

**DOCKET NO. 517** – MCM Holdings, LLC application for a } Connecticut  
Certificate of Environmental Compatibility and Public Need for the }  
construction, maintenance, and operation of a telecommunications } Siting  
facility located at the Boy Scouts of America Camp Hoyt, 288 Simpaug }  
Turnpike (Parcel No. 12-29), Redding, Connecticut. } Council

March 28, 2024

## **Findings of Fact**

### **Introduction**

1. MCM Holdings, LLC (MCM), in accordance with provisions of Connecticut General Statutes (CGS) § 16-50g, *et seq*, applied to the Connecticut Siting Council (Council) on August 15, 2023, for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a 150-foot monopole wireless telecommunications facility at the Boy Scouts of America Camp Hoyt, 288 Simpaug Turnpike (Parcel No. 12-29), Redding, Connecticut (refer to Figures 1 and 2). (MCM 1, pp. 3-4)
2. MCM is a Connecticut limited liability company with offices at 40 Woodland Street, Hartford, Connecticut. MCM currently owns and operates numerous tower facilities in Connecticut. (MCM 1, p. 4)
3. MCM would construct, maintain and operate the proposed facility and would be the Certificate Holder. (MCM 1, p. 4)
4. The party to this proceeding is MCM. (Record)
5. The Intervenors to this proceeding are Cellco Partnership d/b/a Verizon Wireless (Cellco), Dorothy DeLuca, Suzanne Fogle, JoAnn Villamizar, Danielle Caldwell, Meredith Miller, Tim K. Keyes, Michael Ungerer, CLJ Lancaster, New Pond Farm Education Center and Marchant Farm, LLC. (Record)
6. Under the Uniform Administrative Procedure Act (UAPA), an intervenor's participation in a proceeding may be limited to designated issues in which the intervenor has a particular interest and, at the discretion of the Presiding Officer, may be restricted, including the rights to inspect and copy records, to introduce evidence and cross-examine, so as to promote the orderly conduct of the proceedings. (C.G.S. §4-177a (2023); Record)
7. On September 14, and November 30, 2023, the Council grouped the following intervenors with the same interests pursuant to CGS §16-50n(c): Dorothy DeLuca, Suzanne Fogle, JoAnn Villamizar, Danielle Caldwell, Meredith Miller, Tim K. Keyes, Michael Ungerer and CJL Lancaster (Grouped Resident Intervenors). (Record)
8. On September 14, 2023, the Council grouped the following intervenors with the same interests pursuant to CGS §16-50n(c): New Pond Farm Education Center and Marchant Farm, LLC, (Grouped Business Intervenors). (Record)

9. On November 14, 2023, Jason Jaffee requested intervenor status. On November 18, 2023, Jason Jaffee withdrew the request for intervenor status. On November 22, 2023, David J. Anderson, requested intervenor status. On November 29, 2023, David J. Anderson withdrew the request for intervenor status. (Record)
10. Under Regulations of Connecticut State Agencies (RCSA) §16-50j-16, the Council may add parties and intervenors at any time during the pendency of a proceeding. Any person granted status is responsible for obtaining and reviewing all materials for the proceeding. (R.C.S.A. §16-50j-16 (2023))
11. There are no Connecticut Environmental Protection Act (CEPA) Intervenors in this proceeding. (Record)
12. The purpose of the proposed facility is to provide reliable wireless communications services for Cellco customers in portions of northwestern Redding, southwestern Bethel, and southern Danbury. (MCM 1, p. 3, Attachment 1)
13. Under 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. (CGS §16-50p(b) (2023); Council Administrative Notice Item No. 4)
14. Also under CGS §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. (CGS §16-50p(b) (2023); CGS §16-50aa (2023))
15. Pursuant to CGS § 16-50l (b), MCM provided public notice of the filing of the application that was published in the Danbury News-Times on August 10 and August 11, 2023. (MCM 2)
16. Pursuant to CGS § 16-50l (b), notice of the application was provided to all abutting property owners by certified mail on August 8, 2023. Seven of the certified mail receipts were not returned. MCM re-sent notice to these abutting property owners by first class mail on September 6, 2023. (MCM 1 p. 6, Attachment 10; MCM 3, response 2)
17. On August 8, 2023, MCM provided notice to all federal, state and local officials and agencies listed in CGS §16-50l (b). (MCM 1 p. 6, Attachment 10)

### **Procedural Matters**

18. 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 UAPA. FOIA defines “meeting” in relevant part as “any hearing or other proceeding of a public agency.” (Council Administrative Notice Item No. 59; CGS §1-200, et seq. (2023))

19. 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. 59)
20. Upon receipt of the application, on August 16, 2023, the Council sent a letter to the Town of Redding (Town) as notification that the application was received and is being processed, in accordance with CGS §16-50gg. No comments from the Town were received. (Record)
21. Local zoning regulations do not apply to facilities under the exclusive jurisdiction of the Council. Pursuant to CGS §16-50x, the Council has exclusive jurisdiction over telecommunications facilities throughout the state. It shall consider any location preferences provided by the host municipality under CGS §16-50gg as the Council shall deem appropriate. (CGS §16-50x (2023))
22. During a regular Council meeting on August 31, 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)
23. Pursuant to CGS §16-50m, on September 1, 2023, the Council sent a letter to the Town to provide notification of the scheduled public hearing via Zoom remote conferencing and to invite the municipality to participate. (Record)
24. Pursuant to CGS §16-50m, the Council published legal notice of the date and time of the public hearing via Zoom remote conferencing in the Redding Sentinel on September 14, 2023. (Record; Transcript 1 – November 30, 2023 - 2:00 p.m. [Tr. 1], p. 4)
25. 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))
26. On October 19, 2023, in lieu of an in-person field review of the proposed site, the Council requested that MCM submit photographic documentation of site-specific features into the record intended to serve as a "virtual" field review of the site. On November 1, 2023, MCM submitted such information in response to the Council's interrogatories. (Record; MCM 3, Response 26)

27. On November 1, 2023, pursuant to CGS §16-50o and in response to the Council's interrogatories, MCM 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 CGS §1-210(b). (MCM 3, response 3)
28. On November 9, 2023, the Council issued a Protective Order related to the disclosure of the monthly rent and financial terms contained within the lease agreement for the proposed site, pursuant to CGS §1-210(b) and consistent with the Conclusions of Law adopted in Council Docket 366. (Record; MCM 5)
29. Pursuant to CGS §16-50p(g), the Council shall in no way be limited by MCM already having acquired land or an interest therein for the purpose of constructing the proposed facility. (CGS §16-50p(g) (2023); *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))
30. The Council's evaluation criteria under CGS §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. (CGS §16-50p (2021); *Westport v. Conn. Siting Council*, 47 Conn. Supp. 382 (2001); *Goldfisher v. Conn. Siting Council*, 95 Conn. App. 193 (2006); Tr. 1, p. 6; Transcript 2 – November 30, 2023 – 6:30 p.m. [Tr. 2], p. 5)
31. On October 18, 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. MCM, Cellco, the Grouped Resident Intervenors and the Grouped LLC Intervenors participated in the Council's pre-hearing conference. Procedures for the public hearing via Zoom remote conferencing were also discussed. (Council Pre-Hearing Conference and Remote Hearing Procedure Memoranda, dated October 12, 2023; R.C.S.A §16-50j-22a; R.C.S.A. §16-50j-26 (2023))
32. In compliance with R.C.S.A. §16-50j-21, on November 14, 2023, MCM installed a four-foot by six-foot sign along Simpaug Turnpike 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. (MCM 6; Tr. 1, p. 4; Tr. 2, p. 5; Record)
33. Pursuant to CGS §16-50m, the Council gave due notice of a public hearing to be held on November 30, 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 September 1, 2023; Tr. 1, p. 3; Tr. 2, p. 3)
34. 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. 2, pp. 5-6; CGS §16-50n(f) (2023))
35. During the public comment session of the Council's hearing held on November 30, 2023, three persons made oral limited appearance statements about the proposed facility. (Tr. 2, pp. 9-16)

36. On December 1, 2023, the Council requested an extension of time to render a final decision. On December 5, 2023, MCM consented to the Council's request for an extension of time. (Record)
37. The Council continued the evidentiary hearing session via Zoom remote conferencing on January 23, 2024 beginning at 2:00 p.m. (Council's Continued Hearing Memoranda dated December 1, 2023; Tr. 2, p. 16; Transcript 3 – January 23, 2024 - 2:00 p.m. [Tr. 3], p. 3)
38. During the continued evidentiary hearing session held on January 23, 2024, upon objection by Cellco for lack of opportunity to cross examine, the Council struck Grouped Resident Intervenors' Suzanne Fogle Request for Intervenor Status, dated August 25, 2023; Meredith Miller Request for Intervenor Status, dated August 25, 2023; Suzanne Fogle Pre-Filed Testimony, dated November 14, 2023; Michael Ungerer Request for Intervenor Status and Pre-Filed Testimony, dated November 4, 2023; CLJ Lancaster's Request for Intervenor Status, dated November 22, 2023; and Suzanne Fogle Additional Pre-Filed Testimony, dated January 8, 2024 from the evidentiary record due to the failure of these witnesses to appear at the January 23, 2024 continued evidentiary hearing session for cross examination. (Record; Tr. 3, pp. 44-46)
39. The Grouped LLC Intervenors did not appear at the January 23, 2024 continued evidentiary hearing session. (Record; Tr. 3)
40. In compliance with Public Act 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 November 30, 2023 and December 20, 2023; January 23, 2024 and February 7, 2024, 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.

