

DOCKET NO. 515 - Cellco Partnership d/b/a Verizon Wireless } Connecticut
application for a Certificate of Environmental Compatibility and Public }
Need for the construction, maintenance, and operation of a } Siting
telecommunications facility located at 180 School Road, Wilton, } Council
Connecticut. }

August 17, 2023

Findings of Fact

Introduction

1. Cellco Partnership d/b/a Verizon Wireless (Cellco), in accordance with provisions of Connecticut General Statutes (C.G.S.) § 16-50g, *et seq*, applied to the Connecticut Siting Council (Council) on March 17, 2023, for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 123-foot* stealth “tree” monopole (monopine) wireless telecommunications facility at 180 School Road, Wilton, Connecticut (refer to Figure 1).

*The monopole or faux “tree trunk” would be 123 feet high. The top “tree branches” would reach a maximum height of 128 feet.

(Cellco 1, pp. i, iii, 1, Attachments 1, 17; Tr.1, pp. 1, 5)
2. Cellco is a Delaware Partnership with an administrative office located at 20 Alexander Drive, Wallingford, Connecticut. Cellco is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service in the State of Connecticut. (Cellco 1, p. 2)
3. The party in this proceeding is Cellco. (Record)
4. There are no Connecticut Environmental Protection Act (CEPA) Intervenors in this proceeding. (Record).
5. The purpose of the proposed facility is to provide reliable wireless communications services for Cellco customers in the central and western portions of the Town of Wilton (Town). (Cellco 1, pp. 6-7, Attachment 6)
6. Under C.G.S. §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. (C.G.S. §16-50p(b) (2023), Council Administrative Notice Item No. 4)
7. 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 unnecessary proliferation of such facilities consistent with the state tower sharing policy. (C.G.S. §16-50p(b) (2023); C.G.S. §16-50aa (2023))
8. Pursuant to C.G.S. §16-50/ (b), Cellco provided public notice of the filing of the application that was published in the Norwalk Hour on March 10 and March 11, 2023. (Cellco 1, p. 3; Cellco 2)

9. Pursuant to C.G.S. §16-50l (b), notice of the application was provided to all abutting property owners by certified mail on March 10, 2023. (Cellco 1 p. 3, Attachment 4; Cellco 3, Response 3)
10. On March 17, 2023, Cellco provided notice to all federal, state and local officials and agencies listed in C.G.S. §16-50l (b). (Cellco 1, p. 3, Attachment 2)

Procedural Matters

11. 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 Item No. 56; C.G.S. §1-200, et seq. (2023))
12. 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 Item No. 56)
13. Upon receipt of the application, on March 20, 2023, the Council sent a letter to the Town as notification that the application was received and is being processed, in accordance with C.G.S. §16-50gg. No comments from the Town were received. (Record)
14. Local zoning regulations do not apply to facilities under the exclusive jurisdiction of the Council. Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over telecommunications facilities throughout the state. It shall consider any location preferences provided by the host municipality under CGS §16-50g as the Council shall deem appropriate. (CGS §16-50x (2021))
15. During a regular Council meeting on April 13, 2023, 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)
16. Pursuant to C.G.S. §16-50m, on April 13, 2023, 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)
17. Pursuant to C.G.S. §16-50m, the Council published legal notice of the date and time of the public hearing via Zoom conferencing in the Wilton Bulletin on April 13, 2023. (Record)

18. The Council's Hearing Notice did not refer to a public field review of the proposed site. Field reviews are neither required by statute nor an integral part of the public hearing process. The purpose of a field review 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))
19. On April 28, 2023, in lieu of an in-person field review of the proposed site, the Council requested that Cellco submit photographic documentation of site-specific features into the record intended to serve as a "virtual" field review of the site. On May 18, 2023, Cellco submitted such information in response to the Council's interrogatories. (Record; Cellco 3, Response 41)
20. On March 20, 2023, pursuant to C.G.S. §16-50o, Cellco filed a Motion for 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. (Record)
21. On March 27, 2023, Cellco withdrew its Motion for Protective Order. (Record)
22. Pursuant to C.G.S. §16-50p(g), the Council shall in no way be limited by Cellco already having acquired land or an interest therein for the purpose of constructing the proposed facility. (C.G.S. §16-50p(g) (2023); *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))
23. 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; C.G.S. §16-50p (2023); *Westport v. Conn. Siting Council*, 47 Conn. Supp. 382 (2001); *Goldfisher v. Conn. Siting Council*, 95 Conn. App. 193 (2006))
24. On June 7, 2023, the Council held a 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 public hearing via Zoom remote conferencing were also discussed. (Council Pre-Hearing Conference and remote hearing procedure Memoranda, dated May 31, 2023; R.C.S.A §16-50j-22a; R.C.S.A. §16-50j-26)
25. In compliance with R.C.S.A. §16-50j-21, on June 11, 2023, Cellco installed a four-foot by eight-foot sign along School Road in the vicinity of the proposed access drive to the site. The sign presented information regarding the proposed telecommunications facility and the Council's public hearing. (Cellco 4; Tr. 1, p. 5)
26. Pursuant to C.G.S. § 16-50m, the Council gave due notice of a public hearing to be held on June 29, 2023, beginning with the evidentiary session at 2:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom remote conferencing. The Council provided information for video/computer access or audio only telephone access. (Council's Hearing Notice dated April 13, 2023; Tr. 1, pp. 1,5,6)
27. 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, p. 6; Tr. 2; C.G.S. §16-50n(f) (2023))

28. During the public comment session of the Council's hearing held on June 29, 2023, the Town's First Selectwoman and two members of the public made oral limited appearance statements about the proposed facility. (Tr. 2, pp. 10-19)
29. In compliance with PA 22-3:
 - a) The public had the ability to view and listen to the remote public hearings in real-time, by computer, smartphone, tablet or telephone;
 - b) The remote public hearings were recorded and transcribed, and such recordings and transcripts were posted on the Council's website on June 29, 2023 and July 14, 2023; respectively;
 - c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearing were posted on the Council's website;
 - d) Prior to, during and after the public hearing, 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 hearing.(Hearing Notice dated April 13, 2023; Tr. 1; Tr. 2; Record)
30. 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 (2023))
31. 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 (2023); *Dore v. Commissioner of Motor Vehicles*, 62 Conn. App. 604 (2001); R.C.S.A. §16-50j-25).
32. Pursuant to C.G.S. §16-50n(f), at the conclusion of the hearing session held on June 29, 2023, the Council closed the evidentiary record for Docket 515 and established July 29, 2023 as the deadline for public comments and the submission of briefs and proposed findings of fact. (Record)
33. 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))
34. On July 11, 2023, the Council requested an extension of time to render a final decision. On July 12, 2023, Cellco consented to the Council's request for an extension of time. (Record)

State Agency Comment

35. Pursuant to C.G.S. § 16-50j (g), on April 13, 2023, 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)

36. On April 17, 2023, the Council received comments from the CAA¹ related to the location of the facility within 20 miles of a radar facility, the deployment of 5G C-band technology and coordination with the Federal Aviation Administration (FAA). FAA concerns are addressed in the Public Health and Safety section of this document, pursuant to C.G.S. §16-50p. (Record; C.G.S. §16-50p (2023))
37. 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) (2023); *Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)).

Municipal Consultation

38. In July 2021, the Town issued a Request for Proposals (RFP) from interested parties to lease the site, construct and manage the proposed telecommunications facility. (Cellco 1, pp. 11, 19; Tr.1, pp. 64, 65; Tr. 2, 9)
39. Cellco responded to the Town's RFP and was the sole bidder. On November 1, 2021, the Town accepted Cellco's bid and entered into a lease agreement with Cellco on June 6, 2022. (Cellco 1, pp. 11, 19, Attachment 15; Cellco 2, Response 7, exhibit 2)
40. Pursuant to C.G.S. §16-50(f), the Town is entitled to a 90-day pre-application municipal consultation process to review Cellco's proposal. The Town chose to waive the municipal consultation process since the Town had already reviewed Cellco's proposal during the RFP. (Cellco 1, pp. 19, 20; Attachment 15)
41. On November 2, 2022, at the request of the Town, Cellco participated in a Public Information Meeting (PIM). The PIM was attended by approximately 15 residents most of whom live northeast of the proposed tower and four Town officials. (Cellco 1, p. 20; Cellco 3, response 5; Tr. 1, p. 65)
42. Concerns expressed at the PIM included, but were not limited to, the visual impact of the 123-foot tower, placement of the tower within a residential area, and alternative sites. During the PIM, suggestions were made by attendees to shift the proposed tower location farther south. (Cellco 1, p. 19; Cellco 3, response 5; Tr. 1, pp. 51, 52, 65)
43. On December 2, 2022, Cellco conducted a crane test as part a visual assessment of the facility. Residents who gave their contact information at the PIM were notified of the crane test. (Cellco 1, p. 20, Attachment 8; Cellco 3, response 6; Tr.1, p. 36)

Public Need for Service

44. 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)

¹ [TO: Parties & Intervenors \(ct.gov\)](#)

45. 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. Cellco is licensed by the FCC to provide personal wireless communication service to Fairfield County, Connecticut. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996; Cellco 1, p. 1)
46. 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)
47. 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)
48. 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)
49. 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)
50. 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)
51. 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)
52. 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)

53. 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)
54. 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)
55. 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)
56. 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 (2023))
57. On April 13, 2023, 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 June 22, 2023. No carriers responded to the Council's solicitation. (Record)
58. The facility would be designed to accommodate a total of four wireless carriers, the Town and local emergency service providers. (Cellco 1, p. 12, Attachment 1)
59. The Town does not have an interest in co-locating emergency services antennas on the tower at this time but would likely do so in the future. (Cellco 1, p. 12; Cellco 3, response 24; Tr. 1, p. 35)

Cellco's Existing and Proposed Wireless Services

60. Cellco has a significant coverage deficiency in its wireless communications network in the central and western areas of Wilton. (Cellco 1, p. 7, Attachment 6; Tr. 1, p. 67)
61. Roads in the area without adequate service include, but are not limited to, Route 33 (Ridgefield Road), Route 106 (Wolfpit Road) and Route 7 (Danbury Road). (Cellco 1, p. 7, Attachment 6; Tr. 1, p. 67)
62. Cellco proposes to operate 700 MHz, 850 MHz, 1900 MHz, 2100 MHz, 3550 MHz and 3600 MHz frequencies from a tower height of 123 feet above ground level (agl). The 3600 MHz frequency is capable of supporting 5G services. (Cellco 1, p. 8, Attachment 6)

