



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

June 6, 2024

TO: Service List, dated November 29, 2023

FROM: Melanie Bachman, Executive Director *NAB*

RE: **DOCKET NO. 520** – Homeland Towers, LLC and Celco Partnership d/b/a Verizon Wireless application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at 124 Ague Spring Road, Haddam, Connecticut.

As stated at the hearing on March 21, 2024, after the Connecticut Siting Council (Council) issues its draft findings of fact, parties and intervenors may identify errors or inconsistencies between the Council's draft findings of fact and the record; however, no new information, evidence, argument, or reply briefs will be considered by the Council.

Parties and Intervenors may file written comments with the Council on the Draft Findings of Fact issued on this matter by the close of business on June 13, 2024.

MB/RDM/laf

Enclosure

DOCKET NO. 520 – Homeland Towers, LLC and Cellco Partnership } Connecticut
d/b/a Verizon Wireless application for a Certificate of Environmental }
Compatibility and Public Need for the construction, maintenance, and } Siting
operation of a telecommunications facility located at 124 Ague Spring }
Road, Haddam, Connecticut. } Council

May 31, 2024

DRAFT Findings of Fact

Introduction

1. Homeland Towers, LLC and Cellco Partnership d/b/a Verizon Wireless (Applicants), in accordance with provisions of Connecticut General Statutes (C.G.S.) §16-50g, et seq, applied to the Connecticut Siting Council (Council) on November 29, 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 124 Ague Spring Road, Haddam, Connecticut (refer to Figures 1 & 2). (Applicants 1, pp. 1-2, Attachment 1)
2. Homeland Towers, LLC (HT) is a New York limited liability company with offices at 9 Harmony Street, Danbury, Connecticut. HT currently owns and/or operates numerous tower facilities in Connecticut. HT would construct, maintain and own the proposed facility and would be the Certificate Holder. (Applicants 1, p. 2)
3. Cellco Partnership d/b/a Verizon Wireless (Cellco) is a Delaware Partnership with an office at 20 Alexander Drive, Wallingford, Connecticut. Cellco is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service to Connecticut. (Applicants 1, pp. 2-3)
4. The Applicants are the only party to this proceeding. (Record)
5. There are no Connecticut Environmental Protection Act (CEPA) Intervenors in this proceeding. (Record)
6. The purpose of the proposed facility is to provide reliable wireless communications services for Cellco customers in portions eastern and central Haddam. (Applicants 1, pp. 6-7; Attachment 7)
7. 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))
8. Also under C.G.S. §16-50p(b), the Council must examine whether the proposed facility may be shared with any public or private entity that provides service to the public if the shared use is technically, legally, environmentally and economically feasible and meets public safety concerns, and may impose reasonable conditions as it deems necessary to promote the immediate and shared use of telecommunications facilities and avoid the 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))
9. Pursuant to C.G.S. §16-50/ (b), Applicants provided public notice of the filing of the application that was published in the Hartford Courant on November 21 and 22, 2023. (Applicants 2)

10. Pursuant to C.G.S. §16-50l (b), notice of the application was provided to all abutting property owners by certified mail on November 29, 2023. One certified mail receipt was not returned from the owner of several abutting parcels. The Applicants re-sent notice to this abutting property owner by first class mail on December 19, 2023. (Applicants 1, Attachment 2; Applicants 3, response 1)
11. On November 29, 2023, Applicants provided notice to all federal, state and local officials and agencies listed in C.G.S. §16-50l (b). (Applicants 1, Attachment 2)]
12. Pursuant to RCSA §16-50v-3: “The Council shall refrain from considering any pending and future matters filed by any person who fails to pay invoice and assessment amounts that are past due to the Council by 30 days or more under §16-50v of the Connecticut General Statutes.” (RCSA §16-50v-3 (2023))
13. On December 1, 2023, the Council provided notice to Cellco that it had 14 outstanding invoices that were more than 30 days past due and that the Council will not process any pending and future Cellco Matters until payment was received in full. (Record)
14. The notice to Cellco had the effect of tolling the FCC 150-day decision deadline. (Record).
15. The Council acknowledged receipt of Cellco’s payment in full of the outstanding invoices on December 28, 2023. (Record)

Procedural Matters

16. C.G.S. §1-225a 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. 61; C.G.S. §1-200, *et seq.* (2023))
17. C.G.S. §1-225a 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. 61)
18. Upon receipt of the payment of Cellco’s outstanding invoices in full, the Council sent a letter to the Town of Haddam (Town) on December 29, 2023, as notification that the application was received and is being processed, in accordance with C.G.S. §16-50gg. (Record)
19. Local zoning regulations do not apply to facilities under the exclusive jurisdiction of the Council. Pursuant to C.G.S §16-50x, the Council has exclusive jurisdiction over telecommunications facilities throughout the state. It shall consider any location preferences provided by the host

- municipality under C.G.S. §16-50g as the Council shall deem appropriate. (C.G.S. §16-50x (2023))
20. During a regular Council meeting on January 4, 2024, the application was deemed complete pursuant to Regulations of Connecticut State Agencies (R.C.S.A.) §16-50l-1a and the public hearing schedule was approved by the Council. (Record)
 21. Pursuant to C.G.S. §16-50m, on January 4, 2024, 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)
 22. Pursuant to C.G.S. §16-50m, the Council published legal notice of the date and time of the public hearing via Zoom remote conferencing in the Haddam Killingworth News on January 18, 2024. (Record; Transcript 1 – March 21, 2024 – 2:00 p.m. [Tr. 1], p. 5)
 23. The Council’s Hearing Notice did not refer to a public field review of the proposed site. Field reviews are 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))
 24. On February 16, 2024, in lieu of an in-person field review of the proposed site, the Council requested that Applicants submit photographic documentation of site-specific features into the record intended to serve as a “virtual” field review of the site. On March 8, 2024, Applicants submitted such information in response to the Council’s interrogatories. (Record; Applicants 3, Response 37)
 25. On December 6, 2023, pursuant to C.G.S. §16-50o, Applicants 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. (Record)
 26. On January 4, 2024, the Council issued a Protective Order related to the disclosure of the monthly rent and financial terms contained within the lease agreement for the proposed site, pursuant to C.G.S. §1-210(b) and consistent with the Conclusions of Law adopted in Council Docket 366. (Record)
 27. Pursuant to C.G.S. §16-50p(g), the Council shall in no way be limited by Applicants already having acquired land or an interest therein for the purpose of constructing the proposed facility. (C.G.S. §16-50p(g) (2023); *Corcoran v. Conn. Siting Council*, 284 Conn. 455 (2007))
 28. 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))
 29. On February 21, 2024, 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 February 14, 2024)

30. In compliance with R.C.S.A. §16-50j-21, on March 6, 2024, the Applicants installed a four-foot by six-foot sign along Ague Spring Road in the vicinity of the access drive for the proposed site. The sign presented information regarding the proposed telecommunications facility and the Council's public hearing. (Applicants 5; Tr. 1, p. 5)
31. Pursuant to C.G.S. §16-50m, the Council gave due notice of a public hearing to be held on March 21, 2024, 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 January 4, 2024; Tr. 1, p. 1; Transcript 2 – March 21, 2024 - 6:30 p.m. [Tr. 2], p. 1)
32. 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. 5; Tr. 2, pp. 6-7; C.G.S. §16-50n(f) (2023))
33. During the public comment session of the Council's hearing held on March 21, 2024, two persons made oral limited appearance statements about the proposed facility. (Tr. 2, pp. 10-12)
34. In compliance with C.G.S. §1-225a:
 - 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 March 21, 2024 and April 4, 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.(Hearing Notice dated January 4, 2024; Tr. 1; Tr. 2; Record)
35. 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))
36. 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).
37. Pursuant to C.G.S. §16-50n(f), at the conclusion of the hearing session held on March 21, 2024, the Council closed the evidentiary record for Docket 520 and established April 20, 2024 as the deadline for public comments and the submission of briefs and proposed findings of fact. (Tr. 2, p. 13)

38. On March 22, 2024, the Council requested an extension of time to August 30, 2024 to render a final decision. On March 27, 2024, in response to the Council's request for an extension, the Applicants consented to a 45-day extension of time to July 10, 2024. (Record)
39. On April 18, 2024, Applicants submitted a post-hearing brief. (Record)
40. 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

41. Pursuant to C.G.S. §16-50j (g), on January 4, 2024, 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)
42. No state agencies responded with comment on the application. (Record)
43. 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. Conn. Siting Council*, 284 Conn. 455 (2007)).