(September 1, 2023; Tr. 1; Tr. 2; Tr. 3; Record)

41. 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))
42. 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. (CGS §4-178 (2023); *Dore v. Commissioner of Motor Vehicles*, 62 Conn. App. 604 (2001); R.C.S.A. §16-50j-25).
43. Pursuant to CGS §16-50n(f), at the conclusion of the hearing session held on January 23, 2024, the Council closed the evidentiary record and established February 22, 2024 as the deadline for public comments and the submission of briefs and proposed findings of fact. (Tr. 3, pp. 60-61; Record)

44. On February 21 and 22, 2024, the Grouped Resident Intervenors and MCM, respectively, submitted post-hearing briefs. On February 22, 2024, Cellco submitted a letter in lieu of a post-hearing brief. (Record)
45. 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**

46. Pursuant to CGS § 16-50j (g), on September 1, 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); DOT; Connecticut Airport Authority (CAA); Department of Emergency Services and Public Protection (DESPP); and State Historic Preservation Office (SHPO). (Record)
47. On August 23, 2023, the Council received comments from CEQ related to wetlands and soil and erosion controls. These topics, among other environmental concerns, are addressed in the Environmental Effects and Mitigation Measures section of this document, pursuant to CGS §16-50p. (Record; CGS §16-50p (2023)).
48. 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. (CGS §16-50p(g)(2023); *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007)).

#### **Municipal Consultation**

49. Pursuant to CGS § 16-50l(f), MCM commenced the 90-day pre-application municipal consultation process on April 18, 2023, by submitting a Technical Report to the Town First Selectperson. (MCM 1, p. 21, Attachment 9, Bulk Filing Section 5)
50. On June 8, 2023, at the request of the Town, MCM participated in a Public Information Meeting (PIM) at Town Hall. The PIM was attended by Town officials and residents. Approximately 20-30 members of the public attended. Concerns expressed by the public and Town officials included, but were not limited to, site safety, radiofrequency (RF) emissions, and visibility. (MCM 1, p. 21; MCM 3, response 1)
51. At the request of the Town, MCM conducted a balloon float on July 24, 2023. (MCM 1, p. 21)

**Public Need for Service**

52. 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)
53. 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)
54. 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)
55. 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)
56. 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)
57. 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)
58. 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)
59. 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 (FirstNet) 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)

60. 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. 24 – FCC Wireless Infrastructure Report and Order)
61. 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. 24 – FCC Wireless Infrastructure Report and Order)
62. 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. 28)
63. 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. 29)
64. 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. (CGS §16-50aa (2023))
65. On September 1, 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 November 22, 2023. No carriers responded to the Council's solicitation. (Record)
66. The facility would be designed to accommodate four wireless carriers, including Cellco, and local emergency service providers and municipal antennas. The Town has not expressed an interest in co-locating emergency services antennas on the proposed facility. (MCM 1, p. 13, Attachment 4; MCM 3, response 10)
67. The Town's Plan of Conservation and Development identifies wireless services as a benefit to the community by supporting those who work from home as well as increased communication for emergency response. (MCM 1, p. 19)

### Cellco's Existing and Proposed Wireless Services

68. Cellco has a significant coverage deficiency in its wireless communications network in portions of northwestern Redding, southwestern Bethel, and southern Danbury (refer to Figure 3). (MCM 1, Attachment 1; Cellco 2, response 5; Tr. 3, pp. 16-17)
69. Roads and surrounding areas without reliable service include, but are not limited to, Route 53, Long Ridge Road, Simpaug Turnpike, and Umpawaug Road. (MCM 1, Attachment 1; Cellco 2, response 5)
70. Cellco proposes to operate 700 MHz, 850 MHz, 1900 MHz, 2100 MHz and 3700 MHz frequencies at the site. The 3700 MHz frequencies are capable of supporting 5G services. (Cellco 2, response 5; Cellco 3, response 2; Cellco 9, response 3)
71. Cellco currently operates five facilities within three miles of the proposed site. None of these facilities are able to provide adequate coverage to the proposed service area. (MCM 1, Attachment 1)
72. Although surrounding Cellco sites provide some 700 MHz service in northwest Redding from overextended antenna sectors, significant coverage gaps exist. In addition, Cellco's does not have any coverage in the 850 MHz; 1900 MHz, 2100 MHz and 3700 frequencies in northwest Redding. (MCM 1, Attachment 1; Cellco 2, responses 4 and 9; Cellco 5, response 5; Cellco 10, response 5)
73. The 700 MHz frequency handles most of Cellco's wireless traffic and has the largest coverage footprint. The other frequencies maintain a smaller coverage footprint and provide Cellco customers with additional service capacity as well as increased data speeds. (Cellco 2, response 6; Tr. 3, pp. 11-12)
74. Cellco determined a need for a site using Cellco's internal coverage mapping tool which models network performance. A drive test was not performed. (Cellco 2, response 9; Cellco 7, responses 2 and 3)
75. Cellco designs its network using a -95 dB Reference Signal Received Power (RSRP) standard for reliable in-vehicle service and -85 dB RSRP standard for reliable in-building service. Data speeds increase with a stronger signal. (MCM 1, Attachment 1; Cellco 10, response 2; Tr. 3, p. 11)
76. The proposed site would provide reliable coverage (-95 dB RSRP) to the proposed service area. Specific coverage for the proposed site is presented in the table below:

Street Name	700 MHz coverage in miles		850 MHz coverage in miles		1900 MHz coverage in miles		2100 MHz coverage in miles		3700 MHz coverage in miles	
	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
RTE 53	1.6	2.6	0.3	1.9	0	0.4	0	0.2	0	0
Long Ridge Road	1.2	1.8	0.8	1.5	0	0.3	0	0.1	0	0.3
Simpaug Tpk	0.5	1	0.2	0.5	0	0.1	0	0.05	0.05	0.4
Umpawaug Road	0.5	1.4	0.2	1.3	0	0	0	0	0	0
<b>Overall Coverage Footprint (Square Miles)</b>	3.7 Sq Miles	9.2 Sq Miles	1.9 Sq Miles	5.6 Sq Miles	0.1 Sq Miles	1.2 Sq Miles	0.04 Sq Miles	0.9 Sq Miles	0.18 Sq Miles	0.75 Sq Miles

(Cellco 2, response 5)

77. Most of the 700 MHz coverage from the site would provide service to the Redding area although it would also provide service to adjacent areas of Bethel and Danbury (refer to Figure 4). (MCM 1, Attachment 1)
78. The proposed site would meet most of Cellco's wireless service objectives. A short section of Limekiln Road over a high elevation area east of the site would not have reliable service due to intervening high elevation terrain. (MCM 1, Attachment 1; Cellco 5, response 5; Cellco 7, response 1)
79. In addition to providing reliable service to the surrounding area, the proposed site would also provide capacity relief to the 700 MHz frequency at Cellco's existing Redding (Gamma Sector), Topstone (Alpha Sector) and Danbury S (Beta Sector) facilities. These sectors are currently operating at exhaust (taking more users than the site can handle) as the service is overextended in the direction of the proposed service area. Once the proposed site is operational, the overextended sectors would be able to better service Cellco subscribers that are closer to the respective towers. (Cellco 2, response 9; Tr. 3, pp. 16, 33-34)
80. Lowering the height of Cellco's proposed antennas would reduce coverage on Route 53 and reduce the connectivity to adjacent Cellco sites. (Cellco 2, response 11)
81. Wireless service from telecommunications sites is typically not designed to remain within the boundaries of the town where the site is located. For example, telecommunications sites in Bethel, Danbury and Ridgefield also provide wireless service to portions of Redding. (MCM 1, Attachment 1; Cellco 4, response 6; Cellco 8, response 1)
82. Coverage mapping provided by marketing websites are not used by Cellco's RF engineers to determine a need for a site. The marketing coverage mapping is used exclusively for marketing and has different thresholds than those used to design Cellco's operating network. It also contains disclaimers regarding accuracy with no guarantee of service. (Cellco 2, response 9; Grouped Resident Intervenors 10; Tr. 3, pp. 25-29, 37-38)

#### Site Selection

83. MCM began searching for a site in the area in 2014/2015. (MCM 10, response 7; Tr. 1, pp. 30-31)
84. MCM's site search was based on speculation that eventually a carrier may need a tower to service the surrounding area. To determine where a tower may be needed, MCM examines the locations of existing towers in the surrounding area and/or uses in-house propagation modeling to determine areas with potential coverage deficiencies. (Tr. 1, pp. 30-31, 98-99)
85. Factors examined by MCM to determine if a location is suitable for a tower include, but are not limited to, availability of a lease arrangement with a property owner, suitable space on a property for site development, minimal environmental impact, and ability to provide coverage to a service area. (MCM 10, response 3)
86. MCM entered into a lease agreement with the property owner in November 2016. (MCM 5; MCM 10, response 7; Tr. 1, pp. 30-31)

87. Cellco issued a search ring for a site in northwest Redding in the first quarter of 2016. The site search encompassed a one-mile area centered near the intersection of Simpaug Turnpike and Long Ridge Road. The search ring is a general area where a tower theoretically could be located to meet a coverage need. (Cellco 2, response 1; Cellco 9, responses 2 and 3; Tr. 3, pp. 31-35)
88. Cellco signed a lease with MCM in 2016. Since the proposed site met Cellco's objectives, Cellco did not continue with its own site search. (Tr. 3, pp. 9-10, 30-31, 35)
89. There are no existing towers within the site search area that would meet Cellco's coverage objectives due to distances between existing sites and intervening topography (refer to Figure 5). (MCM 1, Attachment 2; Tr. 1, pp. 19-24)
90. MCM and Cellco investigated four property locations in northwest Redding, as follows:
  - a) **3 Merchant Road, Hoyt Scout Reservation**, (the proposed site): a 170.62-acre parcel zoned residential that MCM selected as the proposed site and entered into a lease agreement with the property owner.
  - b) **306 Umpawaug Road, West Redding Fire Station**: a 2.45-acre parcel zoned residential that MCM has entered into a lease agreement with the property owner. However, a tower at this location would not meet Cellco's coverage objectives due to its low elevation.
  - c) **101 Merchant Road, New Pond Foundation, Inc.**: a 100.62-acre parcel zoned residential that contains an education center and working farm. Property owner did not request that the site be considered for a telecommunications tower.
  - d) **491 Redding Road, Saugatuck Falls Natural Area**: a 312.42-acre Town-owned open space parcel. Property is outside of Cellco's search area.(MCM 1, Attachment 2; Grouped Business Intervenors 1 and 3; Tr. 3, pp. 17-19)
91. An existing tower at 66 Sugar Hollow Road in Danbury, approximately 2.0 miles northwest of the proposed site, would not meet Cellco's coverage objectives due to its distance from the proposed service area and intervening hilly topography. In addition, a Cellco facility at this location would have overlapping coverage with Cellco's existing facility on Moses Mountain in Danbury (Cellco's Danbury South facility). (MCM 1, Attachment 1, Attachment 2; Cellco 2, responses 2 and 3; Tr. 3, pp. 22-24)
92. An existing tower at 4 Dittmar Road in Redding, approximately 2.7 miles east of the proposed site, would not meet Cellco's coverage objectives due to the distance to the proposed service area. Cellco may consider locating on this existing tower in the future to fill in coverage gaps located in the northeastern portion of Redding. (MCM 1, Attachments and 2; Tr. 3, pp. 19-24; 36-39)
93. The proposed service area covers hilly terrain, with ground elevations ranging from approximately 321 feet above mean sea level (amsl) to approximately 796 feet amsl within two miles of the site. Topographical changes in a landscape block RF signals. (MCM 1, Attachment 5; Tr. 3, pp. 8-9, 21-22)
94. 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); CGS §16-50p(g)(2023))