63. Cellco currently operates seven facilities in a 4 mile radius of the proposed site. None of these facilities provide adequate coverage to the proposed service area. (Cellco 1, pp. 6, 8, 9, Attachment 6)
64. The 700 MHz frequency handles most of Cellco’s wireless traffic and has the largest coverage footprint. All of Cellco’s licensed frequencies transmit voice and data services. Cellco’s network hands off customers seamlessly between frequencies for cell site load balancing. (Cellco 3, Response 17)
65. A coverage plot at 700 MHz (refer to Figure 2) indicates that the existing coverage in the proposed service area is a mix of in-vehicle coverage and outdoor coverage. A coverage gap is apparent southwest of the proposed facility; however, that gap has been eliminated due to the recent installation of a telecommunications facility at St. Luke’s School in New Canaan. There is no 2100 MHz service in the area (refer to Figure 4). (Cellco 1, p. 7, Attachment 6; Tr. 1, pp. 67-69)
66. Cellco conducted a drive test in the Wilton area. The drive test measures actual network performance, as opposed to a coverage model of existing service which is based on calculations. The drive test is conducted with a phone in a vehicle that travels through Cellco’s service areas. (Cellco 3, Response 20)
67. The network drive test data indicates non-reliable service occurs on Route 106 and Route 33. (Cellco 4, Response 20)
68. Cellco designs its network using a -95 dBm Reference Signal Received Power (RSRP) standard for reliable in-vehicle service and -85 dBm RSRP standard for reliable in-building service. Outdoor coverage is at -105 dBm RSRP. (Cellco 1, pp. 7-8, Attachment 6; Cellco 3, Response 18)
69. Cellco would locate at the 120-foot level of the proposed facility. Cellco’s installation on the tower would provide the following wireless services:

Street Name	700 MHz coverage in mi		850 MHz coverage in mi		1900 MHz coverage in mi		2100 MHz coverage in mi		3550 MHz coverage in mi		3700 MHz coverage in mi	
	RSRP -85 dBm	RSRP -95 dBm	RSRP -85 dBm	RSRP -95 dBm	RSRP -85 dBm	RSRP -95 dBm	RSRP -85 dBm	RSRP -95 dBm	RSRP -85 dBm	RSRP -95 dBm	RSRP -85 dBm	RSRP -95 dBm
	Route 7	2	4	1.3	2.85	0	0.66	0	0.22	0	0	0.36
Route 33	1.77	3.4	0.85	2.66	0	0.9	0	0.44	0	0	0	1.2
Route 106	0	1.2	0	0.55	0	0	0	0	0	0	0	0
Overall Coverage Footprint (Square Miles)	3.1	8.59	1.9	5.85	0.16	1.43	0.13	1.01	0	0.03	0.36	1.57

(Cellco 1, p. 8, Attachment 1; Cellco 3, Response 19)

70. Cellco’s wireless service objectives for the site include increasing the amount of reliable in-vehicle service on area roads, increasing reliable in-building wireless service and deploying additional frequencies to serve the area. (Cellco 1, Attachment 6; Tr. 1, pp. 27-28; Tr. 5, p. 19)

71. In addition to providing reliable service to the surrounding area, the proposed site would also provide capacity relief to the gamma sector of Cellco's existing Wilton West CT and Wilton CT facilities and the alpha sector of Cellco's Wilton DB CT facility. (Cellco 1, Attachment 6; Cellco 3, response 22; Tr.1, p. 19)
72. Lowering the height of Cellco's proposed antennas would reduce the coverage footprint, resulting in nonreliable service to areas of Route 33 and local roads within the proposed service area. (Cellco 3, response 19)

Site Selection

73. The proposed site is located on a Town-owned parcel that is used as a school bus parking lot. The site was selected by the Town through its RFP. Cellco determined that the site would satisfy its wireless service objectives. (Cellco 1, pp. 11, 20, Attachment 6; Cellco 3, Response 21; Tr. 1, pp. 15, 19, 44-47, 52)
74. Since the site was pre-selected by the Town, Cellco did not conduct a separate site search or initiate a site selection process. (Cellco 1, p 11)
75. To address visibility concerns from residents, Cellco and the Town agreed to move the proposed tower location 175 feet south of its original location and to install a monopine design tower. (Cellco 1, pp. 11, 20; Cellco 3, response 5)
76. On March 6, 2023, the Town amended the original Land Lease Agreement to include the relocation of the proposed facility. (Cellco 1, pp. 11, 20; Cellco 3, response 5; Tr. 1, p. 51)
77. Cellco did not present its original tower location to the Council for consideration. (Record)
78. 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. Conn. Siting Council*, 284 Conn. 455 (2007); C.G.S. §16-50p(g)(2023))
79. 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

80. A series of small cells or a Distributed Antenna System (DAS) to serve the area is not cost effective or feasible given the number of facilities required and encumbrances on existing utility poles such as transformers, risers, and streetlights that would limit a carrier's ability to use the pole. While the number of small cells that would be required to provide comparable service is unknown, it is expected to be a significant number given the size of the service area. (Cellco 3, response 8)
81. Small cell limitations include a reduction in the number of frequencies deployed, the lack of structure sharing with other carriers, and the lack of space for emergency backup power. (Cellco 3, response 8)

82. To provide wireless service to the proposed service area would require a significant number of small cell deployments either on existing utility poles or on new utility poles along roadways or on private parcels throughout the proposed service area and would not be economically viable as a replacement for a single tower site. (Cellco 3, response 8)

Proposed Site

83. Pursuant to RCSA §16-50j-2a(29), “Site” means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located. (RCSA §16-50j-2a (29)(2023))
84. The proposed site is located on an approximate 109.27-acre parcel at 180 School Road in Wilton. The host parcel is zoned residential with access from School Road and is developed with schools, athletic fields and facilities, a community center and a school bus parking lot/depot. Portions of the of the parcel are undeveloped and wooded. The proposed site location is at the school bus parking lot/depot and depicted on Figure 1. (Cellco 1, pp. 7, 18; Attachment 1)
85. Surrounding land use is mostly residential and municipal. Residences are located to the north, south and northeast of the host parcel. Middlebrook School is located across School Road to the west of the school bus parking lot. A landscaping materials storage area is located to the east. (Cellco 1, p. 18, Attachment 1)
86. The proposed tower site is located in the northwest portion of the host parcel adjacent to the eastern side of the school bus parking lot. (Cellco 1, p. 7, 15, Attachment 1, Attachment 8)
87. Access to the site would be from School Road utilizing the existing paved driveway within the school bus parking lot to the facility compound. (Cellco 1, Attachment 1)
88. Underground utilities (electric/telecommunications) would extend from a meter board adjacent to the compound gate along the northeastern edge of the school bus parking area to an existing pad mounted transformer located 350 feet northwest of the compound to an existing utility pole on School Road. (Cellco 1, p. 8, Attachments 1, 17; Tr.1, pp. 16, 52-54)
89. An alternative route for underground utilities would extend approximately 500 feet south of the facility compound to an existing utility pole also located on School Road. (Cellco 1, Attachments 1, 17; Tr. 1, p. 16)
90. The site does not require a water supply or water connection. (Cellco 1, Attachments 1, 17)
91. Development of the site would disturb less than an acre of land (approximately 0.33 acres). (Cellco 1, Attachment 1)
92. The site development footprint is approximately 14,450 square feet. (Cellco 3, Response 13; Tr.1, p. 14)

Proposed Facility

93. The proposed tower is at an elevation of approximately 371 feet above mean sea level (amsl). (Cellco 1, Attachment 1)

94. The proposed facility would consist of a 123-foot monopole designed as a faux pine tree (monopine). The top of the faux tree branches would extend to approximately 128 feet agl. The tower would be approximately 50 inches in diameter at the base, tapering to 24 inches at the top (refer to Figure 6). (Cellco 1, Attachment 1; Tr.1, p. 14)
95. Cellco would install 12 panel antennas and 12 remote radio heads on T-Arm antenna mounts at a centerline height of 120 feet agl. (Cellco 1, p.7, Attachment 1)
96. A 60-foot by 60-foot (3,600 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 southwest to northeast direction with a slight incline of 2%. (Cellco 1, Attachment 1; Tr.1, pp. 14, 20).
97. Cellco would install a 20-foot by 10-foot concrete pad within the compound to support two equipment cabinets and a 50-kilowatt propane-fueled emergency generator. A 1000 gallon propane tank would also be installed on an 18-foot by 5-foot concrete pad within the compound. (Cellco 1, Attachment 1; Cellco 3, Response 25; Tr. 1, p. 30)
98. The proposed equipment compound would be enclosed by an eight-foot high chain-link fence with an access gate adjacent to two existing bus parking spaces. The two existing bus parking spaces would be converted into a 24-foot wide access drive for the facility compound. The converted parking spaces would be marked to indicate that they are for facility use only. Two replacement bus parking spaces would be constructed in the southwestern corner of the school bus parking lot (see Figure 8). (Cellco 1, p. 11, Attachments 1, 17; Cellco 3, Exhibit 1; Tr. 1, p. 14)
99. A geotechnical survey would be performed prior to construction to evaluate existing subsurface conditions as part of the Development and Management (D&M) Plan. The geotechnical survey would be used to design the tower and foundation. It would involve using a track-mounted boring rig. Some minor tree/brush clearing may be required to allow access for the drill rig to the boring locations. (Cellco 3, Response 12; Tr. 1, p. 14)
100. 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 (2023); R.C.S.A. §16-50j-75, et seq.; *Town of Westport v. Conn. Siting Council*, 260 Conn. 266 (2002))
101. For telecommunications facility construction, geotechnical investigations are typically conducted after the final site location and facility design have been approved by the Council with a condition for the results of the geotechnical investigation to be submitted as part of the D&M Plan. (Council Administrative Notice 62)
102. Cellco does not anticipate the need for blasting to construct the site. Subject to the results of the geotechnical survey, if ledge is encountered, Cellco would remove ledge by chipping. If blasting is required, Cellco follow appropriate protocols in accordance with state and municipal regulations. (Cellco 3, Response 12; Tr. 1, pp. 57-59)
103. The nearest abutting property boundaries from the proposed tower are approximately 165 feet to the east (24 Richdale Drive), 246 feet to the south and 620 feet to the north (Town-owned property on School Road). (Cellco 1, Attachment 1)
104. There are approximately 3 residences within 1,000 feet of the proposed tower. The nearest residence is approximately 440 feet to the southwest at 15 Penny Lane. (Cellco 1, p. 14)