Municipal Consultation

44. Pursuant to C.G.S. §16-50l(f), the Applicants commenced the 90-day pre-application municipal consultation process on July 31, 2023, by submitting a Technical Report to the Town First Selectperson. (Applicants 1, p. 17, bulk filing 1-Technical Report)
45. On October 12, 2023, at the request of the Town, the Applicants participated in a Public Information Meeting (PIM) at the Haddam Volunteer Fire Department. The PIM was attended by Town officials and eight residents. Concerns expressed by the public included, but were not limited to, construction of the proposed facility, access from town roads, visibility, and need for service. (Applicants 1, p. 17, Attachment 16)
46. After the filing the application, the Applicants had further discussions with the Town First Selectperson and an abutting property owner to the north who inquired about the tower type, tower lighting and property values. (Applicants 4, response 2)
47. On March 21, 2024, the Town submitted comments to the Council expressing support for the proposed facility. (Record)

Public Need for Service

48. 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)
49. 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)
50. 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)
51. 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)
52. 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)
53. 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)
54. 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)
55. 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)
56. 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)
 57. 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)
 58. 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 - Declaratory Ruling and Notice of Proposed Rulemaking, FCC 20-75, June 10, 2020)
 59. 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 - 2, Report and Order, FCC 20-153, November 3, 2020)
 60. 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))
 61. The Town’s Plan of Conservation and Development does not identify telecommunications facilities as a land use consistent or inconsistent with the general planning and conservation principles or policies of the Town. (Applicants 1, p. 15, Bulk file 4- Town Plan of Conservation and Development)
 62. On January 4, 2024, the Council sent correspondence to other telecommunications carriers not intervening in the proceeding requesting that carriers interested in locating on the proposed facility in the foreseeable future to notify the Council by March 14, 2024. No carriers responded to the Council’s solicitation. (Record)
 63. The facility would be designed to accommodate four wireless carriers, including Cellco, the Town and local emergency service providers. The Town and local responders have not expressed an interest in co-locating emergency services antennas on the proposed facility. (Applicants 1, p. 10; Tr. 1, p. 35)

Cellco's Existing and Proposed Wireless Services

64. Cellco has a significant coverage deficiency in its wireless communications network in portions of central and eastern Haddam (refer to Figure 3). (Applicants 1, pp. 6-7, Attachment 6; Applicants 4, response 17)
65. Roads and surrounding areas without reliable service include, but are not limited to, Route 154, Walkley Hill Road, Meeting House Road, Old Ponset Road, and Haddam Meadows State Park. (Applicants 1, Attachment 6)
66. Cellco proposes to operate 700 MHz, 850 MHz, 1900 MHz, and 2100 MHz frequencies at the site. (Applicants 1, p. 6, Attachment 6)
67. Cellco currently operates seven facilities within four miles of the proposed site. None of these facilities are able to provide adequate coverage to the proposed service area. (Applicants 1, p. 9, Attachment 6)
68. 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. (Applicants 1, Attachment 6; Applicants 4, response 13)
69. Cellco determined a need for this site using Cellco's coverage mapping tool and data speed performance measurements. (Applicants 1, Attachment 6; Applicants 4, response 17)
70. 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. (Applicants 1, Attachment 6; Applicants 4, response 14; Tr. 1, p. 22-23)
71. Cellco's proposed installation at the 150-foot level of the proposed tower would provide approximately four miles of reliable coverage to State Route 154, the main road through central Haddam. The Town Hall, two fire stations, the senior center and library as well as residences are located along Route 154 (refer to Figure 4). (Applicants 1, p. 7, Attachment 6, Bulk File 4- POCD; Applicants 4, response 19)
72. Other areas with improved service include roads and residential areas west of Route 154, Haddam Meadows State Park and the western section of Haddam Neck. (Applicants 1, Attachment 6)
73. The proposed site would meet most of Cellco's wireless service objectives. A section of Route 154 south towards the Tylerville section of Haddam cannot be served by the proposed facility due to terrain challenges. A new facility would be needed in this area to achieve continuous service on Route 154 south to the Town of Chester. Also, service east of the site (west of Quarry Hill Road) would be limited due to higher elevation terrain that effectivity blocks service. (Applicants 1, pp. 6-7, Attachment 6; Tr. 1, pp. 75-77)
74. Lowering the height of Cello's proposed antennas would result in larger coverage gaps on Route 154. (Applicants 4, response 15; Tr. 1, pp. 21-22)
75. The proposed facility would provide limited capacity relief to Cellco's existing Higganum Facility (700 MHz Alpha Sector), approximately 3.4 miles to the west. (Applicants 1, Attachment 6; Applicants 4, response 18)

Site Selection

76. HT initiated a site search in the Haddam area in 2016 and signed a lease with the property owner in 2018. Cellco issued a search ring in 2018 but no sites were pursued. Cellco and HT also conducted a collaborative search in 2022/2023. (Applicants 1, pp. 9-10, Attachment 8; Applicants 4, response 3)
77. 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. (Applicants 1, pp. 9-10; Attachment 8)
78. Applicants investigated 12 sites within the search area as follows:
- a) **124 Ague Spring Road, Haddam Neck** (the proposed site): a 13.1-acre parcel zoned residential was selected as the proposed site.
 - b) **124 Ague Spring Road, Haddam Neck** (existing tower): a light-duty 73.5-foot lattice lookout tower located on the host parcel. It is too short to meet coverage objectives.
 - c) **439 Saybrook Road, Haddam**: a 34.7-acre parcel zoned residential and owned by the Town. HT has a lease; however, the site would not meet Cellco's coverage objectives.
 - d) **Quarry Hill Road, Haddam Neck**: a 90-foot Eversource transmission structure east of Quarry Hill Road, below the crest of a hill. It would not meet Cellco's coverage objectives.
 - e) **Cove Road, Haddam Neck**: a 90-foot Eversource transmission structure east of Cove Road, below the crest of a hill. It would not meet Cellco's coverage objectives.
 - f) **15 SGT Morgan Lane, Haddam Neck**: a 6.2-acre parcel zoned residential. Landowner did not respond to inquiry.
 - g) **255 Rock Landing Road, Haddam Neck**: a 44-acre parcel zoned residential. Landowner did not respond to inquiry.
 - h) **440 Saybrook Road, Haddam**: a 4.4-acre parcel zoned residential. Landowner was not interested in a lease.
 - i) **Jail Hill Road Parcel (lot 31 051 1), Haddam**: a 27.5-acre parcel zoned residential and owned by the Town. HT has a lease; however, the site would not meet Cellco's coverage objectives.
 - j) **79 Jail Hill Road, Haddam**: a 17-acre town-owned park. Town is not interested in leasing space.
 - k) **750 Saybrook Road, Haddam**: a 4.4-acre town-owned parcel. Town is not interested in leasing space.
 - l) **408 Quarry Hill Road, Haddam Neck**: a church with a 55-foot steeple. The steeple is too short to meet Cellco's coverage needs.
- (Applicants 1, Attachment 8; Tr. 1, pp. 28-29)
79. The existing 73.5-foot lattice tower on the host parcel is approximately 50 years old. Nextel Communications, Inc. installed equipment on the lookout tower that was removed after its merger with Sprint. Cellco examined the tower and determined it is too short to meet coverage objectives. (Tr. 1, pp. 58-60)

80. A 180-foot tower was proposed by Sprint Nextel Corporation and CL&P on a parcel off Cove Road in Haddam Neck in 2007 in Council Docket 348. The application was withdrawn in 2008. This parcel is 100 feet lower in elevation than the proposed site, and therefore, would not meet coverage needs. (Tr. 1, pp. 16-18, 77-80; Council Administrative Notice Item No. 36)
81. A proposed Cellco facility at 194 Mount Parnassus Road, East Haddam (Council Petition 1616) would not provide service to the central Haddam area. It is designed to provide coverage to East Haddam. (Tr. 1, p. 22)
82. 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))
83. 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

84. 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. (Applicants 4, response 7)
85. 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. The estimated cost of each small cell deployment is between \$50,000 to \$100,000. (Applicants 4, response 7)
86. Small cell limitations include a reduction in the number of frequencies deployed, limited wireless service, existing utility equipment encumbrances and the lack of emergency backup power. (Applicants 4, response 7)

Proposed Site

87. 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))
88. The proposed site is located on an approximately 13.1-acre parcel at 124 Ague Spring Road (refer to Figure 5). (Applicants 1, p. 1)
89. The host parcel is zoned residential (R-2) and is within the Town's Connecticut River Gateway Conservation zone. (Applicants 1, p. 15; Applicants 4, response 35)