95. 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***

96. 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 or DAS nodes that would be required to provide comparable service is unknown, it is expected to be a large number given the size of the service area. (Cellco 2, response 12)

97. 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 2, response 12)

98. 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. Small cell equipment at each pole would include antennas, radio and electrical equipment, a meter box, and cabling. The estimated cost of each small cell deployment is between \$70,000 to \$75,000. (Cellco 2, response 12)

**Proposed Site**

99. 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. (R.C.S.A. §16-50j-2a(29)(2023))

100. The proposed site is located on an approximate 170-acre parcel owned by the Connecticut Yankee Council Inc. at 288 Simpaug Turnpike (mailing address of 3 Marchant Road – Map 12 Block 29). The parcel has frontage on Marchant Road to the south and Simpaug Turnpike to the west (refer to Figure 6). (MCM 1, p. 13, Attachments 3 and 4)

101. The host parcel is a Boy Scout camp (Camp Hoyt) and contains several buildings, associated camp structures, and hiking trails. A gun range is located in the northern portion of the host parcel. An access drive extends into the parcel from Simpaug Turnpike, ending at a gravel parking area. (MCM 1, p. 3, Attachments 3 and 4; MCM 3, Attachment 2; Tr. 3, p. 48)

102. The host parcel is located within a residential zone (R-2). (MCM 1, Attachment 3)

103. The host parcel does not have any open space restrictions that would preclude the development of the proposed facility. There are no deed restrictions that would prohibit the construction, operation and maintenance of the proposed tower. (MCM 3, response 22)

104. Land use within a quarter mile of the site includes undeveloped land and rural residential use to the north and west/southwest. A Metro North rail line parallels Simpaug Turnpike west of the host parcel. (MCM 1a, Attachments 3 and 4; Tr. 1, pp. 29-30)
105. The proposed tower site is located in the central portion of the host parcel, northeast of the existing parking lot accessed from Simpaug Turnpike. (MCM 1, Attachments 3 and 4)
106. The site does not require water supply or wastewater utilities. There would be no water connection to the site. (MCM 1, p. 4)
107. The site would be located within a 6,800 square-foot lease area. (MCM 1, Attachments 3 and 4)
108. Development of the site would disturb less than one acre of land (approximately 0.3 acres or an approximate 13,300 square foot area). (MCM 1, Attachment 4)

#### **Proposed Facility**

109. The proposed facility would consist of a 150-foot monopole within a 4,880 square foot equipment compound. (Refer to Figure 7). (MCM 1, Attachments 3 and 4)
110. The tower would be at an approximate elevation of 520 feet amsl. (MCM 11, response 3)
111. The facility would not be designed to support an increase in height. (MCM 3, response 7; Tr. 1, 91-93)
112. Cellco would install 9 panel antennas and 9 remote radio heads on an antenna platform at a centerline height of 146 feet above ground level (agl) (refer to Figure 8). (MCM 3, Attachment 4)
113. The compound is designed to accommodate equipment pads for four carries, one 1,000-gallon propane tank, and two additional 500-gallon propane tanks (for emergency back power). There would be no space available for a fourth propane tank. (MCM 3, Attachments 2 and 4)
114. Within the compound, Cellco would install two equipment cabinets and a 50-kilowatt propane-fueled emergency backup generator on a 10-foot by 20-foot concrete pad. (MCM 1, Attachment 4)
115. The proposed equipment compound will 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. (MCM 1, Attachment 4; MCM 2, response 16)
116. The compound is irregular in shape rather than square or rectangular to avoid a hiking trail used by the camp. (Tr. 1, pp. 65-66)
117. Access to the tower site would use the existing Hoyt Camp driveway and parking lot, extending 835 feet from Simpaug Turnpike. At the end of the parking lot, MCM would construct a new 12-foot wide 125-foot long gravel access drive to the compound. (MCM 1, p. 14, Attachments 3 and 4; MCM 12; Tr. 1, p. 59)
118. Improvements to the existing camp access road and parking lot are not required. (Tr. 1, p. 59)

119. Power and telecommunications utilities would extend underground from the compound to an existing utility pole (#4884) at the northeastern edge of the parking lot where a driveway extends to an existing cabin. No upgrades to the existing distribution line on Simpaug Turnpike are proposed. (MCM 1, Attachment 4; MCM 12; Tr.1, pp. 62-63)
120. A geotechnical survey using a track-mounted boring rig would be performed prior to construction to evaluate existing subsurface conditions at the site for the preparation of the Development and Management (D&M) Plan if the Project was approved. Some minor tree/brush clearing may be required to allow access for the drill rig to the soil boring locations. (Tr. 1, pp. 26-27)
121. 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. (CGS §16-50p (2023); R.C.S.A. §16-50j-75, *et seq.*; *Town of Westport v. Conn. Siting Council*, 260 Conn. 266 (2002))
122. MCM does not anticipate any blasting to construct the site. If bedrock is encountered, a rock chipper would be utilized for rock removal. (Tr. 1, pp. 27-28)
123. Construction would require 345 cubic yards of excavation for the compound area, 270 cubic yards of stone for the access drive and compound and 400 cubic yards for trench excavation which will be used as backfill. Excess materials would be disposed of off-site. (MCM 1, Attachments 3 and 4; Tr. 1, p. 26)
124. There is one residence within 1,000 feet of the site, located approximately 935 feet to the west at 208 Simpaug Turnpike. (MCM 1, Attachment 4; MCM 9, response 9)
125. The nearest property line from the tower is approximately 272 feet to the south at 101 Merchant Road (New Pond Farm Education Center). The nearest residential property line from the tower is approximately 854 feet to the west at 208 Simpaug Turnpike. (MCM 1, Attachment 4)
126. MCM anticipates the facility would be constructed over an eight-week period, followed by 2 weeks of site testing/integration. (MCM 1, p. 22)
127. Construction would occur from Monday through Friday, between 7:00 a.m. and 6:00 p.m., with variations depending on camp activities. (Tr. 1, pp. 56-57)
128. Site construction would commence following Council approval of a D&M Plan for the facility. (MCM 1, p. 22)
129. 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))
130. 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. (CGS §16-50p (2021); *FairwindCT, Inc. v. Conn. Siting Council*, 313 Conn. 669 (2014))
131. The site will be accessed once a month at a minimum for maintenance activities. (MCM 1, pp. 4, 18)

132. The estimated cost of the proposed facility is presented in the table below:

<b>Requisite Component:</b>	<b>Cost (USD)</b>
Tower & Foundation	240,000
Utility Installation	40,000
Facility Installation	55,000
<b>Subtotal MCM Cost</b>	<b>335,000</b>
Verizon Radio Equipment	300,000
Verizon Antennas and Coax	90,000
Generator	25,000
<b>Subtotal VERIZON Cost</b>	<b>415,000</b>
<b>Total Estimated Costs</b>	<b>750,000</b>

(MCM 1, p. 21)

133. MCM would recover construction costs associated with the facility by the revenue generated from leasing space on the facility to wireless service providers. (MCM 2, response 4)

134. Cellco would recover the costs of its equipment as part of its business operations and services provided. (Cellco 1, response 4)

135. 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. MCM and Cellco are private entities. (MCM 2, response 9; CGS §22a-1, *et seq.* (2023))

#### **Public Health and Safety**

136. 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)

137. The proposed facility would be in compliance with the requirements of the 911 Act and would provide Enhanced 911 services. (MCM 1, pp. 10, 12)

138. 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. 23 – FCC Text-to-911: Quick Facts & FAQs)

139. Cellco's proposed equipment installations would be capable of supporting text-to-911 service. (MCM 1, pp. 10, 12)

140. 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)
141. Cellco’s proposed equipment would provide WEA services. (MCM 1, p. 12)
142. Pursuant to CGS §16-50p(a)(3)(G), the tower would be constructed in accordance with the current governing standard in the State of Connecticut for tower design in accordance with the currently adopted International Building Code. (MCM 2, response 15)
143. The proposed tower would not require notice to the Federal Aviation Administration (FAA) or constitute an obstruction or hazard to air navigation and therefore would not require any obstruction marking or lighting. Although the tower is not designed to support an extension, an increase in height of the facility would require another analysis by the FAA to determine if lighting is required. (MCM 1, p. 19, Attachment 4; MCM 9, response 4; MCM 11, response 1)
144. 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. (MCM 3, response 16)
145. MCM would be willing to order a tower from the manufacturer that has removable climbing pegs to deter anyone except authorized personnel from climbing the lower 8 to 10 feet of the tower. (Tr. 1, pp. 22-23)
146. The tower setback radius\* would be within the boundaries of the host parcel. No camp related structures are within the tower setback radius. A hiking trail is approximately 90 feet from the tower at its closest point. \*The horizontal distance equal to the tower height that extends radially from the center of the tower. (MCM 1, Attachment 4; MCM 8, responses 3 and 4)
147. MCM can select a tower design the tower with a yield point of 60 feet to ensure the hiking trail would not be impacted in the event of a tower failure. (Tr. 1, p. 55)
148. Operational noise from the facility (Cellco’s air conditioning units) would comply with DEEP Noise Control Regulations. (MCM 3, response 18; Cellco 2, response 18)
149. 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) (2023))
150. The proposed site is not located within the Federal Emergency Management Agency designated 100-year or 500-year flood zone. (Council Administrative Notice Item No. 84)
151. The proposed site is not located within a state-designated aquifer protection area. (MCM 3, response 17)