105. Site construction would commence following Council approval of a D&M Plan for the facility and is expected take 6 to 8 weeks. Cell site integration and system testing would take an additional two weeks. (Cellco 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) (2023))
107. Once operational, Cellco technicians would access the site for maintenance visits approximately once per month. (Cellco 1, p. 8; Tr. 1, p. 45)
108. The estimated cost of the proposed facility is:

Tower and Foundation	\$150,000
Antenna and Coax	\$90,000
Generator	\$25,000
Cell Site and Radio Equipment	\$300,000
Miscellaneous (site prep, utilities)	\$20,000

Total Estimated Costs **\$585,000**
(Cellco 1, pp. 21-22)

109. Cellco would recover the costs associated with the facility through customer subscriptions and business operations. (Cellco 3, Response 4)
110. 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. Cellco is a private entity. (Cellco 3, response 1; C.G.S. §22a-1, et seq. (2023))

Public Health and Safety

111. 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)
112. The proposed facility would be in compliance with the requirements of the 911 Act and would provide Enhanced 911 services. (Cellco 1, pp. 5-6)
113. 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. 21 – FCC Text-to-911: Quick Facts & FAQs)
114. Cellco's proposed equipment installation would be capable of supporting text-to-911 service. (Cellco 3, response 30)

115. 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)
116. Cellco’s proposed equipment installation would provide WEA services. (Cellco 4, Response 31)
117. 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. (Cellco 3, Response 14)
118. The tower would be designed to the Telecommunications Industry Association 222-H Structural Standards for Steel Antenna Towers and Antenna Supporting Structures. The maximum rated wind speed for the antennas on the proposed tower is 161 mph. (Cellco 1, Attachment 1; Cellco 3, Response 9)
119. The proposed tower would not require notice to the FAA or constitute an obstruction or hazard to air navigation and therefore would not require any obstruction marking or lighting. (Cellco 1, p. 20, Attachment 16; Cellco 3, Response 34)
120. In addition to the proposed compound fence and locked access gate, to prevent unauthorized access to facility components, the equipment cabinets would be equipped with silent intrusion alarms and the climbing pegs on the lower portion of the tower would be removed. (Cellco 3, Response 29)
121. The tower setback radius* would be within the boundaries of the host parcel. Cellco does not anticipate a need for a yield point. (Cellco 1, Attachment 1; Tr 1, p. 19)
*The horizontal distance equal to the tower height that extends radially from the center of the tower.
122. Operational noise from the facility would comply with DEEP Noise Control Regulations. Noise from the cabinet cooling fans is minimal (would not exceed 60 dBA at a distance of 5-feet from the cabinets). (Cellco 3, Response 33)
123. Construction noise is exempt from 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) (2023))
124. Construction of the facility would not adversely impact the daily operations of the school bus parking lot. Equipment staging and storage would be conducted within Cellco’s access and proposed limits of disturbance. (Tr. 1, pp. 15, 20)
125. There would be no lighting of the facility except for a work light for the equipment cabinets that is operated by motion or a timer switch. (Cellco 3, Response 34)
126. The proposed site is not located within a Federal Emergency Management Agency designated 100-year or 500-year flood zone. (Cellco 1, Attachment 14; Cellco 3, Response 37)
127. The site is not within a state-designated aquifer protection area. (Cellco 3, response 32)

128. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of Cellco's antennas is approximately 6.9% of the standard for the General Public/Uncontrolled Maximum Permissible Exposure, as adopted by the FCC, at a horizontal distance of approximately 373 feet from the tower using the proposed antenna configuration. 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. (Cellco 1, p. 17, Attachment 13; Council Administrative Notice Item No. 2 – FCC OET Bulletin No. 65)

Emergency Backup Power

129. 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. 52)
130. 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. 34 – Council Docket No. 432)
131. 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. 34 – Council Docket No. 432)
132. For backup power, Cellco proposes a 50-kilowatt propane-fueled emergency backup generator with an associated 1000-gallon fuel tank for its own use. Cellco's proposed generator would provide approximately 6 to 7 days of run time before it requires refueling. The storage tank would be installed to include a 10-foot radius for a "no spark" safety zone. (Cellco 1, pp. 2, 7, 10 & 21, Attachment 1; Cellco 3, responses 25 & 26; Tr. 1, p. 30)
133. Cellco would also install a battery backup system in order to avoid a "re-boot" condition during the generator start-up delay period. The battery backup system alone could provide up to 8 hours of backup power. (Cellco 1, p. 10; Cellco 3, Response 27; Tr.1, p. 40)
134. Cellco's generator would be remotely tested/exercised twice a month during daytime hours for approximately 20 minutes to ensure proper operation. (Cellco 1, p. 8; Tr.1, pp. 27, 28)
135. Generator preventive maintenance such as visual inspections and oil and oil filter changes would be done annually. (Tr.1, pp. 24, 64)
136. Cellco's proposed generator capacity would not be sufficient for shared use with additional carriers. (Cellco 3, Response 28)
137. 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 (2023))

Environmental Effects and Mitigation Measures

Air and Water Quality

138. Operation of the proposed facility would not produce air emissions, excluding operation of the emergency backup generator. (Cellco 1, p. 17, Attachment 1)
139. Pursuant to R.C.S.A. §22a-174-3b, the generator would be managed to comply with DEEP's "permit by rule" criteria and would comply with air emissions. Therefore, the generator would be exempt from general air permit requirements. (Cellco 1, p. 21, Attachment 1; R.C.S.A. §22a-174-3b (2023))
140. 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.* (2023))
141. 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 (2023))
142. 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 (2023))
143. A wetland inspection was conducted on June 30, 2022. It identified two wetland areas; one located to the north/northwest (Wetland 1) and the other to the southeast (Wetland 2). (Cellco 1, pp. 15 & 19, Attachment 10; Cellco 3, Response 36; Tr.1, p. 21)
144. The proposed facility compound is located 330 feet southeast of Wetland 1. The construction limit of disturbance (LOD) is approximately 30 feet from Wetland 1 at its closest point. (Cellco 1, p. 15, Attachment 10; Cellco 3, Response 35; Tr.1, p. 21)
145. Wetland 1 is a forested wetland associated with poorly drained soils, hillside seeps and evidence of seasonal flooding. This wetland system drains northeast to southwest with a gentle gradient. (Cellco 1, Attachment 11)
146. The proposed facility is located 105 feet north of Wetland 2. The construction LOD is approximately 96 feet from Wetland 2 at its closest point. (Cellco 1, p. 15, Attachment 10; Cellco 3, Response 35; Tr.1, p. 21)
147. Wetland 2 is a forested wetland system located within a clearly defined topographic depression and strong evidence of seasonal flooding. This wetland system drains southeast within a broad forested seep system that extends onto the adjacent property. (Cellco 1, Attachment 11)
148. On April 10, 2023, Cellco conducted a second wetland inspection and vernal pool survey. It identified an additional wetland (Wetland 3), expanded the southern boundaries of Wetland 2 and confirmed that Wetland 2 supported vernal pool habitat. (Cellco 3, Response 35)

149. The northern edge of the vernal pool habitat is about 160 feet from the southern fence line of the proposed facility compound and contained evidence of vernal pool species. Wood frog egg masses were identified. No spotted salamander egg masses were identified. (Cellco 3, Response 35)
150. Wetland 3 is located within a concave depression 300 feet south of the proposed facility and borders the northern edge of School Road. The construction LOD is approximately 112 feet from Wetland 3 at its closest point. (Cellco 3, Response 35)
151. Wetland 3 consists of a small isolated forested wetland system with shallow flows from the nearby hillside and overflows from Wetland 2. This wetland system is seasonally saturated and shows evidence of disturbance associated with the nearby road. (Cellco 3, Response 35)
152. Cellco will not install any permanent stormwater management features. Temporary or permanent stormwater management features such as drainage swales could create decoy pools which could attract breeding amphibians such as wood frogs as they migrate to the vernal pool from the nearby adjacent forested habitats to the east and southeast. (Cellco 3, Response 35; Tr. 1, pp. 42-46)
153. Stormwater runoff within the compound would drain towards the east as a result of the 2% incline of the gravel surface. However, the gravel surface would facilitate stormwater infiltration and thus a minimal amount of runoff. Distance of the vernal pool from the facility would prevent any alteration to the present hydrology of the vernal pool. (Cellco 3, Response 35; Tr. 1, pp. 20-22, 42-46)
154. Given the gravel surface of the proposed facility and the relatively flat topography, any runoff from the proposed facility would not contribute to off-site runoff. (Tr. 1, pp. 46-48)
155. There would be no direct wetland impacts through the development of the proposed tower compound. No disruption to the hydrology of the vernal pool is anticipated from the proposed project. (Cellco 3, Response 35, Tr. 1, pp. 20-22, 42-46)
156. The development of the proposed tower compound would not be within the vernal pool envelope, an area within 100 feet around the vernal pool. (Cellco 3, Response 35, Tr. 1, pp. 20-22, 42-46)
157. The total area of Critical Terrestrial Habitat (CTH), an area within 100 to 750 feet around the vernal pool, associated with the identified vernal pool is ± 45.4 acres, which consists of 26.1 acres of undeveloped land/wetland forested areas and 19.3 acres of developed residential and commercial areas. The vernal pool CTH is less than 45 percent developed under existing conditions. Development of the site would increase the developed portion of the combined CTH area by 0.44 percent or 0.2 acres of additional development, which includes the two replacement bus parking spaces. (Cellco 3, Response 36)
158. To mitigate potential effects to the wetlands and vernal pool, Cellco would implement a wetland and vernal pool protection plan during construction that includes an independent environmental compliance monitor to ensure erosion and sedimentation control measures are installed and maintained, contractor training, provisions for fuel storage and spill remediation, herbicide, pesticide and salt restrictions, and site inspection reporting. (Cellco 6, p. 3; Cellco 1, Attachment 11; Tr. 1, pp. 65-67)
159. Cellco would implement vernal pool Best Management Practices (BMPs) that include, but are not limited to: installation of appropriate erosion controls; periodic inspection and maintenance of isolation structures; herpetofauna sweeps; contractor education and reporting. (Cellco 3, Response 35; Tr.1 p. 44)