90. The Connecticut River Gateway Conservation Zone was established to conserve aesthetic and ecological riverway resources in eight towns along the lower Connecticut River. The Town established zoning regulations consistent with the goals of the conservation zone, which is overseen by the Connecticut River Gateway Commission. The Applicants notified the Commission of the proposed facility in August 2023 by providing a copy of the application. (Applicants 1, bulk file 4; Applicants 4, responses 34, 35 & 36; Tr. 1, p. 12)
91. The host parcel contains a residence accessed from Auge Spring Road, a field area containing a lookout tower and woodland. (Applicants 1, Attachment 1)
92. An AT&T communication easement traverses the northern portion of the property in an east-west direction. (Applicants 1, Attachment 1)
93. The proposed site is in the northern portion of the field, approximately 130 feet northwest of the lookout tower. (Applicants 1, Attachment 1)
94. An existing dirt/gravel driveway extends east from Auge Spring Road to the lookout tower. (Applicants 1, Attachment 1)
95. Land use immediately surrounding the site consists primarily of undeveloped woodland with some residencies to the southeast along Auge Spring Road. (Applicants 1, Attachment 1, Attachment 9)
96. The proposed tower site is located at an approximate ground elevation of 403 feet above mean sea level (amsl). (Applicants 1, Attachment 1)
97. The tower site would be within a 52-foot by 70-foot (3,640 square foot) lease area. (Applicants 1, Attachment 1)
98. Development of the site, including the access drive, would disturb less than one acre of land (approximately 0.46 acre). (Applicants 1, Attachment 1)
99. The existing lookout tower on the host parcel is used by the property owner for views and photography. It is a repurposed transmission line structure that is located south of the proposed facility site. (Applicants 1, p. 9; Applicants 4, response 6; Tr. 1 pp. 58-60)
100. The existing lookout tower is at a ground elevation that is 13 feet higher than the proposed facility and there is 160 feet separation distance between the two structures. (Tr. 1, p. 52)
101. The property owner prefers that the existing lookout tower on the host parcel remain for personal use. The lookout tower is not within the Applicants leased site. (Applicants 1, Attachment 1; Applicants 4, response 6; Tr. 1, pp. 69-70)
102. The proposed telecommunications facility cannot be co-used as a lookout tower. (Tr. 1, pp. 69-70)

Proposed Facility

103. The proposed facility would consist of a 150-foot monopole within a 40-foot by 70-foot equipment compound (refer to Figure 6). (Applicants 1, Attachment 1)
104. Cellco would install 8 panel antennas and 7 remote radio heads on an antenna platform at a centerline height of 146 feet above ground level (agl) (refer to Figure 7). (Applicants 1, p. 8, Attachment 1; Tr. 1 pp. 13-14)

105. The compound is designed to accommodate four wireless carries. (Applicants 1, Attachment 1; Tr. 1, pp. 63-64)
106. Cellco would install one equipment cabinet and a 50-kilowatt diesel-fueled emergency backup generator on a 10-foot by 20-foot concrete pad, covered with a steel canopy. (Applicants 1, Attachment 1)
107. The proposed equipment compound would be surrounded by an eight-foot high chain link fence that includes a 12-foot wide vehicle access gate. (Applicants 1, Attachment 1)
108. Access to the tower site would be from a new 360-foot long gravel drive extending north from the existing lookout tower. (Applicants 1, Attachment 1)
109. The Applicants designed the access drive to maintain a moderate nine percent grade to the proposed compound. The existing access drive extends directly up the hill, reaching a 20 percent grade. It is in poor condition and would have to be re-constructed and re-graded for vehicle use. (Applicants 1, Attachment 1; Tr. 1, pp. 29-30)
110. Power and telecommunications utilities would extend underground from the compound and along the access drive to an existing utility pole on Ague Spring Road. (Applicants 1, Attachment 1)
111. The site does not require water supply or wastewater utilities. There would be no water connection to the site. (Applicants 1, Attachment 1)
112. The tower and foundation would be designed to support a 20-foot extension to accommodate future tower sharing, if necessary. (Tr. 1, p. 34)
113. A geotechnical survey would be performed prior to construction to evaluate existing subsurface conditions within the project site as part of the Development and Management (D&M) Plan. The geotechnical survey would be used to design the tower and foundation. (Tr. 1, pp. 33-34)
114. 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))
115. Construction would require 230 cubic yards of excavation, 150 cubic yards of stone for the access drive and compound, and 200 cubic yards for trench excavation which would be used as backfill. (Applicants 1, Attachment 1)
116. There are 4 residences within 1,000 feet of the site. (Applicants 1, p. 11)
117. The nearest property line from the compound and tower is approximately 22 feet and 62 feet to the north, respectively. (Applicants 1, Attachment 1; Tr. 1, p. 63)
118. The construction limit of disturbance would extend to the north property line. The Applicants would examine the feasibility of shifting the construction area to create a 10 to 15-foot buffer from the property line. (Applicants 1, Attachment 1; Tr. 1, pp. 67-69)
119. The nearest residence from the tower is located approximately 475 feet to the south at 121 Ague Spring Road. (Applicants 1, p. 11; Tr. 1, pp. 12-13)

120. Applicants anticipate the facility would be constructed over a 10-week period, followed by 2 weeks of radio frequency testing/integration. (Applicants 1, p. 19)
121. Site construction would commence following Council approval of a D&M Plan for the facility. (Applicants 1, p. 19)
122. 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))
123. The Council has statutory authority to order a D&M Plan and the Council's D&M Plan process has been upheld by the Connecticut Supreme Court. (C.G.S. §16-50p (2023); *FairwindCT, Inc. v. Conn. Siting Council*, 313 Conn. 669 (2014))
124. The estimated cost of the proposed facility is:
- | | |
|--|-------------------------|
| Tower and Foundation | \$160,000 |
| Site Development | \$120,000 |
| Utility Installation | \$ 70,000 |
| Cellco Antennas and radio equipment | \$395,000 |
| Cellco Power systems and other equipment | \$ 85,000 |
| <u>Total Estimated Costs</u> | <u>\$830,000</u> |
- (Applicants 1, p. 19)
125. HT would recover construction costs associated with the facility by the revenue generated from leasing space on the facility to wireless service providers. (Applicants 4, response 10)
126. Cellco would recover the costs of its equipment as part of its business operations and services provided. (Applicants 4, response 10)
127. 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. HT and Cellco are private entities. (Applicants 4, response 9; C.G.S. §22a-1, *et seq.* (2023))

Public Health and Safety

128. 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)
129. The proposed facility would be in compliance with the requirements of the 911 Act and would provide Enhanced 911 services. (Applicants 1, p. 5)
130. 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)
131. Cellco’s proposed equipment installation would be capable of supporting text-to-911 service. (Applicants 4, response 23)
 132. 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)
 133. Cellco’s proposed equipment would provide WEA services. (Applicants 4, response 24)
 134. Pursuant to C.G.S. §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. (Applicants 1, Attachment 1; Applicants 4, response 11)
 135. 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 serviceable wind velocity for the antennas on the proposed tower is 125 mph. (Applicants 4, response 11, response 12)
 136. 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. (Applicants 1, Attachment 17; Applicants 4, response 28)
 137. Security measures at the site would include, but are not limited to, the proposed compound fence, a locked access gate, removable tower pegs, remote monitoring and silent intrusion alarms on the equipment cabinets. (Applicants 4, response 25)
 138. The tower setback radius* would extend onto the abutting property to the north by 87 feet. HT could design a tower yield point, to ensure the tower setback radius remains within the boundaries of the host parcel. *The horizontal distance equal to the tower height that extends radially from the center of the tower. (Applicants 1, Attachment 1; Tr. 1, p. 63)
 139. Operational noise from the facility (Cellco’s air conditioning units) would comply with DEEP Noise Control Regulations. (Applicants 4, response 27)
 140. 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))
 141. Timer operated lights would be installed for night maintenance of the cabinets, when necessary. (Applicants 4, response 13; Tr. 1, pp. 26-27)

142. The proposed site is not located within the Federal Emergency Management Agency designated 100-year or 500-year flood zone. (Applicants 1, p. 16, Attachment 15)
143. The site is not located within a state-designated aquifer protection area or watershed protection area. (Applicants 4, response 26)
144. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of Cellco's antennas is 0.43 percent of the standard for the General Public/Uncontrolled Maximum Permissible Exposure, as adopted by the FCC, at a horizontal distance of approximately 488 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. (Applicants 1, Attachment 14; Council Administrative Notice Item No. 2 – FCC OET Bulletin No. 65)

