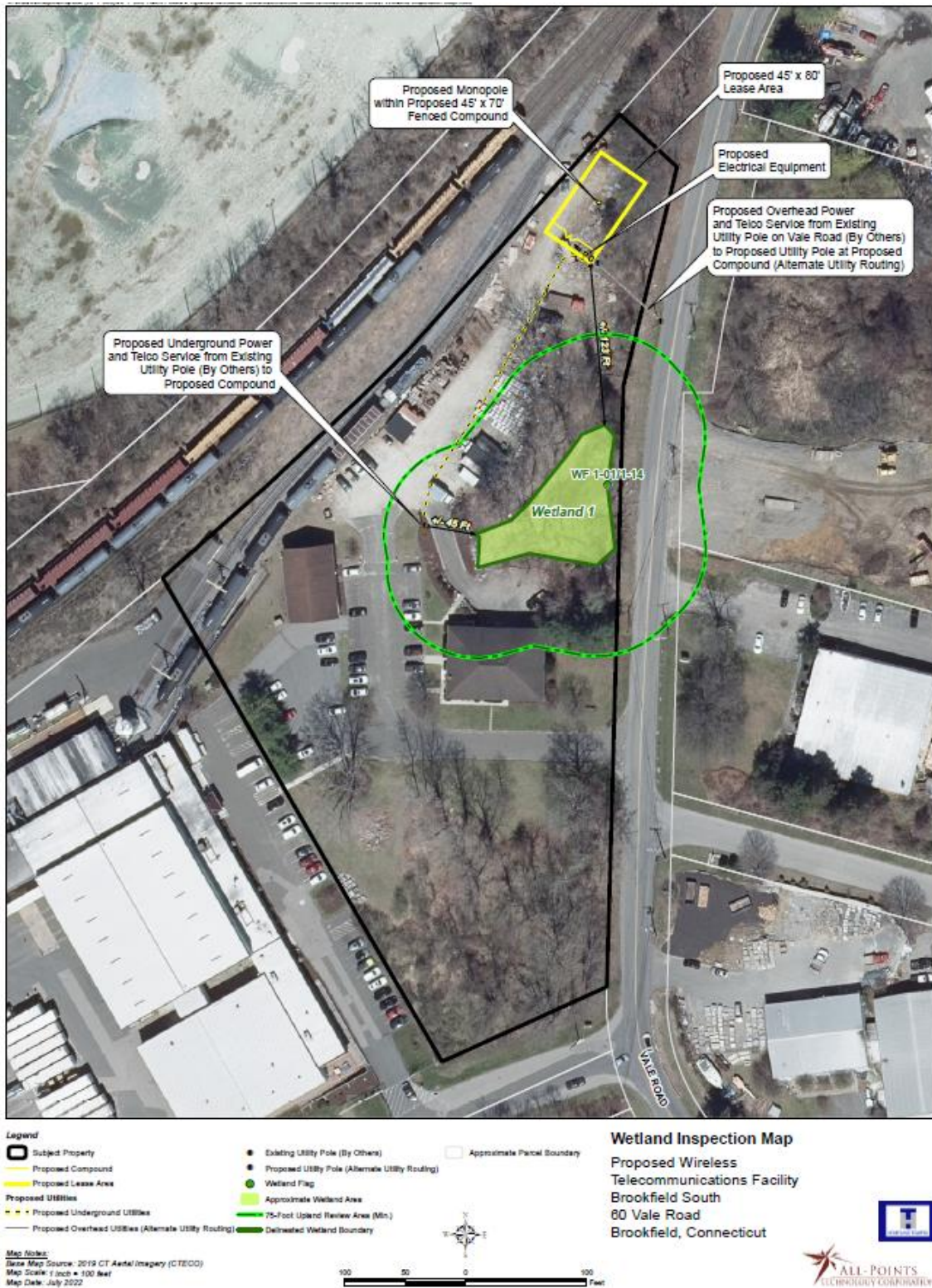
(Applicants 1, Attachment 4 – Sheet SP-2)