152. The proposed site is within the Saugatuck Reservoir public water supply watershed, an active source of drinking water for the Aquarion Water Co. MCM would follow procedures to ensure watershed resources are not impacted during site construction, including but not limited to contacting Aquarion before the commencement of constriction and restrictions on the use herbicides, pesticides and salt at the site. (MCM 3, response 17, Attachment 4- Site Plan N-1; Tr. 1, pp. 49-51, 58)
153. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of Cellco's antennas is approximately 9.0% of the standard for the General Public/Uncontrolled Maximum Permissible Exposure, as adopted by the FCC, at a horizontal distance of approximately 306 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. (MCM 1, Attachment 7; Council Administrative Notice Item No. 2 – FCC OET Bulletin No. 65)

***Emergency Backup Power***

154. 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. 55)
155. Consistent with the findings and recommendations of the Panel, and in accordance with CGS §16-50*ll*, 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. 35 – Council Docket No. 432)
156. 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. 35 – Council Docket No. 432)
157. For backup power, Cellco proposes a 50-kilowatt propane-fueled emergency backup generator with an associated 1,000-gallon propane fuel tank located on a separate 5-foot by 26-foot concrete pad on the northwestern portion of the equipment compound. Cellco's proposed generator would provide approximately 3.5 days of run time before it requires refilling. The storage tank would be installed to include a 10-foot radius for a "no spark" safety zone. (MCM 1, p. 14; MCM 3, Attachment 4; Cellco 2, response 13; Tr. 3, p. 59)
158. The generator would be remotely exercised on a weekly basis. (MCM 1, p. 18)
159. Cellco would also install a battery backup power cabinet on the equipment cabinet pad within the compound. (MCM 1, Attachment 4)
160. 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***

161. Operation of the proposed facility would not produce air emissions, excluding operation of the emergency backup generator. (MCM 1, p. 18)
162. 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. (Celco 2, response 14; R.C.S.A. §22a-174-3b)
163. The Inland Wetlands and Watercourses Act (IWWA), CGS §22a-36, *et seq.*, contains a specific legislative finding that the inland wetlands and watercourses of the state are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed, and the preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. (CGS §22a-36, *et seq.* (2023))
164. The IWWA grants regulatory agencies with the authority to regulate upland review areas in its discretion if it finds such regulations necessary to protect wetlands or watercourses from activity that will likely affect those areas. (CGS §22a-42a (2023))
165. The IWWA forbids regulatory agencies from issuing a permit for a regulated activity unless it finds on the basis of the record that a feasible and prudent alternative does not exist. (CGS §22a-41 (2023))
166. A wetland and vernal pool inspection was conducted on December 20, 2022 and April 10, 2023. The inspections identified two wetland areas, one west of the site (Wetland 1) and the other east of the site (Wetland 2) and one vernal pool within Wetland 2 (refer to Figure 9). (MCM 1, Attachment 8)
167. Wetland 1 is a forested hillside seep system in the central portion of the host parcel. It is located 10 feet west of the camp parking lot and includes an intermittent watercourse that flows north, crossing under the existing camp access drive via four culverts. (MCM 1, Attachment 4; MCM 3 Attachment 8; Tr. 1, pp. 68-71)
168. Wetland 2 is a forested wetland complex approximately 443 feet east of the site. Most of the wetland is surrounded by forest except for a cabin and an adjacent cleared on the west side. (MCM 1, Attachment 4; MCM 3 Attachment 8)
169. A vernal pool supporting wood frogs and spotted salamander is located within Wetland 2. The vernal pool appears to meet the criteria for a Tier 1 vernal pool and has a relatively high ecological value. Due to the existing forested habitat around the pool, and the distance between Wetlands 1 and 2 (approximately 650 feet), and the lack of a vernal pool in Wetland 1, movement of vernal pool species between the two wetlands is not likely. (MCM 3 Attachment 8; MCM 14, response 4; Tr. 1, pp. 42-45)
170. The construction limit of disturbance is 19 feet to Wetland 1 and 430 feet to Wetland 2 at its closest point. Post construction, the proposed access drive is approximately 24 feet to the east of Wetland 1 at its closest point. (MCM 1, Attachment 4; MCM 3 Attachment 8)

171. Relocating the site to the east or south to increase the distance to Wetland 1 would require additional clearing and grading within forested habitat that buffers Wetland 2 and its high-quality vernal pool. Wetland 1 has been impacted by the existing camp parking lot and access drive. (Tr. 1, pp. 53-54, 67-70)
172. Spotted salamanders will travel approximately up to 300-600 feet away from the host pool. If the site was moved closer to the Wetland 2 and the vernal pool, the potential for encountering vernal pool obligate amphibians, such as the salamander, would increase. (Council Administrative Notice Item No. 68; MCM 14, response 14)
173. Relocating the tower to the east or south by 50 to 100 feet would impact a hiking trail used by the camp. (MCM 3, Attachment 2; MCM 14, response 8; Tr. 3, p. 59)
174. To mitigate potential effects to wetlands and the vernal pool, MCM would implement wetland vernal pool protective measures during construction that include independent environmental compliance monitoring, erosion and sedimentation control measures, contractor training, site inspections for herpetofauna, prevention of decoy pools, fuel storage and spill remediation procedures, and site inspection reporting. (MCM 3, Attachment 4- Site Plan N-1)
175. MCM would install appropriate erosion and sedimentation (E&S) controls such as a construction fence and silt socks in compliance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* (2002 E&S Guidelines). (MCM 1, pp. 18, 20; MCM 3, Attachment 4)
176. The site construction plans specify the use of 100 percent natural fiber erosion control blankets to reduce the potential for wildlife entanglement. (MCM 3, Attachment 4; Council Administrative Notice Item No. 70)
177. Refueling of construction machinery would be performed a minimum of 100 feet from wetlands. (MCM 3, Attachment 4- Site Plan N-1; Tr. 1, pp. 49-51)
178. The proposed transformer contains 925 gallons of insulating mineral oil. The transformer, mounted on a concrete pad, is approximately 45 feet from Wetland 1. MCM could incorporate a secondary containment system into the transformer design. (Tr. 1, pp. 42-43, 58)
179. The site slopes gently towards the parking lot and adjacent wetland. Post-construction stormwater that does not infiltrate through the gravel compound and new access drive would flow towards the existing parking lot where its velocity would dissipate before reaching the wetland. (MCM 1 Attachment 4; Tr. 1, pp. 24-25, 60-61)
180. Pursuant to CGS §22a-430b, a DEEP Stormwater Permit is required for any disturbance greater than 1 acre. The construction limit of disturbance for the proposed site is approximately 0.3-acre, therefore the Project would not require a DEEP Stormwater Permit. (CGS §22a-430b; DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. DEEP-WPED-GP-015; MCM 1, Attachment 4)

### ***Forests and Parks***

181. Two sections of the Centennial Watershed State Forest are located approximately 0.4 miles north and northeast of the site. The tower would not be visible from the state forest. (MCM 1, Attachment 5; Council Administrative Notice Item No. 82)
182. Development of the proposed site would require the removal of 19 existing trees with a diameter of six inches or greater at breast height. (MCM 1, Attachment 4)

### ***Fish and Wildlife***

183. The site is not adjacent to a DEEP-designated cold-water habitat. Development of the site would not affect fish passage. (Council Administrative Notice Item No. 48; MCM 1, Attachment 6)
184. 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. 76)
185. On April 4, 2023, DEEP issued a NDDB Determination letter for the proposed facility, identifying the Appalachian blue butterfly as occurring in the general area of the site. The butterfly can be found in dry mixed woodlands and edge areas with black cohosh, a host plant. Activities that impact black cohosh will impact this butterfly. (MCM 3, Attachment 5)
186. On July 13, 2023, MCM conducted a survey for black cohosh in the site development area. No plants were identified and therefore, no protection measures during site development are necessary. (MCM 3, response 19, Attachment 5; Tr. 1, pp. 47-48)
187. 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 site. By letter dated March 31, 2023 the U.S. Fish and Wildlife Service (USFWS) determined that the Project would not likely have an adverse effect on the NLEB, and no additional action is necessary. (MCM 1, pp. 16-17, Attachment 6)
188. The site is within the range of the bog turtle, a federally-listed threatened species and state-listed endangered species. The bog turtle inhabits specific wetland habitat types comprised of wet meadows, pastures and fens in areas underlain with limestone. A site inspection determined the site and adjacent areas do not support bog turtle habitat. Potential bog turtle habitat may occur over 1,500 feet northwest of the site associated with wetland habitat within the Saugatuck River valley. (MCM 1, Attachment 6)
189. Although bog turtle habitat does not occur at the site, as a precaution MCM would implement turtle protection measures, including but not limited to contractor education, site inspections, and isolation barriers to reduce potential effects on turtle populations. (MCM 1, Attachment 6)
190. The proposed facility is not located adjacent to an Important Bird Area (IBA), as designated by the National Audubon Society. The nearest IBA to the proposed site is the Nature Conservancy's Devil's Den Preserve in Weston and Redding, located approximately 3.0 miles southeast of the proposed site. The proposed facility would not affect the IBA. (MCM 1, p. 16, Attachment 6)

191. The proposed facility would comply with the USFWS telecommunications tower guidelines for minimizing the potential for impact to bird species. (MCM 1, Attachment 6; Council Administrative Notice Item No. 14)
192. MCM complied with National Environmental Policy Act (NEPA) requirements for telecommunications facilities. (MCM 1, p. 18; MCM 10, response 10; Tr. 1, pp. 83-84)