Emergency Backup Power

145. 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. 57)
146. 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. 35 – Council Docket No. 432)
147. 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)
148. Cellco would install a 50-kW diesel-fueled emergency backup generator with a built-in 250-gallon double-walled fuel tank with a leak detection alarm. The generator would be capable of providing approximately 50 hours of runtime at full electrical load in the event of an outage. The generator would be remotely exercised for 30 minutes twice a week. (Applicants 1, p. 18; Applicants 4, responses 20 & 21)
149. Natural gas, as a potential generator fuel source, is e not available on Ague Spring Road. (Tr. 1, p. 47)
150. Cellco would also utilize a battery backup that can provide up to 8 hours of power in the event of an outage. (Applicants 4, response 22)
151. According to R.C.S.A. §22a-69-1.8, noise created as a result of, or relating to, an emergency, such as an emergency backup generator, is exempt from the DEEP Noise Control Regulations. (R.C.S.A. §22a-69-1.8)

Environmental Effects and Mitigation Measures

Air and Water Quality

152. Operation of the proposed facility would not produce air emissions, excluding operation of the emergency backup generator. (Applicants 1, p. 18)
153. 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. (Applicants 1, p. 18; R.C.S.A. §22a-174-3b)
154. 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))
155. 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))
156. 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))
157. The nearest wetland on the host parcel is approximately 463 feet east of the facility compound. (Applicants 1, p. 19, Attachment 11)
158. No vernal pools were identified near the site. (Applicants 1, Attachment 11)
159. HT would install appropriate erosion and sedimentation (E&S) controls such as a construction fence and silt socks consistent with the applicable *Connecticut Guidelines for Soil Erosion and Sediment Control* and the *Connecticut Stormwater Quality Manual*. (Applicants 1, Attachment 1)
160. Pursuant to C.G.S. §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 0.46 acre, 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. (DEEP-WPED-GP-015))

Forests and Parks

161. The nearest park is Dart Island State Park, approximately 0.7 mile west of the site and within the Connecticut River. (Applicants 1, Attachment 9)
162. No tree clearing is required to develop the site. (Applicants 1, Attachment 1)

Fish and Wildlife

163. The site is not adjacent to DEEP-designated cold-water habitat. Development of the site would not affect fish passage. (Council Administrative Notice Item No. 50; Applicants 1, Attachment 91)
164. DEEP Natural Diversity Database (NDDDB) 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. 78)
165. The proposed facility is not located within a NDDDB buffer area. (Applicants 1, response 65; Attachment 10; Council Administrative Notice Item No. 78)
166. 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 July 7, 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 (Applicants 1, Attachment 10)
167. The proposed facility is not located adjacent to an Important Bird Area (IBA), as designated by the National Audubon Society. (Council Administrative Notice Item No. 83)
168. The proposed facility would comply with the USFWS telecommunications tower guidelines for minimizing the potential for impact to bird species. (Council Administrative Notice Item No. 14; Applicants 1, p. 12)

Agriculture and Soils

169. The host parcel does not contain prime farmland soils. (Applicants 1, p. 14)
170. No portion of the proposed site is currently in productive agricultural use. (Applicants 4, response 8)
171. Soils at the site consist of Charlton-Chatfield soils (very rocky). (Applicants 1 Attachment 11)

Scenic, Historic and Recreational Values

172. By letter dated October 27, 2023, SHPO determined that two properties within 0.5 miles of the site that are listed on the State Register of Historic Places (SRHP) would not be impacted by the proposed facility due to intervening topography and vegetation. (Applicants 1, p. 13, Attachment 12)
173. SHPO reviewed a Phase 1B archeological survey of the site and determined there were no deposits of cultural significance and additional archaeological investigations were not warranted. SHPO recommended that stone walls adjacent to, and outside of the development area, remain undisturbed. The Applicants would not disturb the stone walls. (Applicants 1, p. 13, Attachment 12; Applicants 4, Attachment 1; Tr. 1, pp. 80-81))
174. The proposed facility would be visible from portions of the Haddam Center Historic District, listed on the National Register of Historic Places, and the Higganum Land Historic District, listed on the SHRP, approximately 1.0 mile and 1.75 miles from the site, respectively. SHPO stated the proposed tower would have an adverse effect on both districts. (Applicants 1, p. 13, Attachment 12; Applicants 4, Attachment 1)

175. To mitigate the effect of the tower on the two districts, the Applicants discussed with SHPO painting the tower sky blue and are developing a mitigation agreement with the Haddam Historical Society. (Applicants 4, response 33; Tr. 1, pp. 52-54)
176. The Connecticut River Gateway Commission identified sections of Injun Hollow Road and Rock Landing Road, approximately 0.3 mile and 0.4 mile from the site at their closest points, as scenic roads. The designated scenic section of Rock Landing Road would have seasonal visibility of the tower. No visibility is anticipated from the designated scenic section of Injun Hollow Road. (Council Administrative Notice Item No. 87; Applicants 1, Attachment 10; Tr. 1, p. 46)
177. Route 154, a state-designated scenic road is located on the west side of the Connecticut River, approximately 1 mile from the site at its closest point. The proposed tower would be visible both seasonally and year-round from portions of the road. (Applicants 1, p. 13, Attachment 9)
178. There are no “blue-blazed” hiking trails maintained by the Connecticut Forest and Park Association within two-miles of the site. (Applicants 1, Attachment 9; Council Administrative Notice Item No. 82)
179. Trail systems associated with Cockaponset State Forest, and Hurd, Machimoodus and Sunrise State Parks are within two miles of the site. No visibility of the tower is expected from these trail systems. (Applicants 1, Attachment 9)
180. The tower would be visible year-round from a hiking trail in the southern portion of George D. Seymour State Park. (Applicants 1, Attachment 9; Tr. 1, pp. 66-67)
181. Haddam Meadows State Park is approximately 1.1 miles southeast of the site. The park features open meadows, trails, roads and a boat launch. The tower would be visible from a majority of the park. (Applicants 1, Attachment 9; Council Administrative Notice Item No. 84)
182. 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))
183. No comments were received from the OPM or DEEP regarding any impacts to scenic quality or resources. (Record)

Visibility

184. 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))
185. Applicants used a combination of predictive computer models, in-field analysis, and a review of various data sources to evaluate the visibility of the proposed facility. (Applicants 1, Attachment 9)

186. On March 9, 2023, Applicants conducted a crane test and field reconnaissance of the proposed tower to assist in the visibility evaluation. The crane test consisted of extending a crane boom to the proposed 150-foot height of the tower, which was marked with a red balloon. An in-field reconnaissance was then performed from publicly accessible locations in the surrounding area to determine where the proposed tower would be visible. The in-field reconnaissance included photographs taken from various areas around the site. (Applicants 1, Attachment 9)
187. Information obtained during the field reconnaissance was incorporated into a viewshed map that depicts areas with year-round visibility within a one-mile radius (8,042 acres) of the site (Study Area) based on computer modeling and in-field observations from local and State roads and other publicly-accessible locations. (Applicants 1, Attachment 9)
188. Based on the final viewshed analyses (refer to Figure 9) the proposed tower would be visible with the study area, as follows:

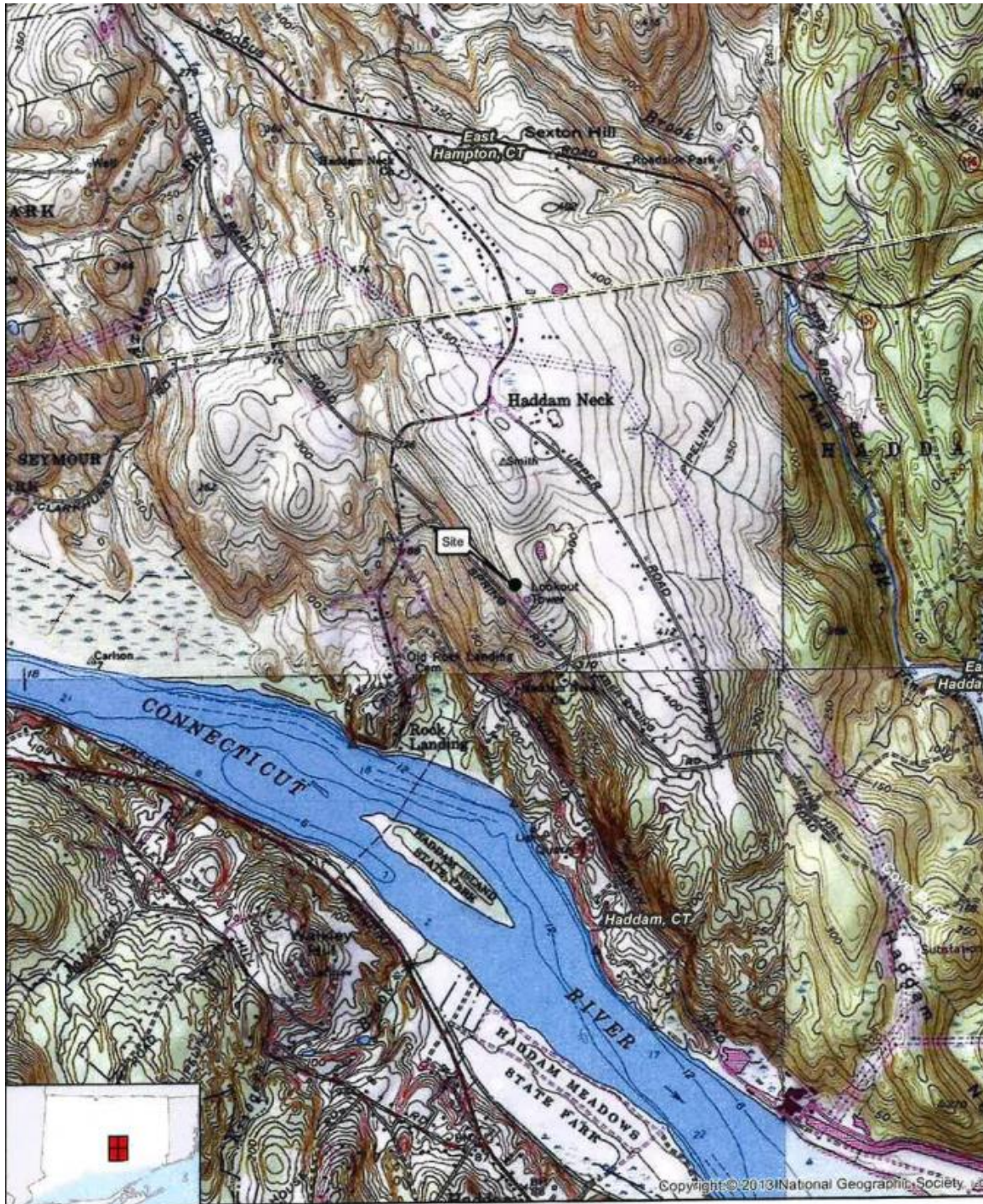
Visibility	Total Acres	% Visibility	Acres over Water	% Visibility over Water
Year-Round	432	±5.37%	365	±84.49%
Seasonal	255	±3.17%	81	±31.76%
Total	687	±8.54%	446	±64.92%

(Applicants 1, Attachment 9)

189. Within the two-mile study area, the tower would be visible year-round for an approximate 3.2 mile section of the Connecticut River, portions of Haddam Meadows State Park, the east shore of Dart Island State Park, and the southern section George D. Seymour State Park. (Applicants 1, Attachment 9; Tr. 1, pp. 45-46)
190. Within a half-mile of the site, the tower may be visible year-round to several residential properties to the southwest, along Ague Spring Road (within 0.3 mile) and seasonally visible to five residential properties west of the site west of Injun Hollow Road (within 0.4 mile). The tower would also be seasonally visible from School House Hill Road southeast of the site and Quarry Hill Road west of the site. (Applicants 1, Attachment 9; Tr. 1, pp. 36-41)
191. The Applicants would install evergreen landscaping along the south and east side of the compound and include privacy slats on the compound fence to screen views from Auge Spring Road. (Applicants 1, Attachment 1)
192. To mitigate views of the tower from the Gateway Conservation Zone and the historic districts, the Applicants would paint the upper portion of the tower sky blue, subject to the results of consultation with SHPO. (Applicants 4, response 33)
193. A stealth monopine facility at the proposed site would be more visible from the surrounding area due to its location on a ridgeline, and the comparably low height of the tree canopy. (Tr. 1, pp. 52-53)
194. 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))

195. 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 Haddam Cooperative Nursery School on Saybrook Road in Haddam, approximately 1.67 miles south of the proposed site. (Applicants 1, Attachment 9)

Figure 1 – Site Location – Topographic Map



Legend
● Site
○ Municipal Boundary




Site Location Map

Proposed Wireless
Telecommunications Facility
Haddam North
124 Ague Spring Road
Haddam, Connecticut

Figure 2 – Site Location – Aerial Photograph



Legend

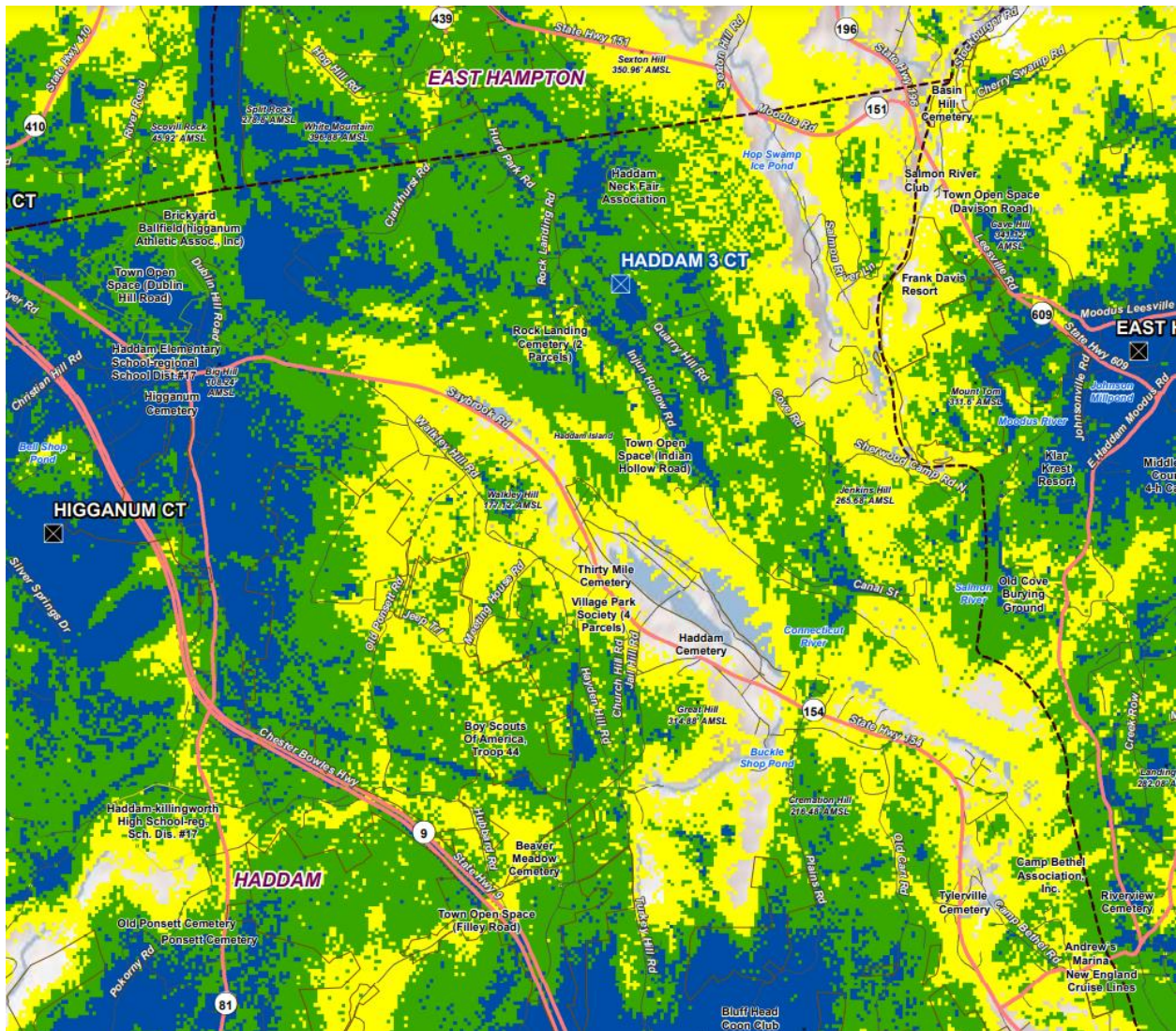
-  Site
-  Subject Property
-  Approximate Parcel Boundary