**Figure 8 – Tower Plan**



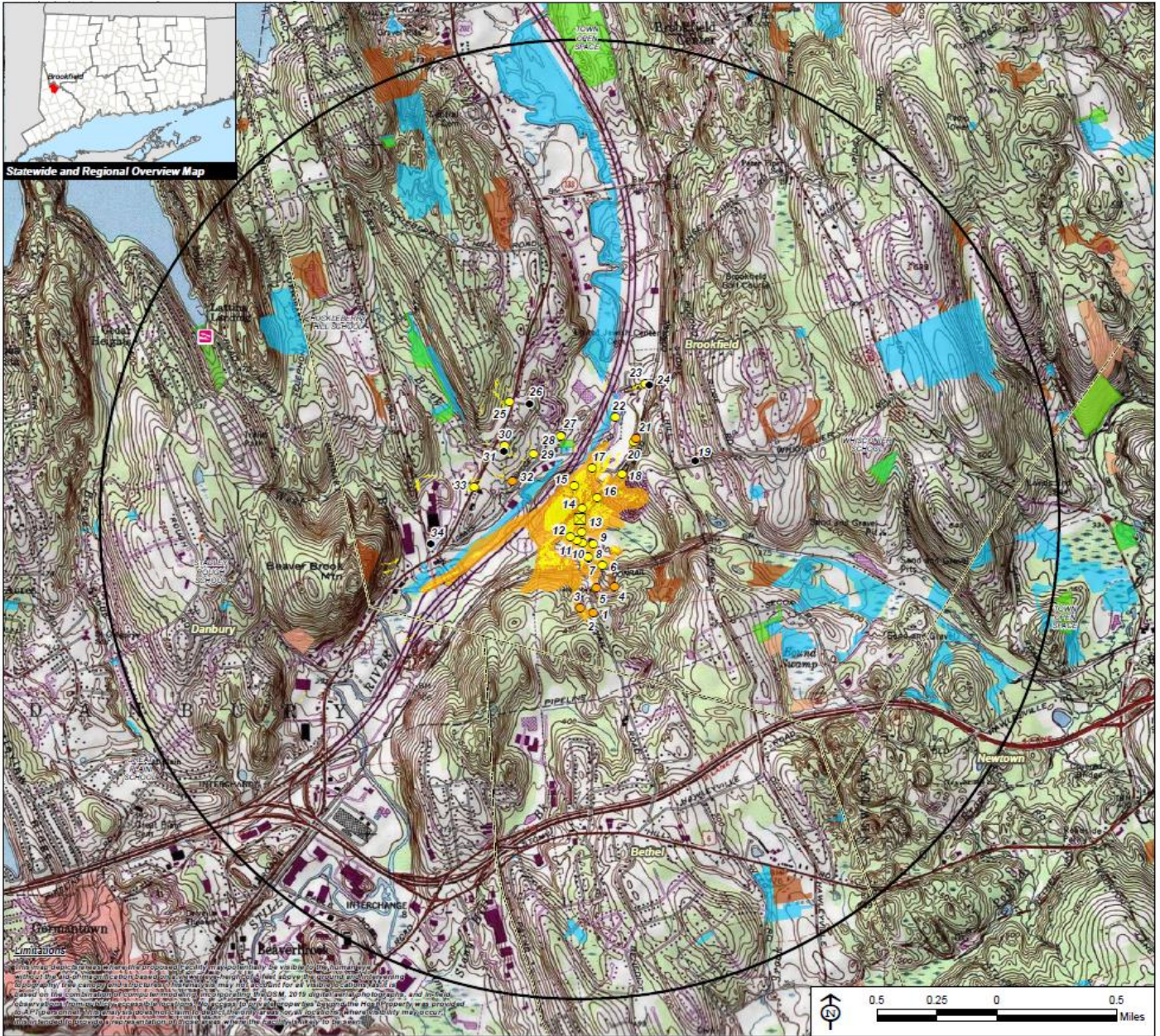
(Applicants 1, Attachment 4 – Sheet CP-1)

**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.

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

February 2, 2023

### Opinion

On August 10, 2022, Homeland Towers, LLC (HT) and New Cingular Wireless PCS, LLC d/b/a AT&T (AT&T) (collectively, Applicants), applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a wireless telecommunications facility at 60 Vale Road, Brookfield, Connecticut. The purpose of the proposed facility is to provide reliable wireless communications services for AT&T customers and address significant coverage deficiencies in AT&T's network in portions of southern Brookfield, eastern Danbury and northern Bethel.