160. The vernal pool BMPs would be implemented during early spring breeding (March 1 – May 25) and late summer dispersal (July 15 – September 15). (Cellco 3, Response 35)
161. The Wetland and Vernal Pool Protection Plan contains a Material Storage and Spill Prevention Plan that includes, but is not limited to servicing of construction machinery, spill cleanup procedures, and reporting. (Cellco 1, Attachment 1, Sheet C-3; Cellco 3, Response 36)
162. Cellco would establish erosion and sedimentation controls consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control*. (Cellco 1, Attachment 11)
163. The proposed site is not located within the Federal Emergency Management Agency designated 100-year or 500-year flood zones. (Cellco 1, p. 19, Attachment 14; Cellco 3, Response 37)
164. Pursuant to C.G.S. §22a-430b, a DEEP Stormwater Permit is required for any disturbance greater than 1 acre. The construction limits for the proposed site development is approximately 14,450 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. (Cellco 3 Response 13)
165. The proposed site is not located within an aquifer protection area (APA) or public water supply watershed (PWSW). The nearest APA is located 2.9 miles southeast of the proposed facility. The nearest PWSW is located approximately 0.55 miles west of the proposed facility. (Cellco 3, response 32)

Forests and Parks

166. There are two community parks within one mile of the proposed site. Merwin Meadows Community Park is approximately 0.57 miles northwest of the site at its closest point. Allens Meadows Community Park is approximately 0.96 mile southwest of the site. There would be no direct impacts to either park. (Cellco 1, Attachment 8)
167. Approximately 10 trees with a diameter of six inches or greater at breast height would be removed to construct the facility. (Cellco 1, Attachment 1)

Fish, Aquaculture and Wildlife

168. DEEP Natural Diversity Database (NDDB) maps show approximate locations of state-listed endangered, threatened, and special concern species and can be used to find areas of potential conservation concern. (Council Administrative Notice Item No. 73)
169. The proposed facility is not located within a DEEP NDDB buffer area, and thus, Cellco did not consult with the DEEP NDDB program. (Cellco 1, p. 15, Attachment 9; Council Administrative Notice Item No. 73)
170. The site is within the range of the northern long-eared bat (NLEB), a federally-listed 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 facility. (Cellco 1, p. 15, Attachment 9)

171. Cellco performed a US Fish and Wildlife Service (USFWS) Information, Planning, and Conservation System (IPaC) analysis that determined the Project would not have an effect on NLEB. At the time the IPaC analysis was conducted, the NLEB was a federally-listed threatened species. The USFWS re-listed the NLEB as federally-listed endangered on March 31, 2023. Cellco subsequently performed an additional analysis using the new USFWS NLEB planning tool which determined the Project would not likely have an adverse effect on NLEB. (Council Administrative Notice No. 30; Cellco 1, Attachment 9)
172. Due the forested nature of the site, Cellco would implement recommended measures for NLEB conservation including but not limited to:
- Conducting tree removal activities outside of the NLEB pup season (June 1-July 31) and active season (April 1-October 31) to minimize impacts to pups at roosts that may be present;
 - Maintain dead trees (snags) and large trees when possible;
 - Use herbicides and pesticides only if unavoidable. If necessary, spot treatment is preferred over aerial application; and
 - Minimize exterior lighting, opting for down-shielded, motion-sensor security lights instead of constant illumination
- (Cellco 1, Attachment 9)
173. The nearest Important Bird Area (IBA) to the proposed site is the Devils Den Nature Preserve located 3.1 miles to the northeast in the Town of Weston. The proposed facility would not affect the IBA. (Council Administrative item No. 78)
174. The proposed facility would comply with the USFWS telecommunications tower guidelines for minimizing the potential for impact to bird species. (Cellco 1, p. 15; Cellco 5)

Agriculture

175. Prime farmland soils (identified by soil mapping) are located within the host parcel in wooded areas to the west, southwest, north and northeast of the school bus parking lot. Prime farmland soils are also located in the far eastern portion of the parcel adjacent to Route 7. (Cellco 1, Attachment 12; Cellco 3, Response 15)
176. Statewide important farmland soils are located in the west/central portion of the host parcel north of School Road. (Cellco 1, Attachment 12; Cellco 3, Response 15)
177. The host parcel does not contain agricultural fields. (Cellco 1, Attachment 12; Cellco 3, Response 15)
178. No prime farmland soils or statewide important farmland soils are located within the proposed facility compound. (Cellco 3, Response 15)

Scenic, Historic and Recreational Values

179. Cellco conducted cultural resources review in January 2023 and identified one location listed on the National Register of Historic Places (The Wilton Center Historic District), approximately 0.5 miles south of the host parcel. The proposed tower would not be visible from this listed resource. Cellco would file a historic resources report with SHPO if the Project is approved by the Council. (Cellco 1, Attachment 11)

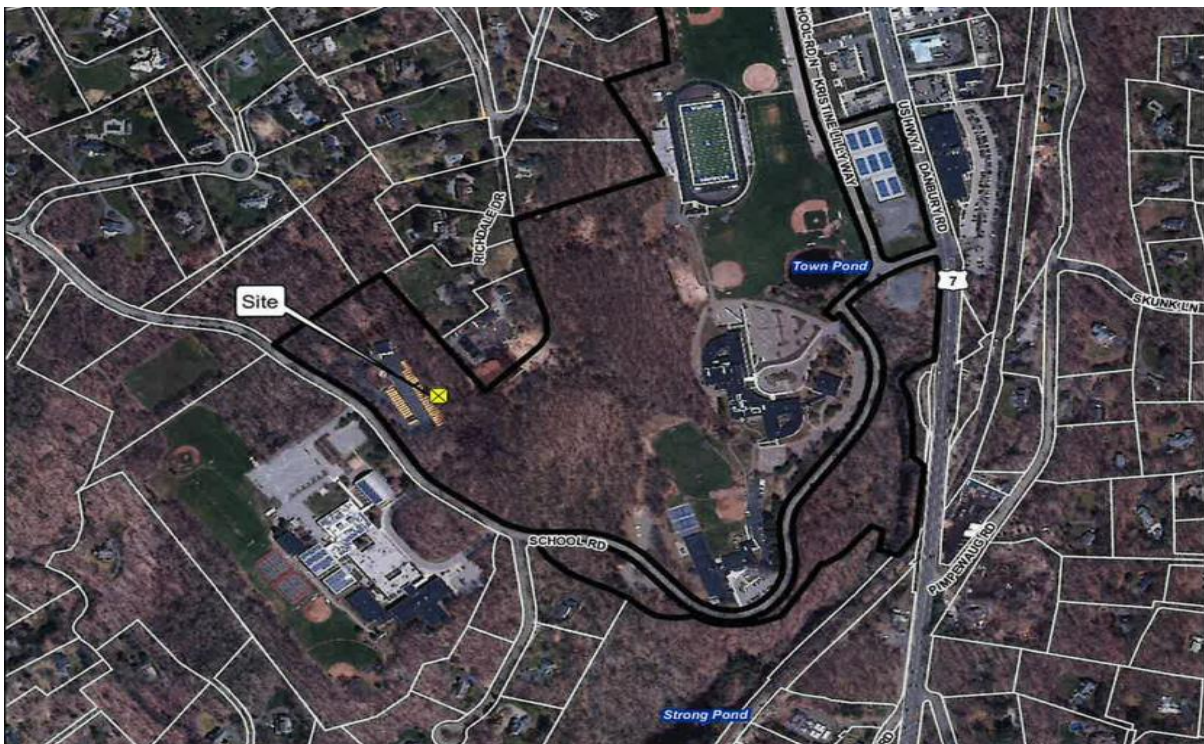
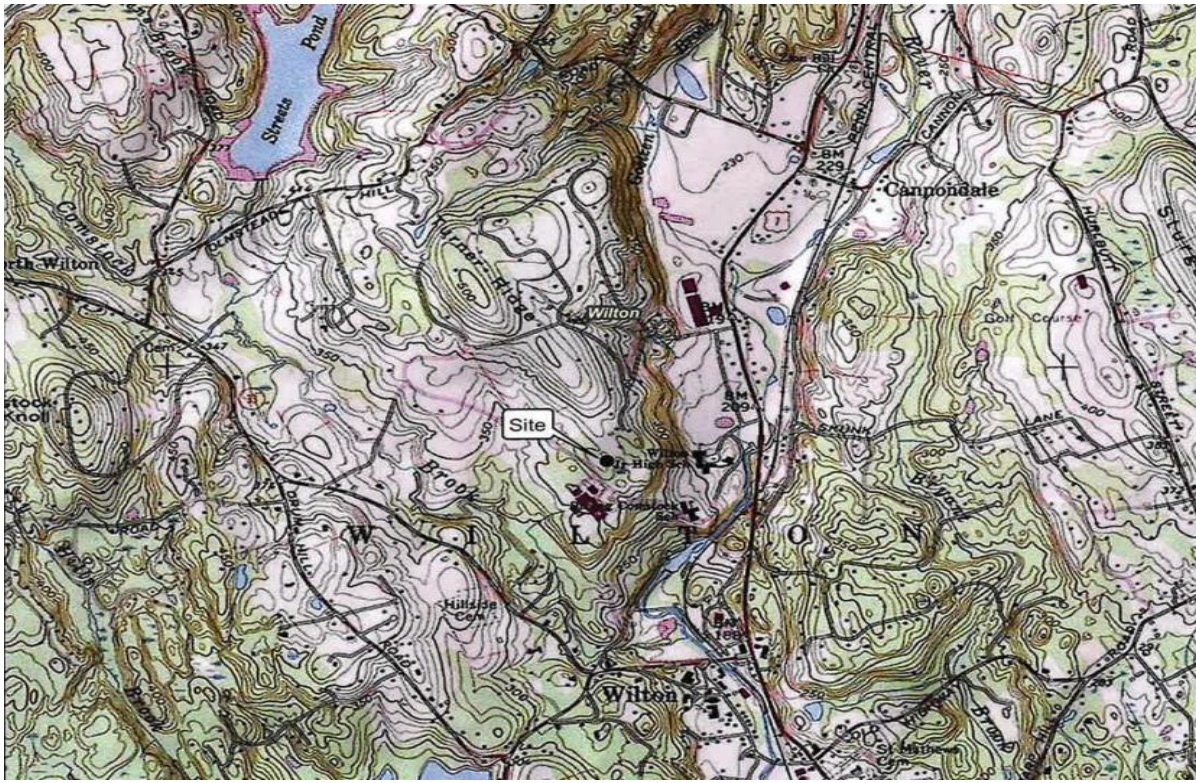
180. The monopine would not be visible from the Wilton Center Historic District. (Cellco 1, Attachment 8; Council Administrative Notice Item No. 79)
181. There is one state-designated scenic road (Route 33) and two local designated scenic roads (Nod Hill Road and Huckleberry Road) within two-miles of the proposed facility. The Town Plan of Conservation and Development did not identify any specific scenic roads or areas. (Cellco 1, Attachment 8, Bulk Town of Wilton Plan of Conservation and Development)
182. The proposed monopine would not be visible from Route 33, Nod Hill Road or Huckleberry Road. (Cellco 1, Attachment 8)
183. There are no “blue-blazed” hiking trails maintained by the Connecticut Forest and Park Association within two-miles of the site. (Cellco 1, Attachment 8; Council Administrative Notice Item No. 77)
184. 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) (2023))
185. No comments were received from OPM or DEEP regarding impacts to scenic quality or resources. (Record)