Site Location Map

Proposed Wireless
Telecommunications Facility
Haddam North
124 Ague Spring Road
Haddam, Connecticut

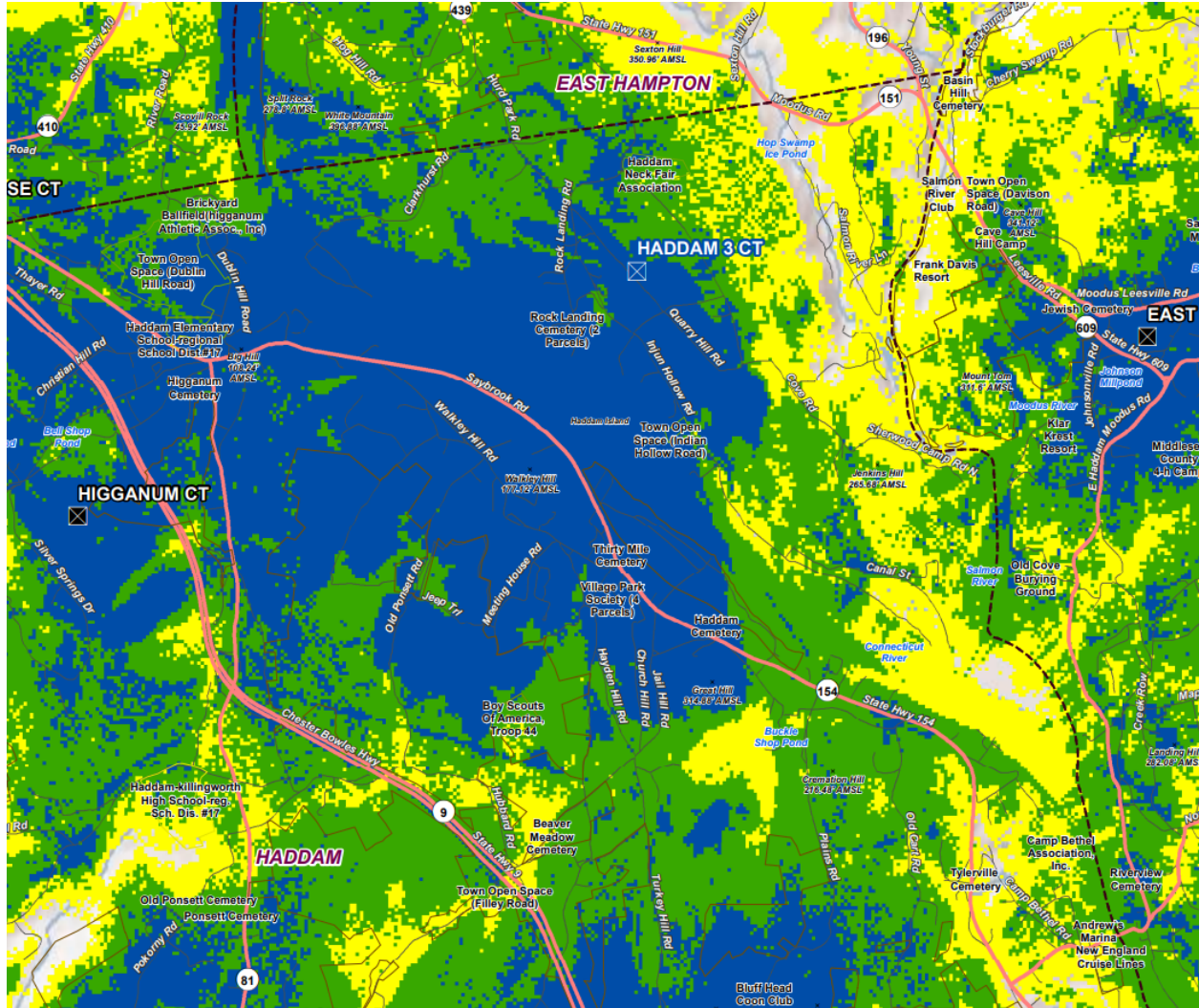
(Applicants 1, Attachment 1)

Figure 3– Cellco Existing 700 MHz Coverage



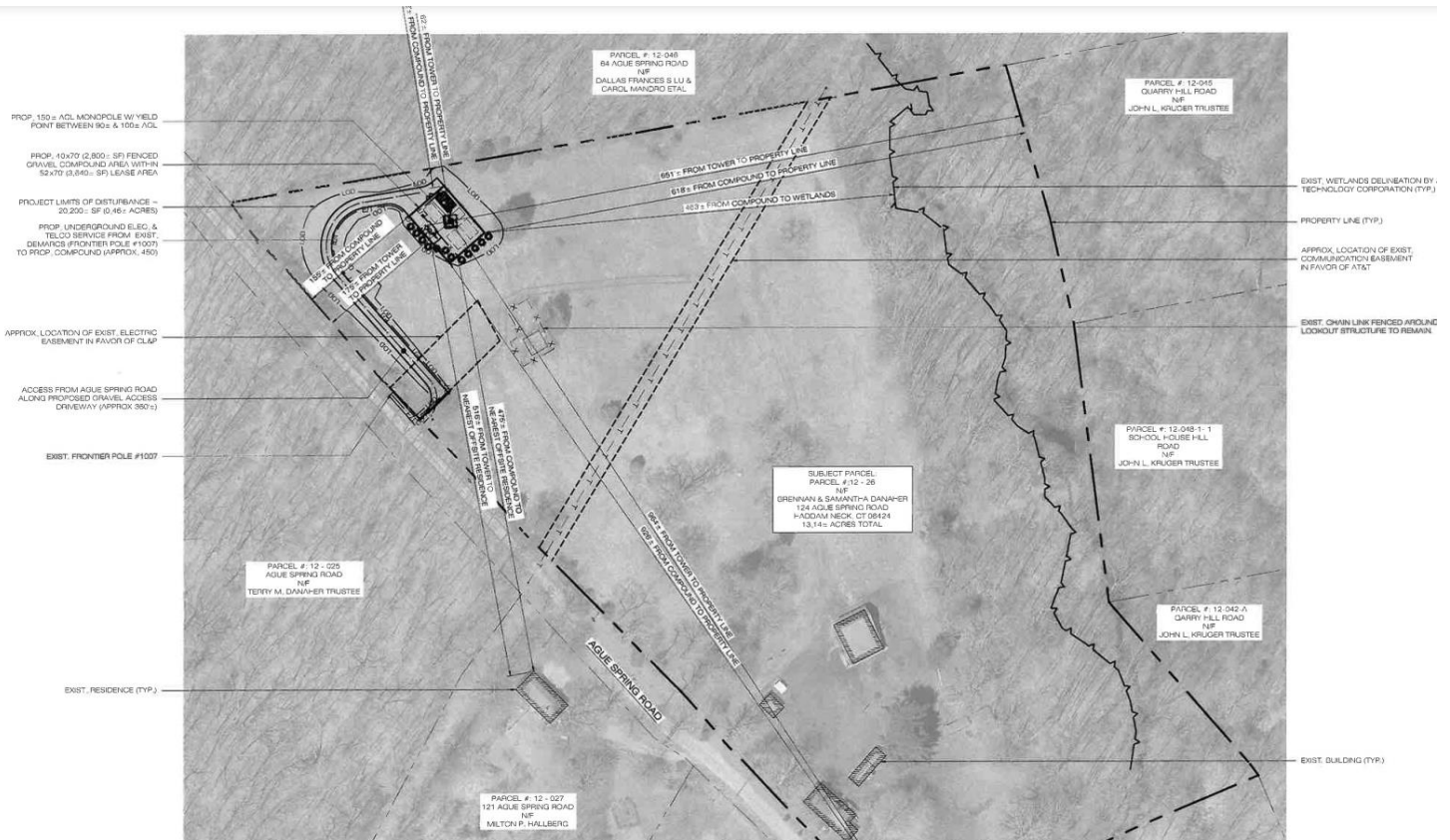
(Applicants 1, Attachment 6)