***Agriculture and Soils***

193. The host parcel contains 19.4 acres of prime farmland soils and 18.2 acres of statewide important farmland soils. Construction of the proposed facility would not impact any mapped farmland soils on the host parcel. (MCM 3, response 5)
194. The Project area consists of forested soils with a thin duff layer over acidic till soils. (MCM 3, Attachment 6)

***Scenic, Historic and Recreational Values***

195. By letter dated January 20, 2022, SHPO determined that the Project would have no effect on sites listed on or eligible for listing on the National Register of Historic Places. (MCM 1, Attachment 6)
196. There are no state-designated scenic roads within two-miles of the proposed site. The Town Plan of Conservation and Development identifies Marchant Road (0.5 mile south), Umpawaug Road (0.6 mile south) and Side Cut Road (0.6 mile east) as Town scenic roads. No year-round views of the tower are anticipated from these roads. (MCM 1, Bulk File Section 1, Attachment 5)
197. There are no “blue-blazed” hiking trails maintained by the Connecticut Forest and Park Association within two-miles of the site. (MCM 1, Attachment 4)
198. The New Pond Farm Education Center abuts the host parcel to the southeast. The tower would be visible from an education center hiking trail located in a forested area approximately 300 feet to the southwest. The intervening forest understory is mostly open. (MCM 1, Attachment 5; Tr. 1, pp. 36-38)
199. 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. 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. (CGS §16-50p(b) (2023))
200. No comments were received from the OPM or DEEP regarding impacts to scenic quality or resources. (Record)

*Visibility*

201. 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); CGS §47-25 (2023))
202. MCM 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. (MCM 1, Attachment 5)
203. On February 1, 2023, when leaves were off of the trees, MCM conducted a balloon test and field reconnaissance of the proposed tower site to assist in the visibility evaluation. The balloon test consisted of flying a four-foot diameter helium filled balloon to a height of approximately 150-feet agl at the proposed site. 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. (MCM 1, Attachment 5; MCM 10, response 8)
204. 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. (MCM 1, Attachment 5)
205. The tree line around the Project area averages approximately 85 feet. Due to tree heights, surrounding forest and hilly topography, direct lines of sight to the proposed tower are limited. (MCM 1, Attachment 5; MCM 3, response 23; MCM 15, response 6; Tr. 3, pp. 56-58)
206. Based on the final viewshed analysis (refer to Figure 10), the proposed tower would be visible year-round from approximately 2 acres of the Study Area. This year-round visibility is estimated to occur over open fields and water, respectively, at distances of approximately 0.4-mile to the east and approximately 1 mile to the north. (MCM 1, Attachment 5)
207. The tower would be seasonally visible (leaf-off conditions) from approximately 44 acres of the Study Area with most of this seasonal visibility occurring from locations on the host parcel. Seasonal views also extend for several hundred feet onto the abutting New Pond Farm Education Center parcel. Most of the remaining areas of seasonal visibility occur along Simpaug Turnpike northeast of the site and from isolated locations within 0.75 mile of the site. (MCM 1, Attachment 5)
208. Two residences within 0.25 mile of the site, 235 Simpaug and 208 Simpaug Turnpike may have seasonal views of the tower. (Tr. 1, pp. 36-37)
209. The tower would not be visible from the Redding Train Station or adjacent areas of Long Hill Road and Side Cut Road, approximately 0.4 to 0.5 mile to the northeast. (MCM 1, Attachment 5)
210. MCM would paint the tower brown so as to blend it in with the surrounding deciduous forest. (MCM 1, Attachments 4 and 5; MCM 3, response 13; Tr. 1 pp. 19-20, 40-41, 70)

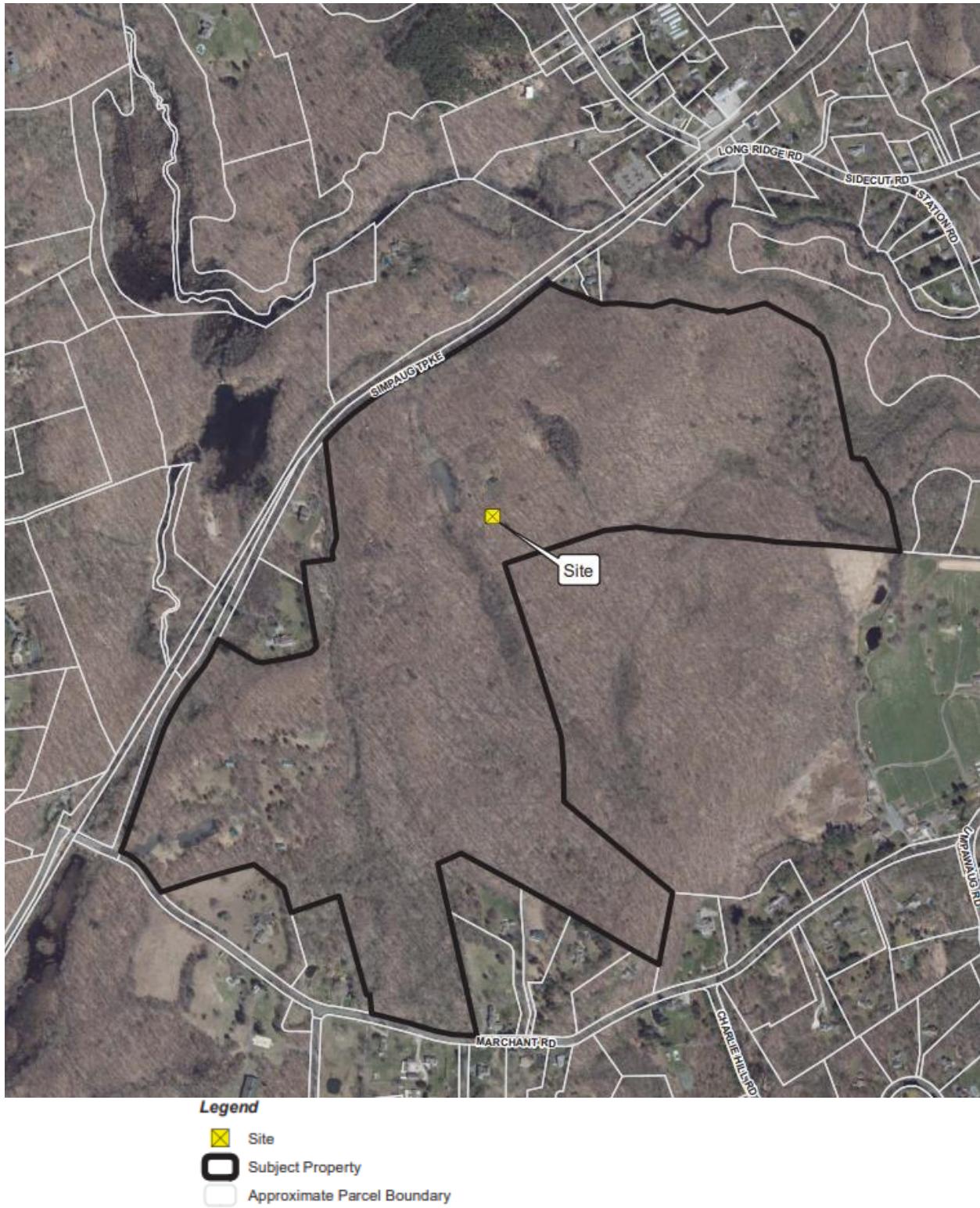
211. A stealth monopine or watch tower facility would not substantially mitigate views of the facility since most views are from the forested areas adjacent to the site. In addition, a monopine would not blend in well with the surrounding area due to the lack of conifer trees adjacent to the site (surrounding foliage is mostly deciduous). (Tr. 1, pp. 40-41, 70)
212. MCM would install 8-foot evergreens around the north, west and south sides of the compound to screen views from camp facilities and trails. The area adjacent to the west side of the compound, encumbered by an existing stone wall, has an existing understory shrub layer that would provide some screening. (MCM 3, response 24, Attachment 4; Tr. 1, pp. 71-73)
213. MCM would install privacy slats within the compound fence for additional screening. (MCM 3, Attachment 4)
214. Pursuant to CGS §16-50p(a)(3)(F), for a telecommunications facility 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. (CGS §16-50p(a)(3)(F) (2021))
215. 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 Westbrook Nature Preschool located approximately 0.39 miles northeast of the proposed facility site. (MCM 8, responses 8 and 9; Tr. 1, pp. 15, 39-40)