Visibility

186. 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 (2023))
187. Based on comments expressed at the PIM, Cellco proposes to install a monopine design tower to mitigate views. (Cellco 1, pp. 13, 20; Cellco 3, Response 5; Tr. 1, pp. 35, 36, 37, 51, 64, 65)
188. Cellco 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. (Cellco 1, p. 13, Attachment 8)
189. On December 2, 2022, Cellco conducted a crane test and field reconnaissance at the proposed tower site as part of its Visibility Analysis. The crane test consisted of attaching a flag to a crane boom and raising it to a height of approximately 115-feet agl at the proposed tower location. The crane was up for a period of about four hours. 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. (Cellco 1, Attachment 8; Tr.1 pp. 36, 66)
190. A viewshed map was developed using computer modeling and in-field observations from local and State roads and other publicly accessible locations. It depicts areas with year-round visibility within a two-mile radius (8,042 acres) of the site (Study Area). (Cellco 1, Attachment 8)

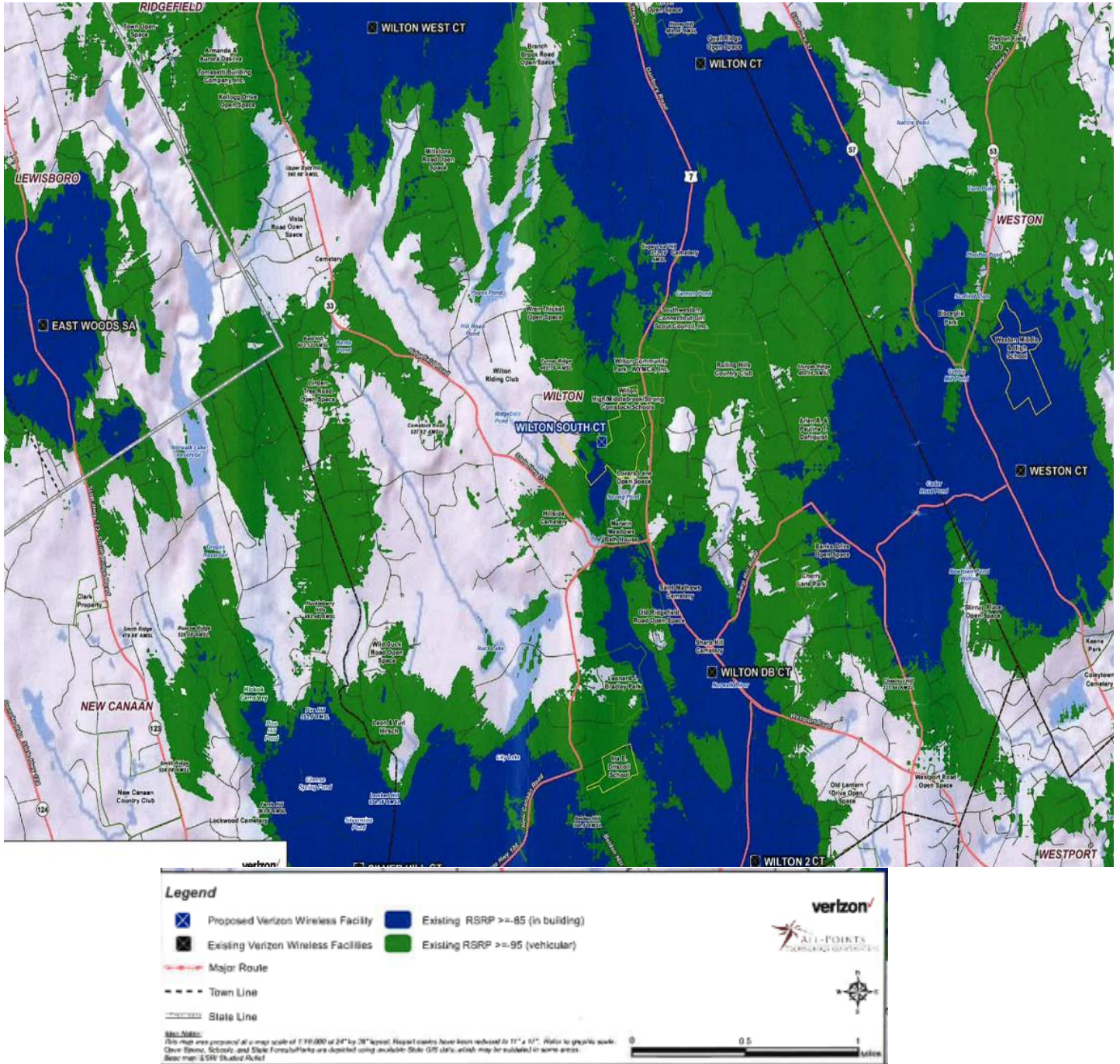
191. Based on the viewshed analysis (refer to Figure 10), the proposed tower would be visible year-round from approximately 12 acres (0.2% of the Study Area). (Cellco 1, pp. 13, 14, Attachment 8)
192. Year-round visibility within a half-mile would be primarily from the nearby Richdale Drive to the north, Middlebrook School and parts of School Road west of the site. Year-round views beyond a half-mile include Middlebrook Farm Road 0.56 miles to the northwest, and open areas around Ambler Farm 1.25 miles northeast of the site. (Cellco 1, Attachment 8)
193. The tower would be seasonally visible (leaf-off conditions) from approximately 89 acres (1.1%) of the Study Area. Areas with seasonal views within a half-mile generally extend to the south/southeast, southwest and to the north in residential, forested and open areas. (Cellco 1, Attachment 8)
194. Approximately 20 properties within 0.5 miles of the proposed facility would have seasonal views of the facility. Approximately 6 residences would have a mix of seasonal and year-round views of the tower. Most of the residences are scattered through the surrounding area. The Catalpa Road area north/northeast of the site contains the highest concentration of residences with potential year-round/seasonal views. (Cellco 1, Attachment 8; Cellco 3, Response 38; Tr. 1 p. 26)
195. The monopine would not be visible from the nearby community parks Merwin Meadows Park and Allen's Meadows Park located northwest and southwest of the site respectively. (Cellco 1, Attachment 8; Council Administrative Notice Item No. 79)
196. 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) (2023))
197. 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 the Middlebrook School, approximately 0.08-miles south of the site. (Cellco 1, Attachment 8)
198. The surrounding tree canopy ranges from approximately 60 feet to 105 feet in height. The average canopy height within a 200 feet radius of the site is approximately 78 feet. (Cellco 3, Response 40)
199. The faux branches of the monopine would extend approximately 6 feet from the upper portion of the tower and 12 feet from the lower portion of the tower. The proposed antennas would extend approximately 4 to 5 feet and be concealed by the faux branches. The tower antennas and associated equipment would be painted a brown/gray color. (Cellco 3, Response 39)
200. Branching patterns for a monopine design are based on customer specifications. A typical antenna platform extends out to 6 feet from the tower. Faux branching would have to extend for 7-8 feet to conceal the antennas. The monopine photo-simulations did not have a tapered, conical top. If a conical top was designed, it would extend to a height of five to seven feet above the top of the 123-foot tower. (Cellco 3, Response 39; Tr. 1, pp. 48-51)

Figure 1 – Site Location



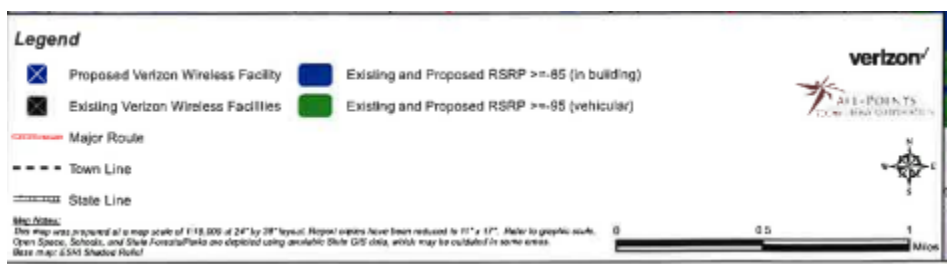
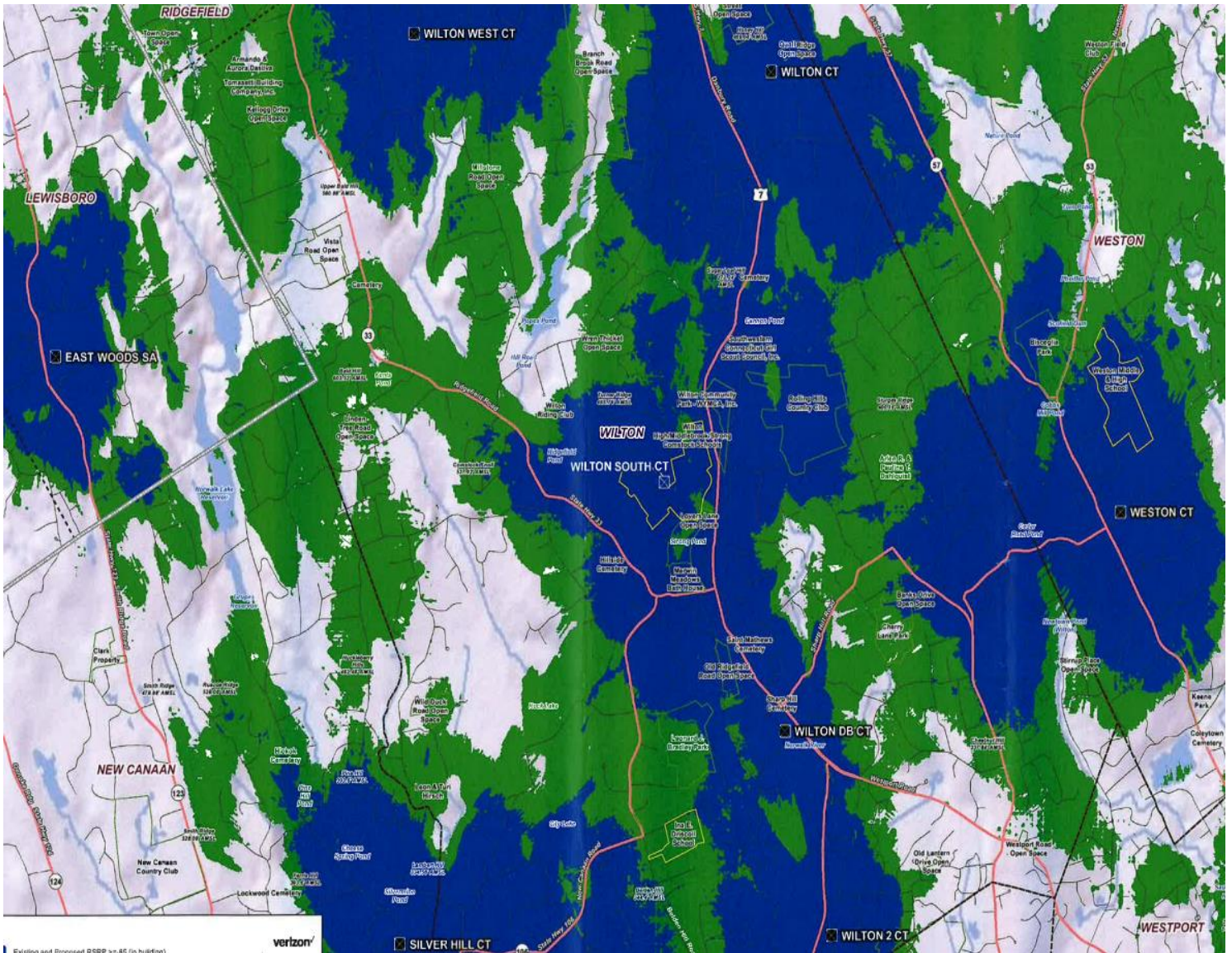
(Cellco 1, p. ii, Attachment 1)