The party to this proceeding is Applicants. There are no Connecticut Environmental Protection Act (CEPA) Intervenor to this proceeding. In this Opinion, the Council incorporates its record disposition of all substantive and procedural motions that were raised by Applicants during the course of the proceeding.

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

Under Connecticut General Statutes (CGS) §16-50p(b), there is a 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.

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

The total estimated cost of the proposed facility is \$552,000, inclusive of costs associated with AT&T equipment installation. 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.

AT&T has significant coverage deficiencies in its wireless communications network in portions of southern Brookfield, eastern Danbury and Northern Bethel. Coverage objectives include the deployment of reliable in-vehicle service on roads and within buildings in the proposed service areas. Public roads in the area without adequate service include, but are not limited to, Candlewood Lake Road, Federal Road, White

Turkey Road Extension, and Routes 7 and 202. Non-reliable service for AT&T was confirmed by coverage modeling.

AT&T would operate at the 700 MHz, 850 MHz, 1900 MHz, 2100 MHz, 2300 MHz, and 3700 MHz frequencies at the site. All of AT&T's frequencies except 3700 MHz are capable of supporting 5G services. In addition to coverage needs, AT&T's proposed installation on the tower would provide capacity relief to two existing sites in Danbury.

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. Within the 700 MHz footprint, AT&T's installation would provide approximately a total of 2.0 miles of coverage to the following main or primary roads: Route 7, Route 202, Candlewood Lake Road, Federal Road, and White Turkey Road Extension.

In addition to wireless call capability, AT&T's deployment would feature emergency communication FirstNet services. These services are provided through a federal program to establish emergency communications to areas with deficient wireless service. FirstNet gives emergency responders on AT&T's 700 MHz network first priority to ensure emergency communications are not interrupted.

Based on a lack of reliable wireless service for AT&T in southern Brookfield, eastern Danbury and northern Bethel, the Council finds a specific need for the facility to provide wireless services to the public.

Beginning in 2020, Applicants searched for a suitable tower site in the southern Brookfield/eastern Danbury/northern Bethel area, investigating 21 potential sites, of which only the proposed site was available and met the coverage needs of AT&T.

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. Approximately 30 utility pole small cell installations would be required to provide equivalent coverage to the target area, each costing approximately \$50,000 to \$70,000 not inclusive of front haul fiber connection costs. Therefore, the Council finds small cells are not a feasible alternative to the proposed facility.

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

Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over telecommunications facilities throughout the state. It shall consider any location preferences provided by the host municipality under CGS §16-50gg as the Council shall deem appropriate.

HT commenced the municipal consultation process on April 14, 2022 and held a public information meeting at Town Hall on June 15, 2022. Concerns raised at the PIM included the facility's ability to improve coverage at schools, radio frequency emissions and alternative tower locations. The Town did not provide the Council with any location preferences pursuant to CGS §16-50gg.

Pursuant to CGS §16-50p(b), the Council shall examine whether the proposed facility may be shared with any public or private entity that provides service to the public, provided such 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 unnecessary proliferation of such facilities in the state. The proposed facility is designed to accommodate four wireless carriers and municipal antennas.

The proposed site consists of a 165-foot monopole located in the northwestern portion of the 3.99-acre industrially-zoned parcel. The host parcel is developed with a single-story office building, detached garage and parking area. The southern and northeastern portions of the parcel are wooded/undeveloped.

The tower would be located in the northwestern portion of the host parcel at an elevation of 298 feet above mean sea level. A 3,150 square-foot equipment compound would be established at the base of the tower, with space to accommodate the equipment of four carriers and municipal emergency services.

AT&T proposes to install 12 panel antennas at a tower centerline height of 161 feet above ground level (agl). The proposed site plans depict one 22-foot whip antenna at the top of the tower and one 22-foot whip antenna at the 90-foot level of the tower for Town communications. AT&T would install a walk-in equipment cabinet on a concrete pad within the compound.