**Figure 1 – Site Location – Topographic Map**

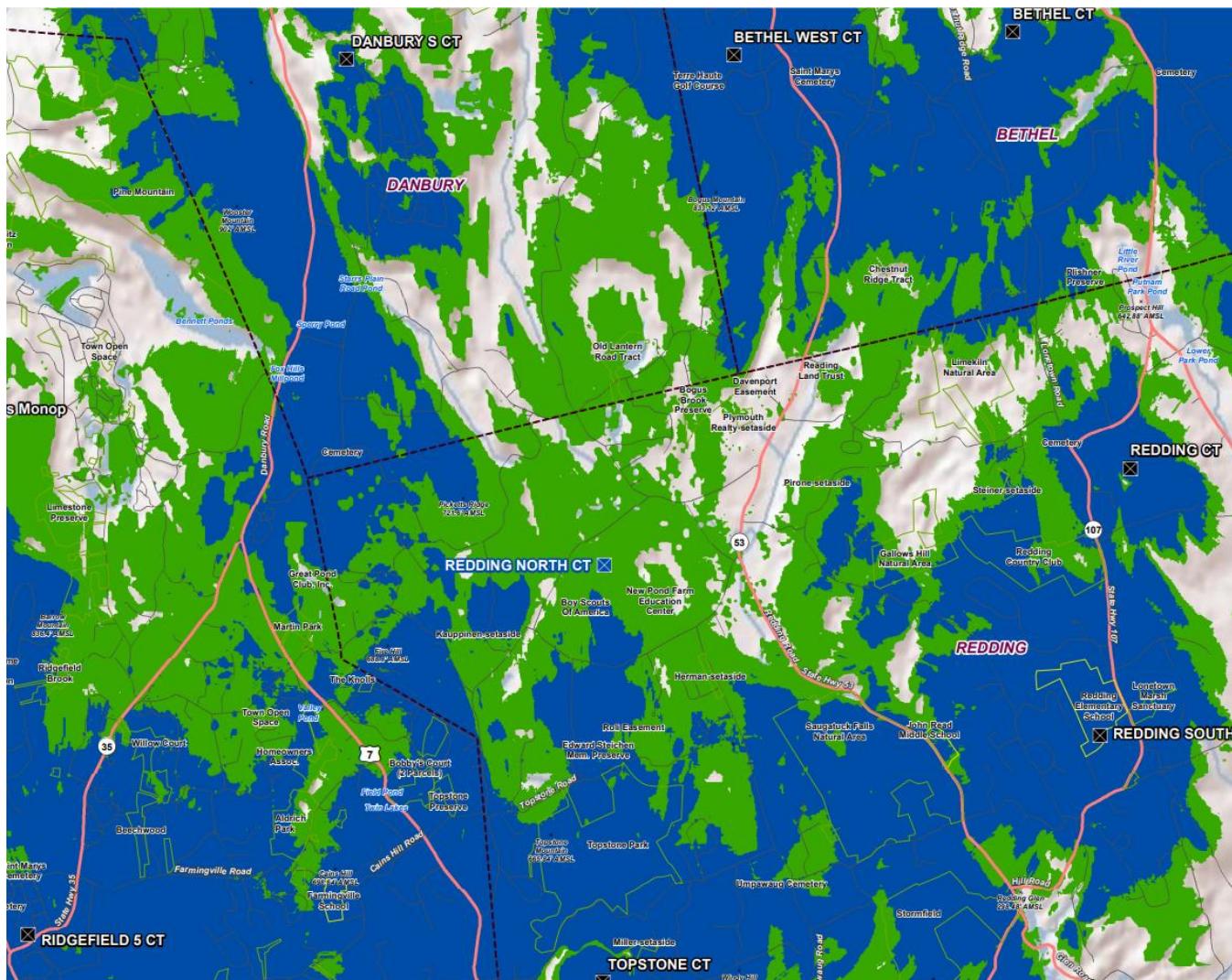


(MCM 1, Attachment 4)

**Figure 2 – Site Location – Aerial Image**



**Figure 3– Celco Existing 700 MHz Coverage**



**Legend**

- Proposed Verizon Wireless Facility
- Existing Verizon Wireless Facilities
- Major Route
- Town Line
- State Line
- Existing RSRP >=-85 (in building)
- Existing RSRP >=-95 (vehicular)

**verizon**

**ALL-POINTS**  
 TECHNOLOGY CORPORATION



(MCM 1, Attachment 1)

**Figure 4 – Celco Proposed and Existing 700 MHz Coverage**



**Legend**

Proposed Verizon Wireless Facility	Existing and Proposed RSRP >= -85 (in building)
Existing Verizon Wireless Facilities	Existing and Proposed RSRP >= -95 (vehicular)
Major Route	
Town Line	
State Line	

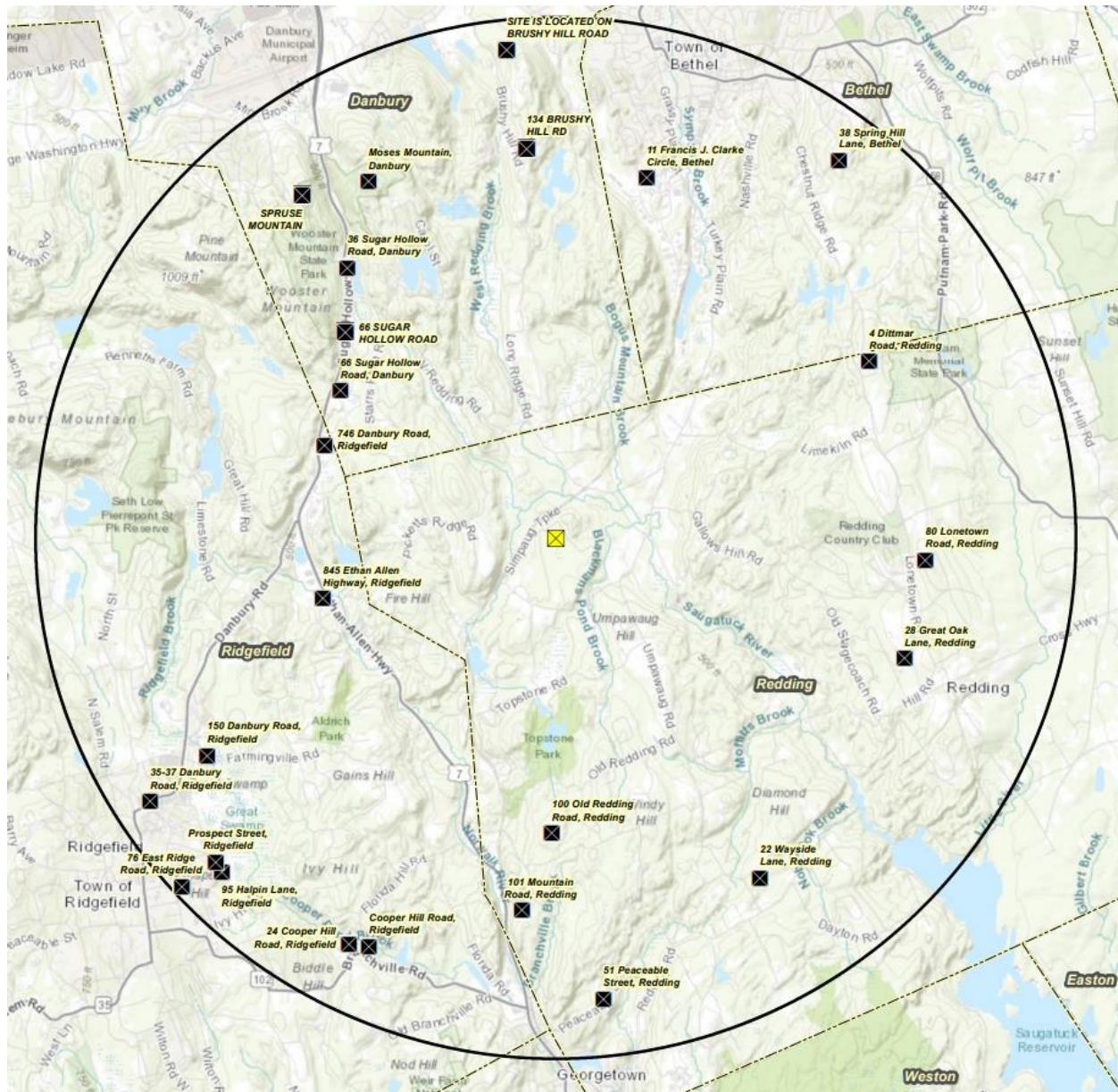
verizon

ALL-POINTS  
TECHNOLOGY CORPORATION



(MCM 1, Attachment 1)

### **Figure 5 – Site Location with Existing Surrounding Towers**



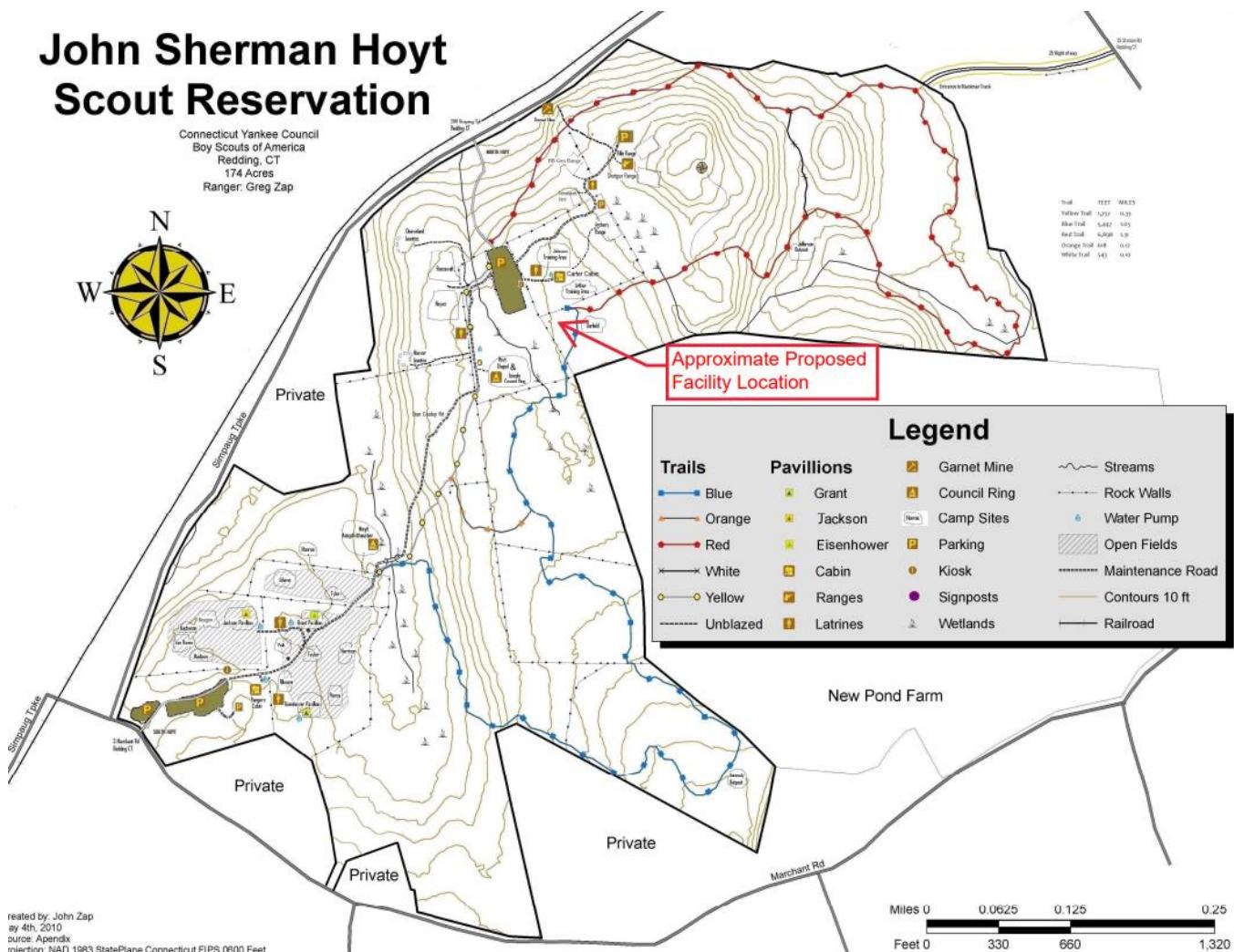
### Legend

- Proposed Facility
- Existing Towers Within 4 Miles of Proposed Facility  
(See attached table for detailed site information)
- 4-Mile Radius