Figure 2 – Cellco Existing 700 MHz Coverage



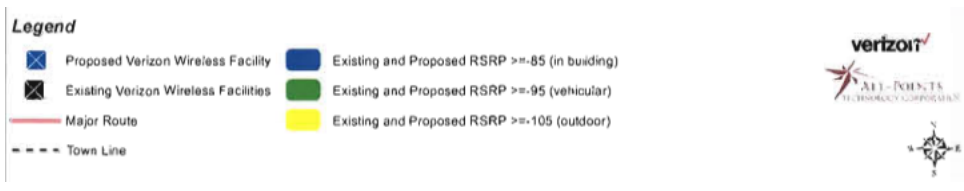
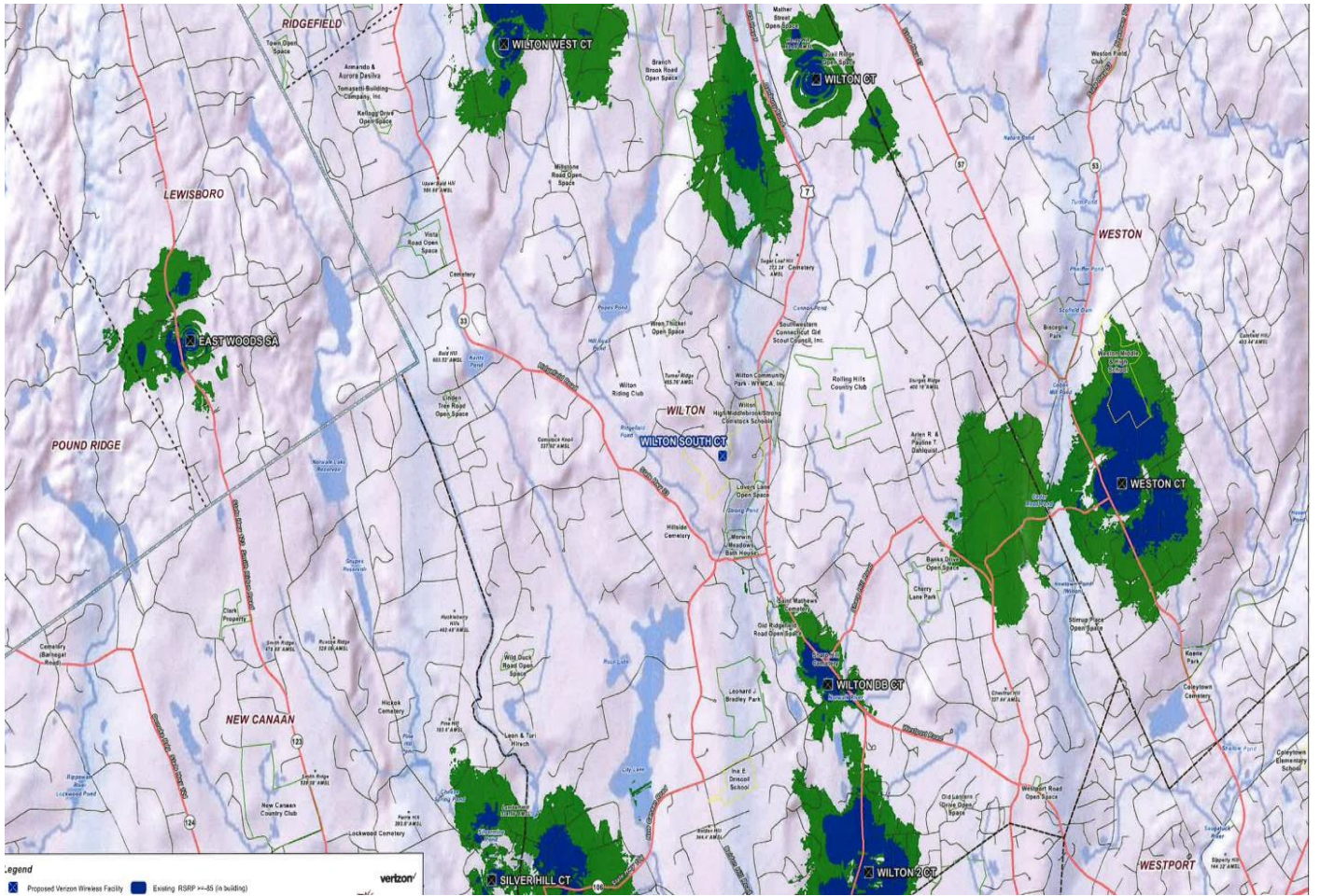
(Cellco 1, Attachment 6)

Figure 3 – Cellco Proposed 700 MHz Coverage



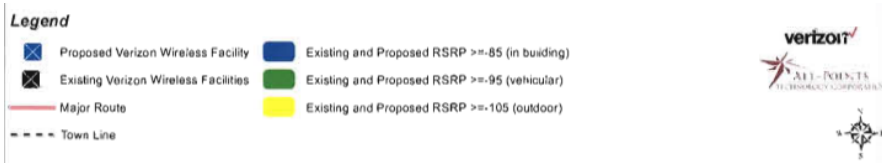
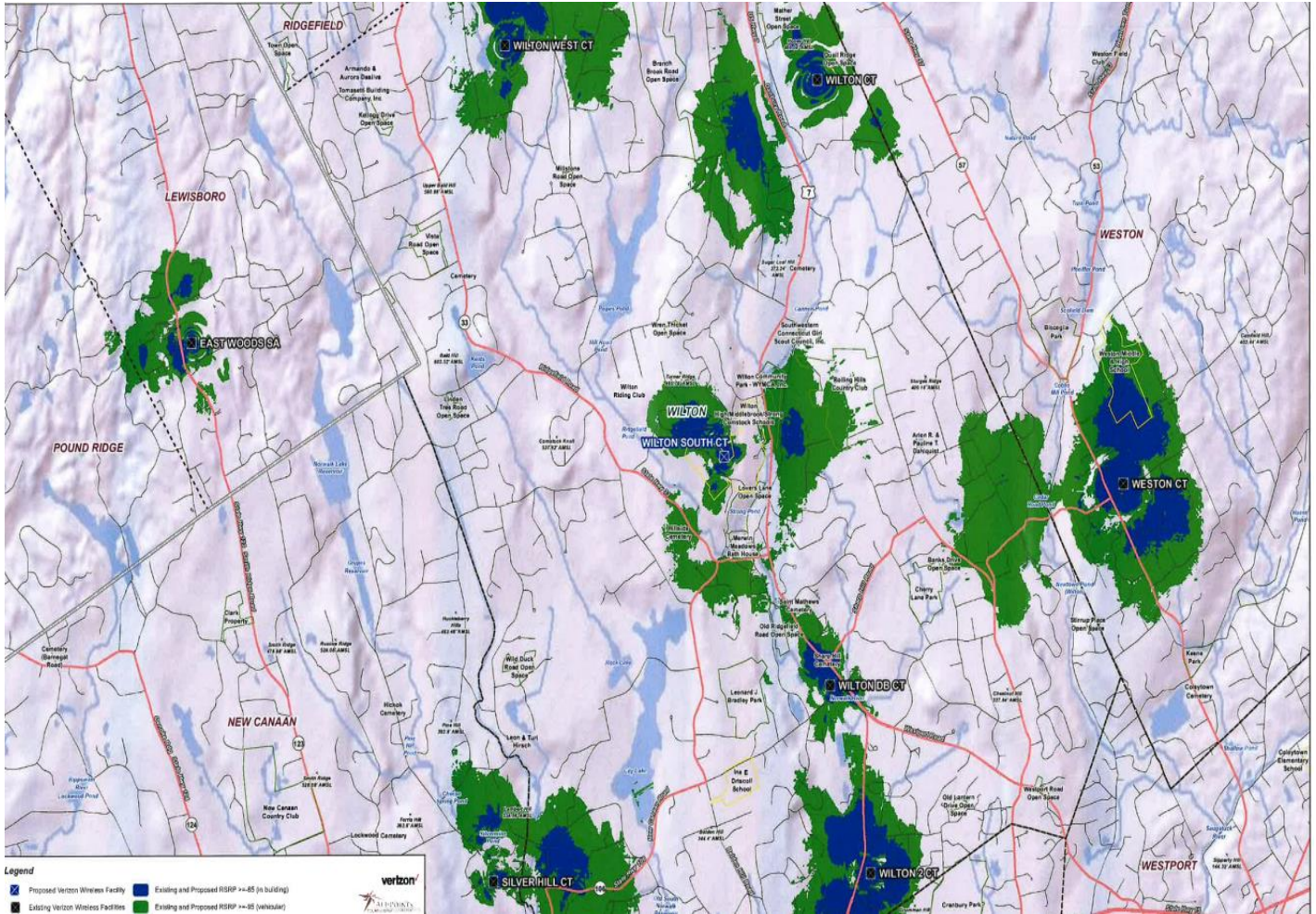
(Cellco 1, Attachment 6)