In the event an outage of commercial power occurs at the proposed site, AT&T would rely on a diesel-fueled generator with a 54-gallon belly tank. It is anticipated the generators would provide approximately 54 hours of run time before refilling is required.

The compound would be accessed by 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 the compound. Utilities servicing the compound would be installed underground to a new on-site pole and then continue overhead to a new utility pole on the opposite side of Vale Road. This is the route preferred by Eversource. The Council will require that the final utility route be included in the Development and Management (D&M) Plan.

The nearest property boundary from the proposed tower and compound is approximately 36 feet and 9 feet, respectively, to the northwest (railroad corridor). The tower is designed with a yield point at 129 feet above ground level (agl) or 36 feet from the top of the tower to ensure that the tower setback radius remains within the boundary of the subject parcel. There are no residences within 1,000 feet of the proposed tower. The nearest residence is located approximately 1,273 feet to the south at 7 Park Lane.

Blasting is not expected to be necessary to construct the facility. If blasting is required, it would be conducted in accordance with state and municipal regulations. Development of the facility compound would require approximately 70 cubic yards of cut that would be replaced with clean broken stone fill.

Development of the site would disturb an approximate 0.34-acre area and would not require a DEEP-issued Stormwater Permit. HT would develop a detailed construction erosion and sedimentation (E&S) control plan that is consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control* (2002 E&S Guidelines). E&S controls would include, but not be limited to, filter socks.

The eastern-central portion of the host property contains an isolated depressional wetland. The limit of disturbance for installation of E&S controls at the site (which is approximately the nearest filter sock location) would be approximately 55 feet from the edge of the wetland at its closest point. Once site construction is completed, the facility lease area and compound would be approximately 123 feet to the wetland at its closest point. With the proposed E&S controls in accordance with the 2002 Guidelines, the proposed project would not adversely impact the wetland.

Four trees with a diameter of six inches or greater would be removed to develop the site.

The proposed facility is not located within a DEEP Natural Diversity Database buffer area.

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-mile and 150-feet, respectively, of the proposed tower.

The site is approximately 6.7 miles southwest of the Audubon at Bent of the River in Southbury, an Important Bird Area (IBA), as designated by the National Audubon Society. The proposed facility would not adversely affect the IBA and would comply with the U.S. Fish and Wildlife Service guidelines for minimizing the potential for telecommunications towers to impact bird species.

The host parcel is not within a flood zone. It does not contain prime farmland soil. Operation of the facility would comply with DEEP Noise Control Standards.

No resources listed on the State or National Register of Historic Places were identified within 0.5-mile of the site, and thus, no impact to historic resources is expected. The State Historic Preservation Office determined the proposed facility would have no effect on historic resources.

Applicants prepared a visual impact assessment of the site utilizing a two-mile radius study area (Study Area-8,042 acres) and computer modeling that was supplemented with in-field studies. These analyses were used by Applicants to generate photo-simulations of the proposed tower.

Based on the visual impact assessment, the proposed tower would be visible year-round from approximately 35 acres (0.44% of the Study Area), including 8 residences. The tower would also be seasonally visible (leaf-off conditions from November to early May) from an additional approximately 96 acres (1.2%) of the Study Area, including 6 residences.

Year-round visibility of the tower would be generally limited to within 0.25-mile of the site and intermittently up to one mile from the site. The tower would be seasonally visible (leaf-off conditions) from areas that 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.

The tower was designed as a monopole to reduce its visibility from the surrounding area. A unipole would require additional height, and a monopine or "tree" monopole would have increased width due to the faux branches. Thus, both alternative designs would have an increased visual profile relative to the proposed monopole design at the site.

Pursuant to CGS §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.

There are no state or locally designated scenic roads located within two miles of the proposed site. No comments were received from the Town, OPM or DEEP regarding any impacts to scenic quality or resources. There are no blue blazed hiking trails maintained by the Connecticut Forest and Parks Association within two miles of the site.