Municipal Boundary

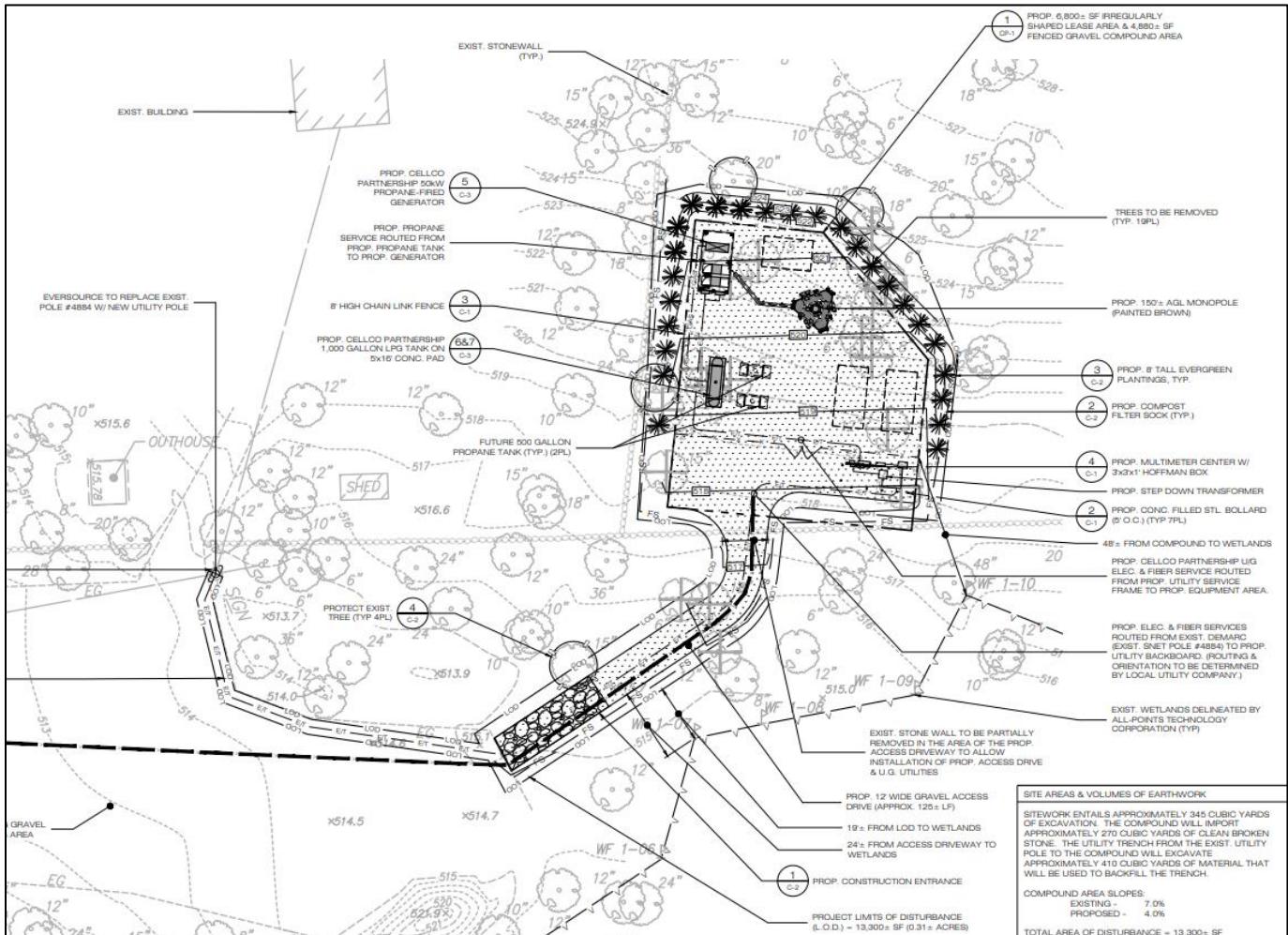
(MCM 1, Attachment 2)

**Figure 6 – Site Location – Camp Map**



(MCM 3, Attachment 2)

### **Figure 7 –Site Plan**

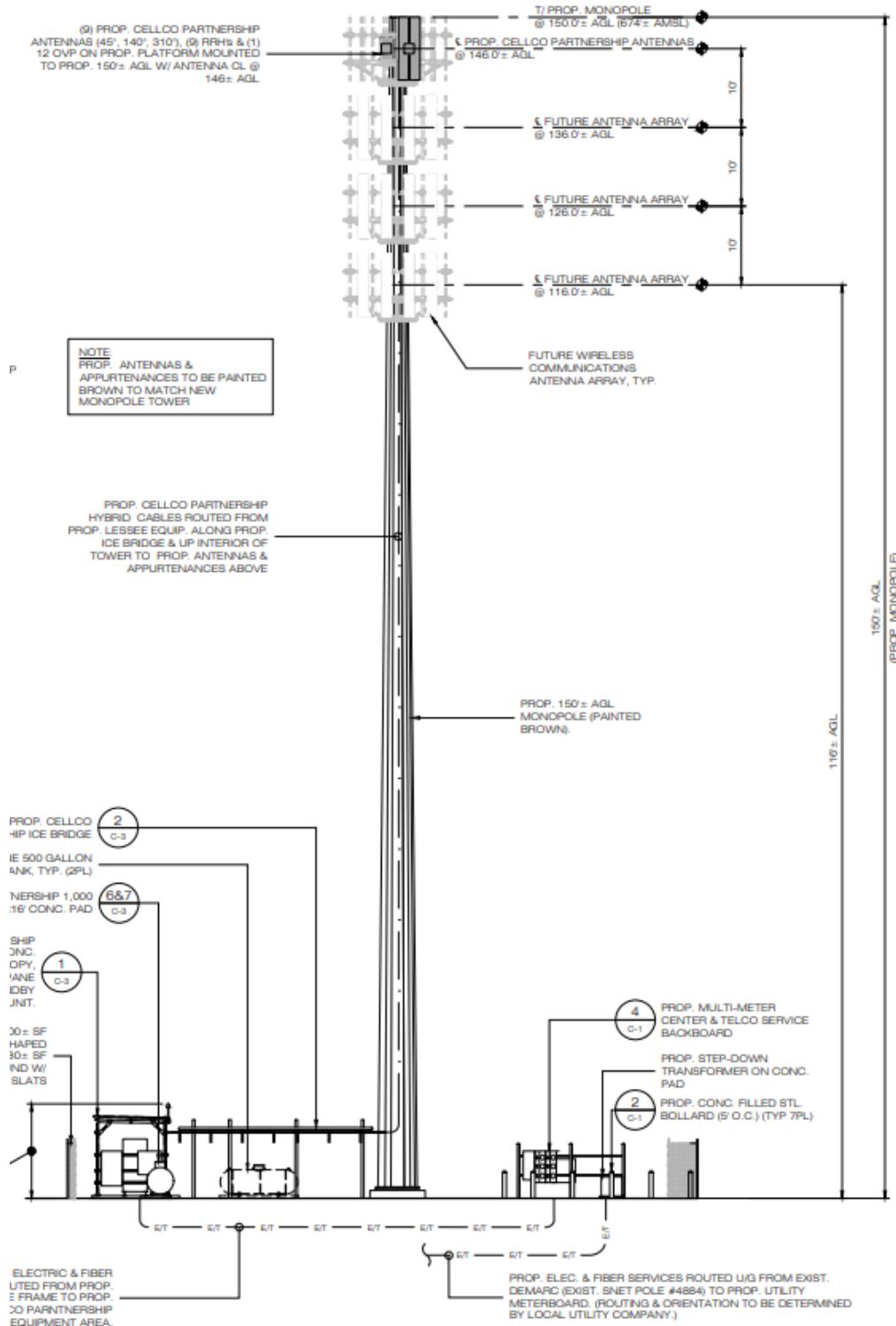


## LEGEND

— - -	PROPERTY LINE
— - -	PROP. LEASE LINE
— - -	RAILROAD EASEMENT
— V — V —	EXIST. WETLAND
— LOD —	LIMIT OF DISTURBANCE
— X — X —	PROP. CHAIN LINK FENCE
— E/T —	PROP. ELEC./TELCO LINE
— OH —	PROP. OVERHEAD ELEC./TELCO LINE
— FS —	PROP. FILTER SOCK
	EXIST. TREE TO REMAIN
	EXIST. TREE TO BE REMOVED