Figure 4 – Cellco Existing 2100 MHz Coverage



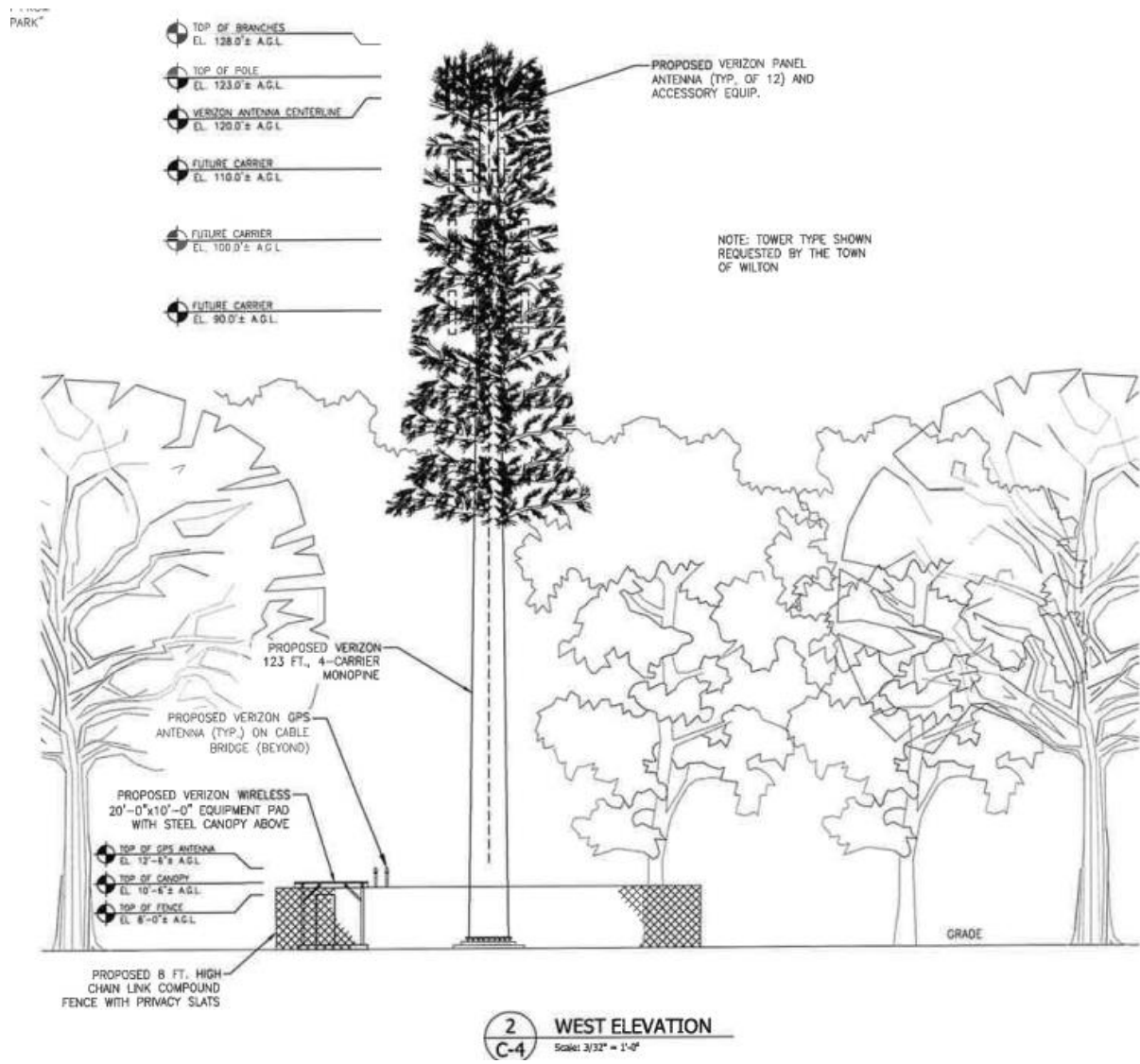
(Cellco 1, Attachment 6)

Figure 5 – Cellco Proposed 2100 MHz Coverage



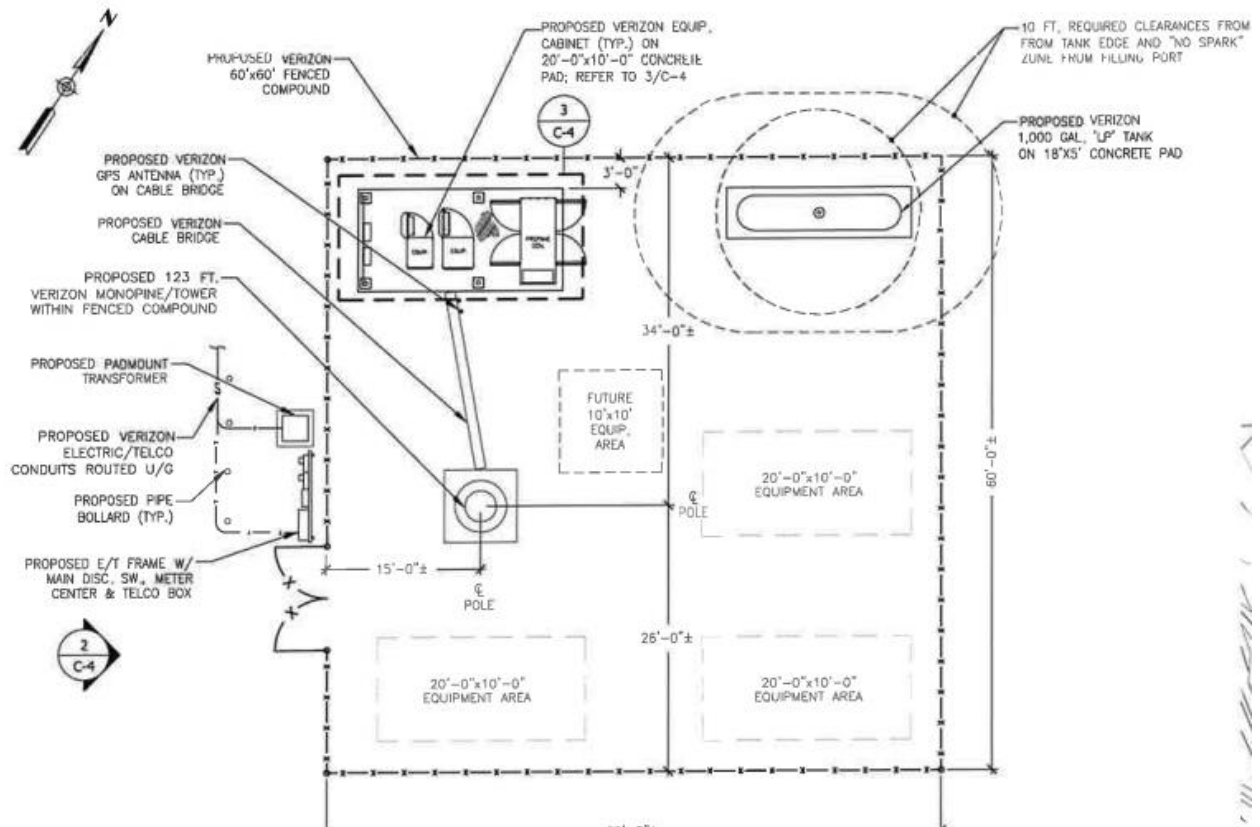
(Cellco 1, Attachment 6)

Figure 6 – Tower Profile



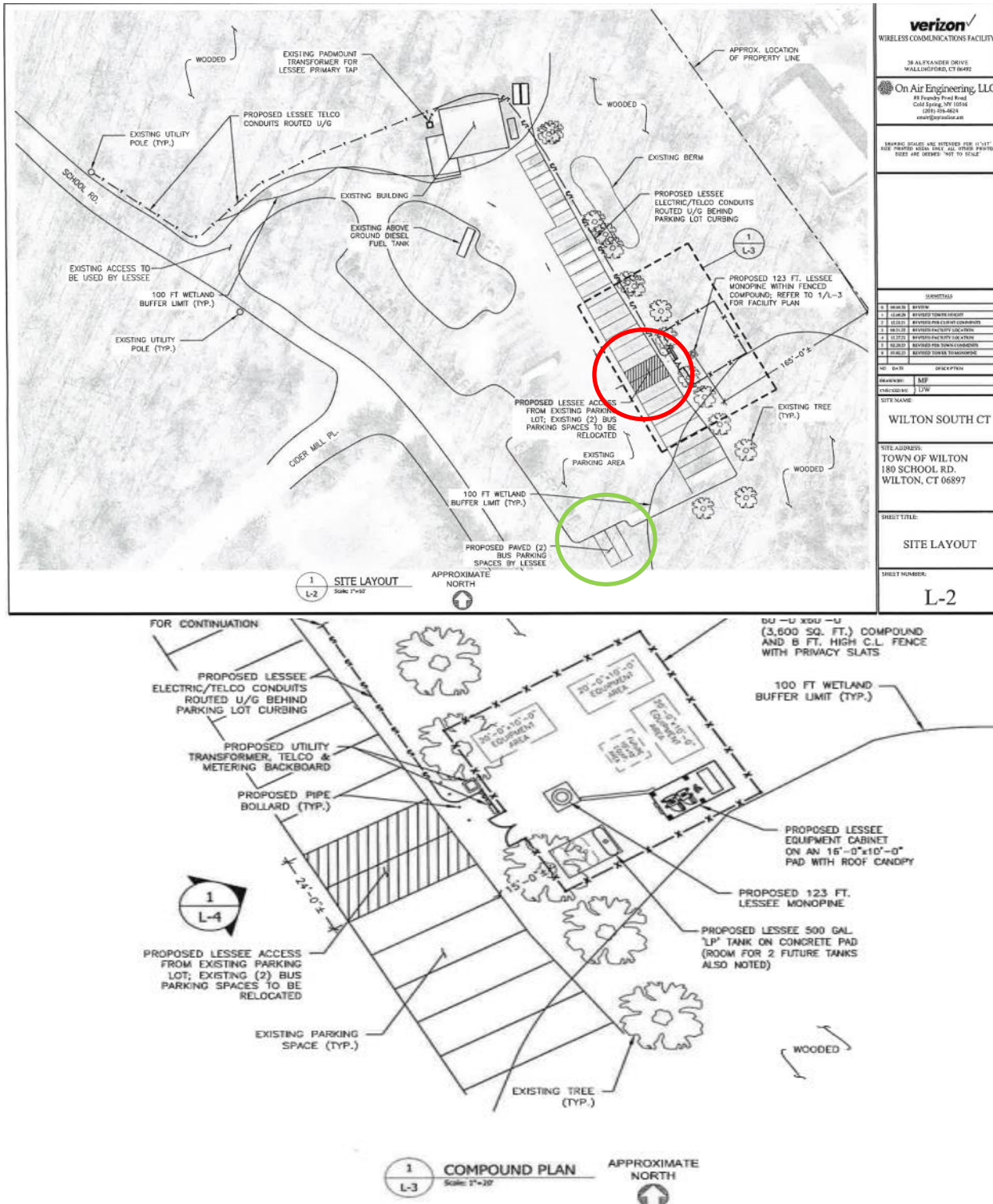
(Cellco 1, Attachment 1)