Figure 4 – Cellco Existing and Proposed 700 MHz Coverage



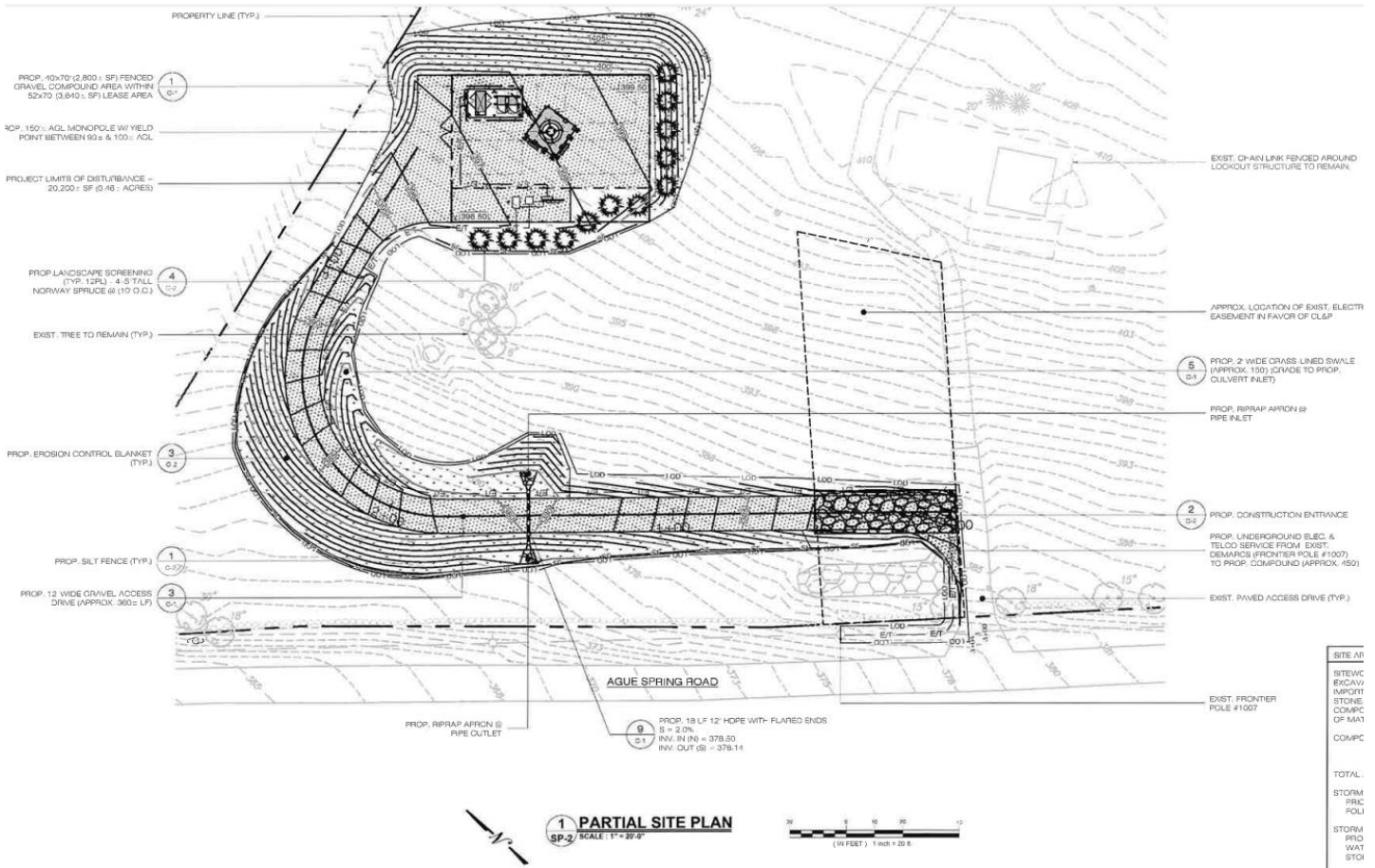
(Applicants 1, Attachment 6)

Figure 6 – Site Plan Overview



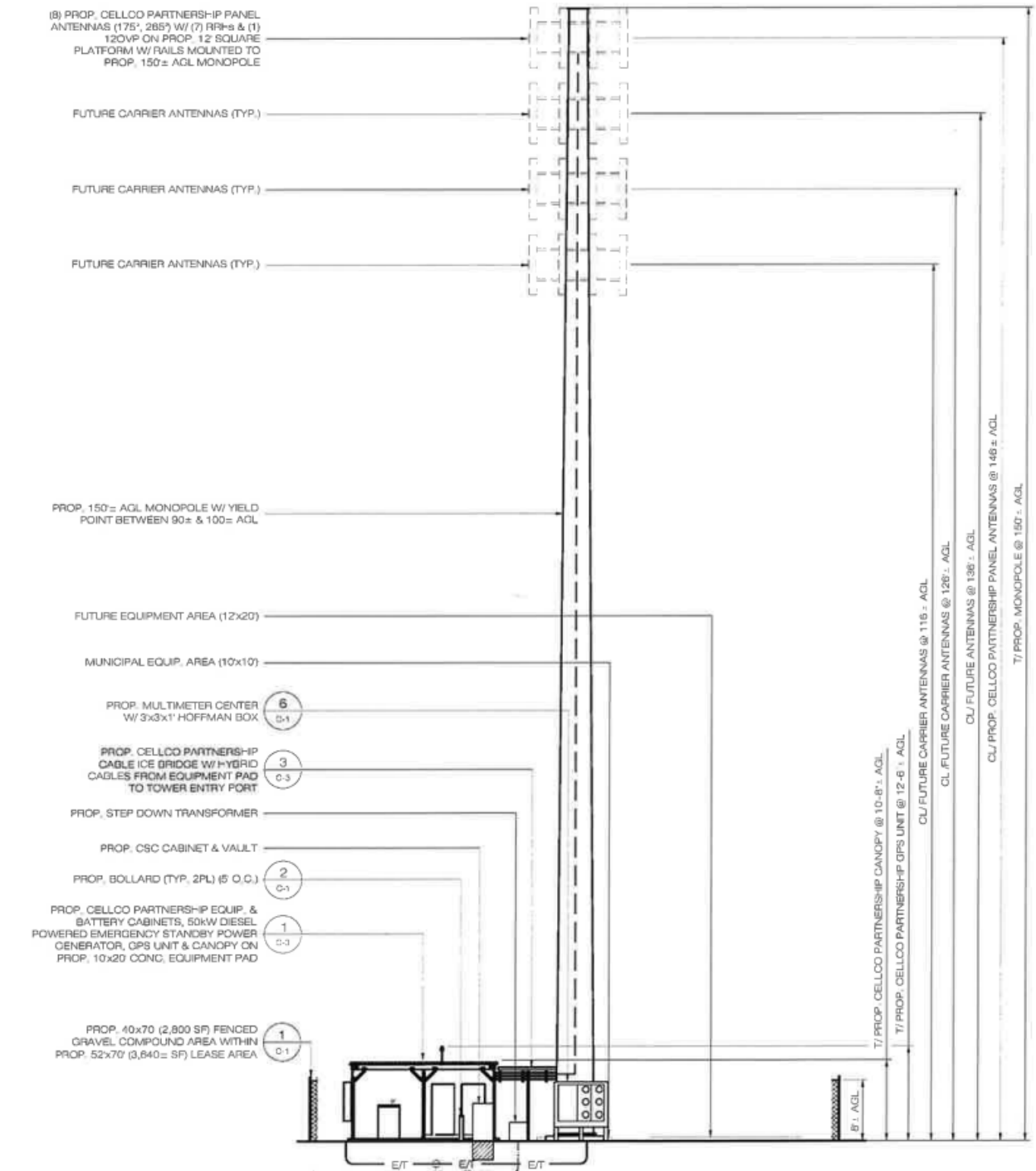
(Applicants 1, Attachment 1)