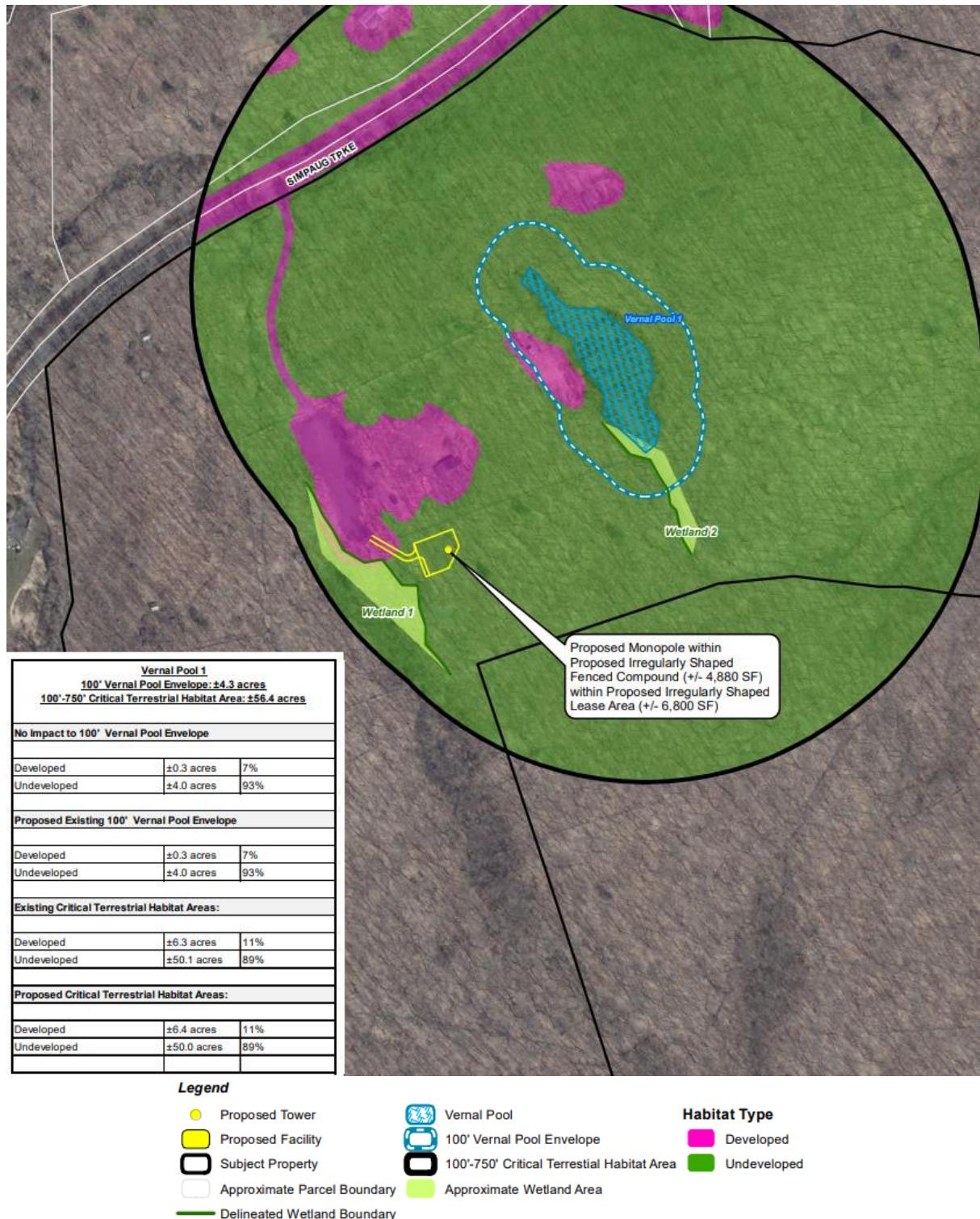
(MCM 3, Attachment 4)

**Figure 8 - Tower Profile**



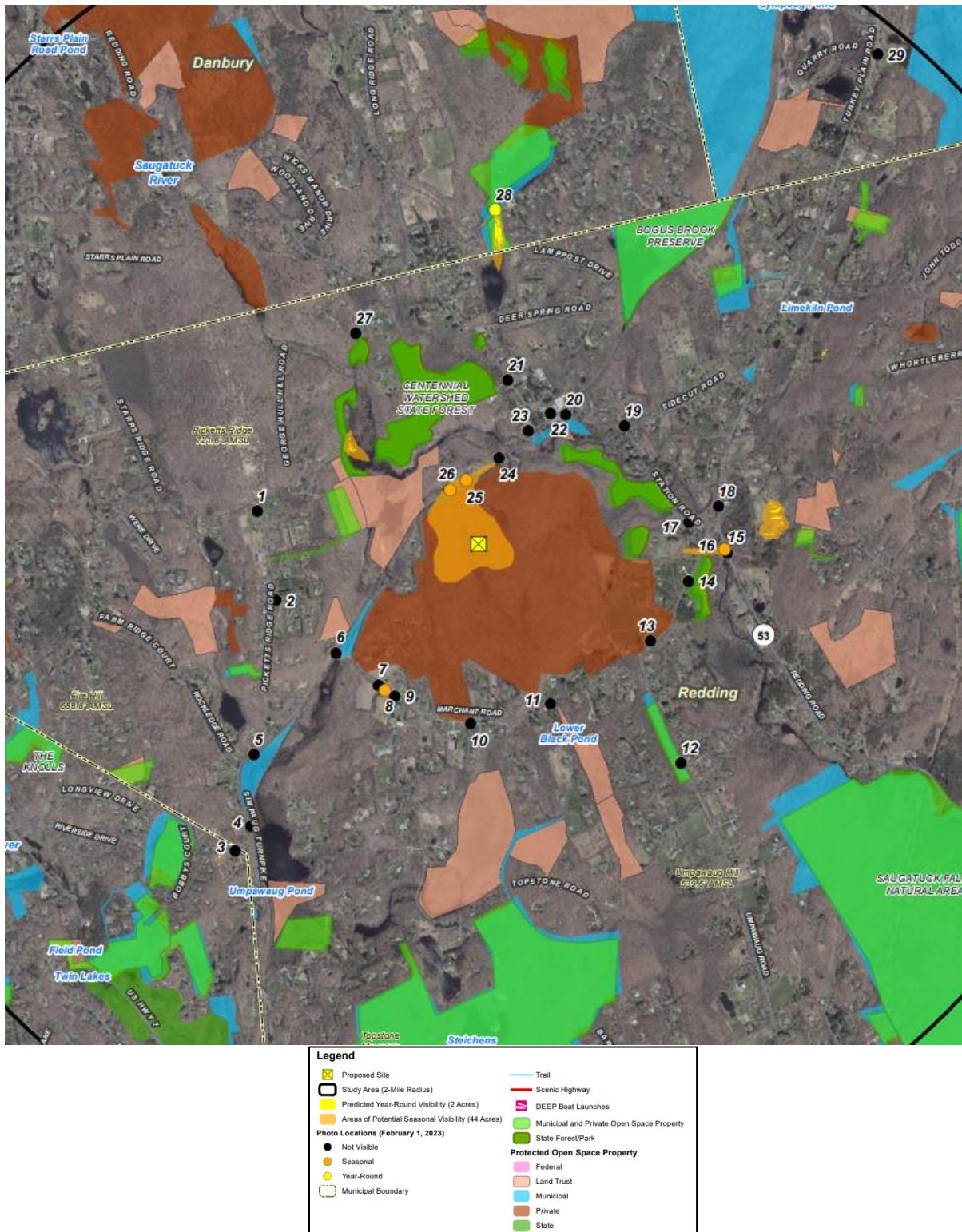
(MCM 3, Attachment 4)

**Figure 9 – Wetland and Vernal Pool Locations**



(MCM 3, Attachment 6)

**Figure 10 – Proposed Site Visibility Analysis Map**



(photolog next page)

(MCM 1, Attachment 5)

**Visibility Analysis Map Photolog**

<b>Photo</b>	<b>Location</b>	<b>Orientation</b>	<b>Distance to Site</b>	<b>Visibility</b>
1	Picketts Ridge Road	East	± 0.67 Mile	Not Visible
2	Picketts Ridge Road	Northeast	± 0.63 Mile	Not Visible
3	Fire Hill Road, Ridgefield	Northeast	± 1.18 Miles	Not Visible
4	Simpaug Turnpike	Northeast	± 1.09 Miles	Not Visible
5	Simpaug Turnpike	Northeast	± 0.93 Mile	Not Visible
6	Simpaug Turnpike	Northeast	± 0.54 Mile	Not Visible
7	Marchant Road	Northeast	± 0.52 Mile	Not Visible
8	Marchant Road	Northeast	± 0.52 Mile	Seasonal
9	Marchant Road	Northeast	± 0.52 Mile	Not Visible
10	Marchant Road	Northeast	± 0.54 Mile	Not Visible
11	Charlie Hill Road at Marchant Road	Northwest	± 0.53 Mile	Not Visible
12	Umpawaug Road at Guardhouse Drive	Northwest	± 0.90 Mile	Not Visible
13	Umpawaug Road	Northwest	± 0.60 Mile	Not Visible
14	Umpawaug Road	West	± 0.64 Mile	Not Visible
15	Redding Road	West	± 0.76 Mile	Not Visible
16	Redding Road	West	± 0.75 Mile	Seasonal
17	Station Road	West	± 0.64 Mile	Not Visible
18	Redding Road	West	± 0.74 Mile	Not Visible
19	Side Cut Road	Southwest	± 0.59 Mile	Not Visible
20	Side Cut Road	Southwest	± 0.47 Mile	Not Visible
21	Long Ridge Road	South	± 0.50 Mile	Not Visible
22	Long Ridge Road	Southwest	± 0.45 Mile	Not Visible
23	Redding Train Station	Southwest	± 0.38 Mile	Not Visible
24	Simpaug Turnpike	Southwest	± 0.27 Mile	Not Visible
25	Simpaug Turnpike	Southeast	± 0.19 Mile	Seasonal
26	Simpaug Turnpike	Southeast	± 0.19 Mile	Seasonal
27	George Hull Hill Road	Southeast	± 0.74 Mile	Not Visible
28	Old Lantern Road, Danbury	South	± 1.00 Mile	Year Round
29	Turkey Plain Road, Bethel	Southwest	± 1.90 Miles	Not Visible

(MCM 1, Attachment 5)