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

The Council finds that the proposed facility would not be located in an area of the state that possesses scenic quality of local, regional or state-wide significance and would not substantially affect the scenic quality of its location or surrounding neighborhood.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the cumulative worst-case maximum power density from the radio frequency emissions from the operation of AT&T's proposed antennas to be installed on the tower have been calculated to amount to 3.67 percent of the FCC's General Public/Uncontrolled Maximum Permissible Exposure (MPE) using a far-field methodology for the proposed facility that accounts for a 6-foot tall person at ground level and the actual antenna patterns. This is conservatively based on the antennas emitting maximum power. This percentage is below federal standards established for the frequencies used by wireless companies. Prior to commencement of construction, the Council will require a final rigorous cumulative far-field radio frequency analysis for the facility that accounts for all entities on the tower, a 6-foot tall person at ground level and the actual antenna patterns with a cumulative percent MPE at or below 100 percent, consistent with FCC methodology.

If federal power density standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other entities add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions. Potential harm to wildlife from radio frequency emissions, like the potential harm to human health from radio frequency emissions, is a matter of exclusive federal jurisdiction. The Council's role is to ensure that the tower meets federal permissible exposure limits.

The Council finds that the proposal would not cause unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources of the state. The Council has considered all reasonable alternatives and finds that the proposal represents the best alternative consistent with the reasonable requirements of the public health, safety and welfare.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, operation, and maintenance of the telecommunications facility, including effects on the natural environment, ecological balance, public health and safety, scenic, historic, and recreational values, agriculture, forests and parks, air and water purity, and fish, aquaculture and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the state concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, maintenance, and operation of a 165-foot monopole telecommunications facility located at 60 Vale Road, Brookfield, Connecticut.

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

February 2, 2023

### Decision and Order

Pursuant to Connecticut General Statutes (CGS) §16-50p, and the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, maintenance, and operation of a telecommunications facility, including effects on the natural environment, ecological balance, public health and safety, scenic, historic, and recreational values, agriculture, forests and parks, air and water purity, and fish, aquaculture and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need (Certificate), as provided by CGS §16-50k, be issued to Homeland Towers, LLC, hereinafter referred to as the Certificate Holder, for the construction, maintenance and operation of a telecommunications facility located at 60 Vale Road, Brookfield, Connecticut.

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

1. The tower shall be constructed as a monopole at a height of 165 feet above ground level to provide the proposed wireless services, sufficient to accommodate the antennas of AT&T and other entities, both public and private. The height of the tower may be extended after the date of this Decision and Order (D&O) pursuant to regulations of the Federal Communications Commission (FCC).
  
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies (RCSA). The D&M Plan shall be provided to the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) Final site plan(s) for development of the facility that employ the governing standard in the State of Connecticut for tower design in accordance with the currently adopted International Building Code and include specifications for the tower, tower foundation, antennas and equipment compound including, but not limited to, fence design, ground equipment, access road, utility installation and emergency backup power;
  - b) Construction plans for site clearing, grading, water drainage and stormwater control, site stabilization measures during construction; and erosion and sedimentation (E&S) controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended;
  - c) Wetland Protection Plan;
  - d) Petroleum Materials Storage and Spill Prevention Plan including, but not limited to, spill cleanup procedures, and detailed contact information for spill response contractor; and
  - e) construction schedule including hours and days of the week for construction activities.

3. Deployment of any 5G services must comply with FCC and Federal Aviation Administration guidance relative to air navigation, as applicable.
4. Prior to the commencement of operation, the Certificate Holder shall provide the Council with a rigorous cumulative far-field radio frequency analysis for the facility that accounts for all entities on the tower, a 6-foot tall person at ground level and the actual antenna pattern for antennas on the facility with a cumulative percent maximum permissible exposure at or below 100 percent, consistent with FCC, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this D&O.
5. Upon the establishment of any new federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
6. Radio frequency access restriction and caution signage shall be installed at the site in compliance with FCC guidance.
7. The Certificate Holder shall provide the Council with a copy of necessary permits from any other state or federal agency with concurrent jurisdiction prior to the commencement of construction.
8. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
9. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed with at least one fully operational wireless telecommunications carrier providing wireless service within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, D&O (collectively called "Final Decision"), this D&O shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
10. Any request for extension of the time period referred to in Condition 9 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of Brookfield.
11. If the facility ceases to provide wireless services for a period of one year, this D&O shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council within 90 days from the one year period of cessation of service. The Certificate Holder may submit a written request to the Council for an extension of the 90 day period not later than 60 days prior to the expiration of the 90 day period.
12. Any nonfunctioning antenna, and associated antenna mounting equipment, on this facility shall be removed within 60 days of the date the antenna ceased to function.