Figure 6 – Site Plan detail



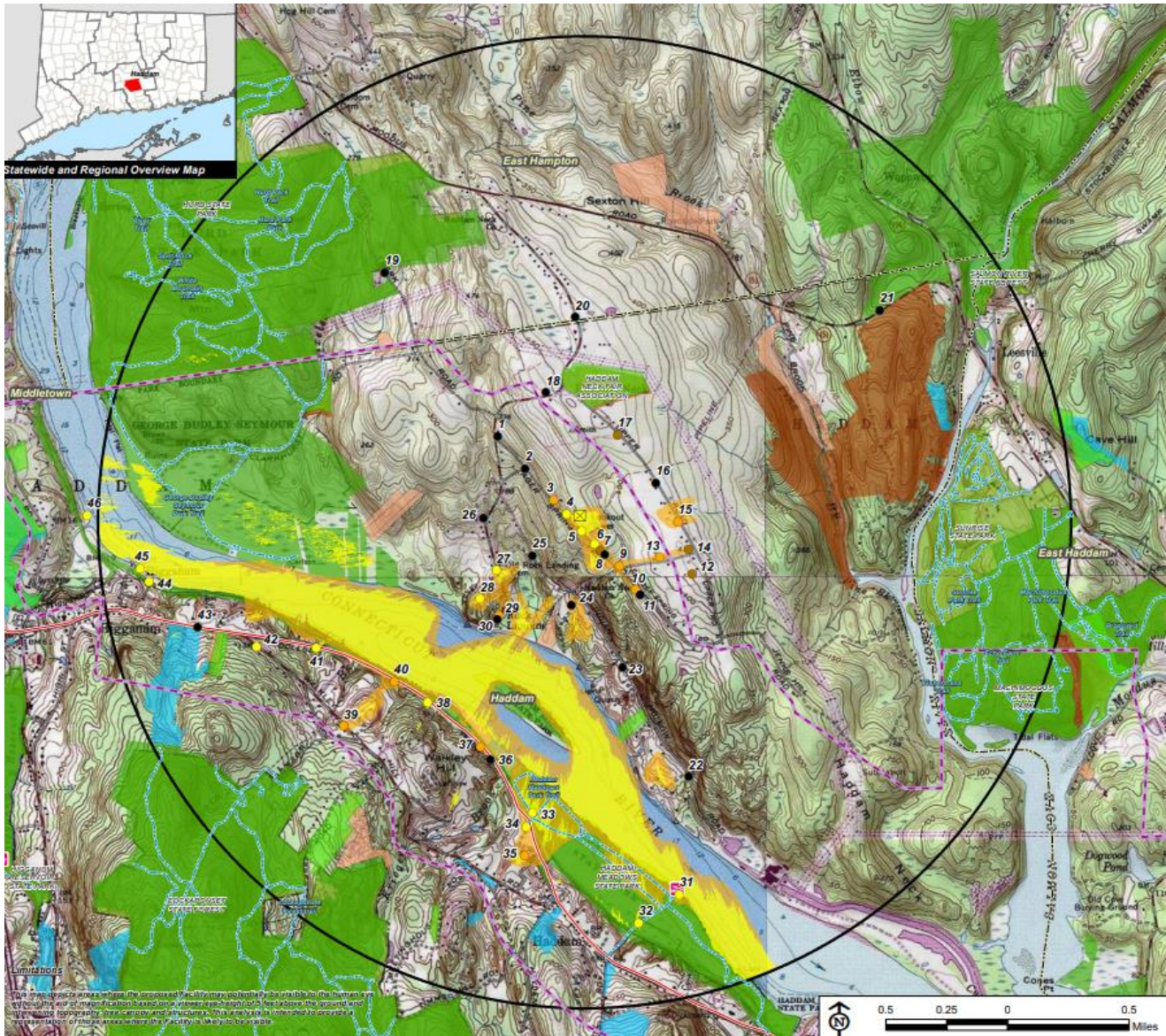
(Applicants 1, Attachment 1)

Figure 7- Tower Plan



(Applicants 1, Attachment 1)

Figure 8 – Proposed Site Visibility Analysis Map



Legend

- ✕ Proposed Site
- Study Area (2-Mile Radius)
- Photo Locations (March 09, 2023)**
- Not Visible
- Seasonal
- Obscured
- Year-Round
- Predicted Year-Round Visibility (432 Acres)
- Areas of Potential Seasonal Visibility (255 Acres)
- Municipal Boundary
- Haddam Gateway Zone
- Trail
- Scenic Highway
- DEEP Boat Launches
- Municipal and Private Open Space Property
- State Forest/Park
- Protected Open Space Property**
- Federal
- Land Trust
- Municipal
- Private
- State

(Applicants 1, Attachment 9)

Visibility Analysis Map Photolog

Photo	Location	Orientation	Distance	Visibility
1	AGUE SPRING ROAD AT ROCK LANDING ROAD	SE	+/- 0.47 MILE	NOT VISIBLE
2	AGUE SPRING ROAD AT SELDEN ROAD	SE	+/- 0.30 MILE	NOT VISIBLE
3	AGUE SPRING ROAD	SE	+/- 0.13 MILE	SEASONAL
4	AGUE SPRING ROAD*	ESE	+/- 310 FEET	YEAR ROUND
5	AGUE SPRING ROAD*	NNW	+/- 323 FEET	YEAR ROUND
6	AGUE SPRING ROAD	NNW	+/- 0.13 MILE	YEAR ROUND
7	AGUE SPRING ROAD	NNW	+/- 0.16 MILE	OBSCURED
8	AGUE SPRING ROAD	NNW	+/- 0.18 MILE	NOT VISIBLE
9	SCHOOL HOUSE HILL ROAD	NW	+/- 0.26 MILE	SEASONAL
10	QUARRY HILL ROAD	NW	+/- 0.38 MILE	SEASONAL
11	QUARRY HILL ROAD	NW	+/- 0.41 MILE	NOT VISIBLE
12	CROWS NEST LANE	WNW	+/- 0.52 MILE	OBSCURED
13	SCHOOL HOUSE HILL ROAD	WNW	+/- 0.37 MILE	SEASONAL
14	SCHOOL HOUSE HILL ROAD	WNW	+/- 0.47 MILE	OBSCURED
15	QUARRY HILL ROAD	W	+/- 0.40 MILE	SEASONAL
16	QUARRY HILL ROAD	WSW	+/- 0.34 MILE	NOT VISIBLE
17	QUARRY HILL ROAD	SSW	+/- 0.37 MILE	OBSCURED
18	ROCK LANDING ROAD	SSE	+/- 0.53 MILE	NOT VISIBLE
19	HURD PARK ROAD	SE	+/- 1.29 MILES	NOT VISIBLE
20	HADDAM NECK ROAD	S	+/- 0.83 MILE	NOT VISIBLE
21	MOODUS ROAD	SW	+/- 1.50 MILES	NOT VISIBLE
22	INJUN HOLLOW ROAD	NNW	+/- 1.16 MILES	NOT VISIBLE
23	INJUN HOLLOW ROAD	NNW	+/- 0.65 MILE	NOT VISIBLE
24	COLLINS LANE	N	+/- 0.36 MILE	NOT VISIBLE
25	INJUN HOLLOW ROAD	NE	+/- 0.25 MILE	NOT VISIBLE
26	ROCK LANDING LANE AT ROCK LANDING ROAD	E	+/- 0.40 MILE	NOT VISIBLE
27	ROCK LANDING ROAD AT BASKET SHOP ROAD	ENE	+/- 0.41 MILE	YEAR ROUND
28	NEW ROCK LANDING CEMETERY	NE	+/- 0.53 MILE	YEAR ROUND
29	ROCK LANDING ROAD	NE	+/- 0.52 MILE	SEASONAL
30	ROCK LANDING ROAD	NE	+/- 0.54 MILE	NOT VISIBLE
31	HADDAM MEADOWS STATE PARK - BOAT LAUNCH	NNW	+/- 1.60 MILES	YEAR ROUND
32	HADDAM MEADOWS STATE PARK	N	+/- 1.68 MILES	YEAR ROUND
33	HADDAM MEADOWS STATE PARK	N	+/- 1.23 MILES	YEAR ROUND
34	ISLAND DOCK ROAD	N	+/- 1.29 MILES	YEAR ROUND
35	ISLAND DOCK ROAD	N	+/- 1.40 MILES	SEASONAL
36	SAYBROOK ROAD AT HIGH MEADOW PLACE	NNE	+/- 1.06 MILES	NOT VISIBLE
37	SAYBROOK ROAD	NNE	+/- 1.03 MILES	SEASONAL
38	SAYBROOK ROAD	NE	+/- 0.99 MILE	YEAR ROUND
39	WALKLEY HILL ROAD	NE	+/- 1.30 MILES	SEASONAL
40	SAYBROOK ROAD	NE	+/- 1.02 MILES	SEASONAL
41	SAYBROOK ROAD	ENE	+/- 1.21 MILES	YEAR ROUND
42	WALKLEY HILL ROAD	ENE	+/- 1.43 MILES	YEAR ROUND
43	SAYBROOK ROAD	ENE	+/- 1.64 MILES	NOT VISIBLE
44	SAYBROOK ROAD	E	+/- 1.79 MILES	YEAR ROUND
45	SAYBROOK ROAD	E	+/- 1.83 MILES	YEAR ROUND
46	HIGGANUM COVE	E	+/- 2.03 MILES	YEAR ROUND

(Applicants 1, Attachment 9)