Figure 7 – Proposed Site Plan



(Cellco 1, Attachment 1)

Figure 8 – Converted and Replacement Parking Spaces

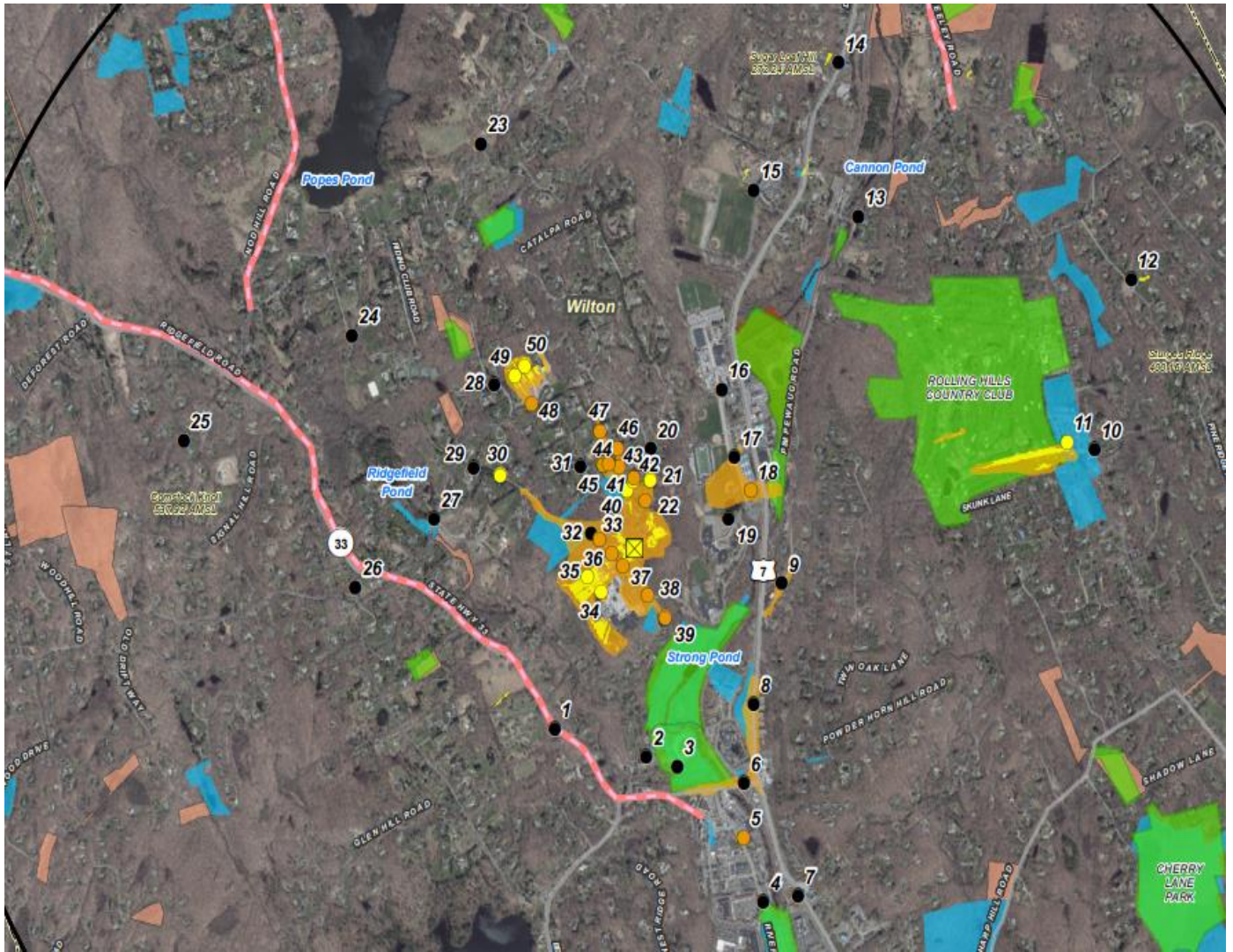


(Cellco 3, Exhibit 1)

Figure 9 - Locations of photos with tower visibility

Photo	Location	Orientation	Distance to Site	Height of Facility Visible	Visibility
1	Ridgefield Road*	Northeast	± 0.51 Mile	N/A	Not Visible
2	Lovers Lane at Merwin Lane	North	± 0.53 Mile	N/A	Not Visible
3	Merwin Meadows Park	Northwest	± 0.57 Mile	N/A	Not Visible
4	Old Ridgefield Road	Northwest	± 0.94 Mile	N/A	Not Visible
5	Village Market	Northwest	± 0.79 Mile	10'-20'	Seasonal
6	Ridgefield Road	Northwest	± 0.66 Mile	N/A	Not Visible
7	Danbury Road	Northwest	± 0.98 Mile	N/A	Not Visible
8	Perry Green Condos – Danbury Road	Northwest	± 0.50 Mile	N/A	Not Visible
9	Danbury Road	Northwest	± 0.41 Mile	N/A	Not Visible
10	Hurlbutt Street at Hyland Drive	Southwest	± 1.32 Miles	N/A	Not Visible
11	Ambler Farm	Southwest	± 1.25 Miles	20'-30'	Year Round
12	Wicks End Lane	Southwest	± 1.55 Miles	N/A	Not Visible
13	Cannon Road at Pimpewaug Road	Southwest	± 1.04 Miles	N/A	Not Visible
14	Danbury Road	Southwest	± 1.35 Miles	N/A	Not Visible
15	Allens Meadows Park	Southwest	± 0.96 Mile	N/A	Not Visible
16	Catalpa Road at Kristine Lilly Way	Southwest	± 0.46 Mile	N/A	Not Visible
17	Kristine Lilly Way	Southwest	± 0.36 Mile	N/A	Not Visible
18	Kristine Lilly Way	Southwest	± 0.36 Mile	N/A^	Seasonal
19	Cider Mill School	Southwest	± 0.27 Mile	N/A	Not Visible
20	Catalpa Road	South	± 0.26 Mile	N/A	Not Visible
21	Richdale Drive	Southwest	± 0.16 Mile	40'-50'	Year Round
22	Richdale Drive	Southwest	± 0.13 Mile	10'-20'	Seasonal
23	Olmstead Hill Road at Hemmelskamp Road	Southeast	± 1.11 Miles	N/A	Not Visible
24	English Drive	Southeast	± 0.97 Mile	N/A	Not Visible
25	Signal Hill Road	Southeast	± 1.31 Miles	N/A	Not Visible
26	Drum Hill Road	East	± 0.80 Mile	N/A	Not Visible
27	Middlebrook Farm Road at Middlebrook Lane	East	± 0.58 Mile	N/A	Not Visible
28	Middlebrook Farm Road	Southeast	± 0.58 Mile	N/A	Not Visible
29	School Road	Southeast	± 0.50 Mile	N/A	Not Visible
30	School Road	Southeast	± 0.42 Mile	10'-20'	Year Round
31	Hunting Ridge Lane	Southeast	± 0.26 Mile	N/A	Not Visible
32	School Road*	Southeast	± 0.13 Mile	N/A	Not Visible
33	School Road	Southeast	± 0.11 Mile	20'-30'	Seasonal
34	Middlebrook School*	Northeast	± 0.16 Mile	30'-40'	Year Round
35	Middlebrook School	Northeast	± 0.15 Mile	40'-50'	Year Round
36	Middlebrook School**	East	± 342 Feet	80'-90'	Seasonal
37	School Road**	Northeast	± 301 Feet	100'-110'	Seasonal
38	Middlebrook School*	Northwest	± 0.13 Mile	40'-50'	Seasonal
39	11 Cider Mill Place***	Northwest	± 0.20 Mile	N/A	Seasonal
40	15 Richdale Drive	South	± 0.15 Mile	50'-60'	Year Round
41	9 Richdale Drive	South	± 0.17 Mile	30'-40'	Year Round
42	9 Richdale Drive	South	± 0.18 Mile	20'-30'	Seasonal
43	83 Catalpa Road	Southeast	± 0.21 Mile	20'-30'	Seasonal
44	41 Hunting Ridge Lane	Southeast	± 0.23 Mile	30'-40'	Seasonal
45	41 Hunting Ridge Lane	Southeast	± 0.23 Mile	20'-30'	Seasonal
46	87 Catalpa Road	Southeast	± 0.26 Mile	20'-30'	Seasonal
47	103 Catalpa Road***	Southeast	± 0.31 Mile	N/A	Seasonal
48	119 Middlebrook Farm Road	Southeast	± 0.47 Mile	20'-30'	Seasonal
49	135 Middlebrook Farm Road	Southeast	± 0.56 Mile	20'-30'	Year Round
50	135 Middlebrook Farm Road	Southeast	± 0.56 Mile	10'-20'	Year Round

Figure 10 – Proposed Site Visibility Analysis



Legend

- | | | |
|---|---|--|
| Proposed Site | Trail | |
| Study Area (2-Mile Radius) | Scenic Highway | |
| Predicted Year-Round Visibility (11 Acres) | DEEP Boat Launches | |
| Areas of Potential Seasonal Visibility (39 Acres) | Municipal and Private Open Space Property | |
| Photo Locations (March 10, 2021) | | |
| Not Visible | State Forest/Park | |
| Seasonal | Protected Open Space Property | |
| Visible | Federal | |
| Municipal Boundary | Land Trust | |
| | Municipal | |
| | Private | |
| | State | |

(Cellco 1, Attachment 8)