13. In accordance with RCSA §16-50j-77, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.
14. The Certificate Holder shall remit timely payments associated with annual assessments and invoices submitted by the Council for expenses attributable to the facility under CGS §16-50v.
15. This Certificate may be transferred in accordance with CGS §16-50k(b), provided both the Certificate Holder/transferor and the transferee are current with payments to the Council for their respective annual assessments and invoices under CGS §16-50v. In addition, both the Certificate Holder/transferor and the transferee shall provide the Council a written agreement as to the entity responsible for any quarterly assessment charges under CGS §16-50v(b)(2) that may be associated with this facility, including contact information for the individual acting on behalf of the transferee. If construction has not been completed in accordance with Condition 9 of this D&O at the time the Certificate is requested to be transferred, a certified letter from a wireless telecommunications carrier with a firm commitment to install associated wireless equipment at the facility upon completion of construction shall also be provided.
16. The Certificate Holder shall maintain the facility and associated equipment, including but not limited to, the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line and landscaping in a reasonable physical and operational condition that is consistent with this D&O and a D&M Plan to be approved by the Council.
17. If the Certificate Holder is a wholly-owned subsidiary of a corporation or other entity and is sold/transferred to another corporation or other entity, or if the Certificate Holder transfers management and operations of the facility to another corporation or other entity, the Council shall be notified in writing of such sale and/or transfer and of any change in contact information for the individual or representative responsible for management and operations of the facility within 30 days of the sale and/or transfer.
18. This Certificate may be surrendered by the Certificate Holder upon written notification and acknowledgment by the Council.

We hereby direct that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each party and intervenor or its authorized representative, as listed in the Service List, dated September 23, 2022, and notice of issuance published in the Danbury News-Times in accordance with CGS §4-180(c) and CGS §16-50p(f).

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party and intervenor named or admitted to the proceeding in accordance with RCSA §16-50j-17.

## CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **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, and voted as follows to approve the proposed site:

| <u>Council Members</u>  | <u>Vote Cast</u> |
|---|------------------|
| <u>/s/ John Morissette</u><br>John Morissette, Presiding Officer                          | Yes              |
| <u>/s/ Quat Nguyen</u><br>Chairman Marissa Paslick Gillett<br>Designee: Quat Nguyen       | Yes              |
| <u>/s/ Brian Golembiewski</u><br>Commissioner Katie Dykes<br>Designee: Brian Golembiewski | Yes              |
| <u>/s/ Robert Silvestri</u><br>Robert Silvestri   | Yes              |
| <u>/s/ Daniel P. Lynch, Jr.</u><br>Daniel P. Lynch, Jr.                                   | Yes              |
| <u>/s/ Mark Quinlan</u><br>Mark Quinlan   | Yes              |

Dated at New Britain, Connecticut, February 2, 2023.



## STATE OF CONNECTICUT

### CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

### VIA ELECTRONIC MAIL

February 2, 2023

TO: Classified/Legal Supervisor  
**512230202**  
Danbury News Times  
333 Main Street  
Danbury, CT 06810  
[nhlegals@hearstmediact.com](mailto:nhlegals@hearstmediact.com)

FROM: Lisa A. Mathews, Office Assistant 

RE: **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.

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

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

Thank you.

LM



## STATE OF CONNECTICUT

### *CONNECTICUT SITING COUNCIL*

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Web Site: [portal.ct.gov/csc](http://portal.ct.gov/csc)

### NOTICE

Pursuant to General Statutes § 16-50p (a), the Connecticut Siting Council (Council) announces that, on February 2, 2023, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T 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. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut.