DOCKET NO. 488 – Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at one of two sites: Kent Tax Assessor ID #M10, Block 22, Lot 38 Bald Hill Road or 93 Richards Road, Kent, Connecticut.	Connecticut Siting Council December 3, 2020

Findings of Fact

Introduction

1. Homeland Towers, LLC (HT) and New Cingular Wireless PCS, LLC d/b/a AT&T (AT&T) (collectively, the Applicants), in accordance with provisions of Connecticut General Statutes (CGS) §16-50g, et seq, applied to the Connecticut Siting Council (Council) on February 28, 2020 for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance, and operation of a telecommunications facility located at one of two sites: Bald Hill Road (Kent Tax Assessor ID #M10, Block 22, Lot 38) or 93 Richards Road, Kent, Connecticut (refer to Figure 1). (Applicants 1, pp. 1-3)

2. Homeland (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. Homeland would construct, maintain and own the proposed facility and would be the Certificate Holder. (Applicants 1, pp. 4-5)

3. AT&T is a Delaware limited liability company with an office located at 84 Deerfield Lane in Meriden, Connecticut. AT&T is licensed by the Federal Communications Commission (FCC) to provide personal wireless communication service to Connecticut. (Applicants, 1, p. 5; Tab 1, Radio Frequency Analysis Report, p. 1)

4. The party to the proceeding is the Applicants. The Parties and CEPA Intervenors to the proceeding are the Town of Kent (Town) and the Bald Hill Road Neighbors (BHRN). The Intervenors and CEPA Intervenors to the proceeding are the Planned Development Alliance of Northwest Connecticut, Inc. (PDA), Spectacle Ridge Association, Inc. (SRA), and South Spectacle Lakeside Residents (Lakeside). (Record)

5. On July 23, 2020, the Council grouped the following intervenors with the same interests pursuant to CGS §16-50n(c): PDA, SRA and Lakeside. (Council Memoranda dated July 24, 2020; Transcript 1 – July 23, 2020- 2:00 p.m. [Tr. 1], pp. 16-21)

6. The purpose of the proposed facility is to provide reliable wireless communications services to the Route 341 corridor in central Kent. (Applicants 1, p. 12; Applicants 1f, Wireless Market Study, p. 6; Applicants 2, response 30)

7. Pursuant to CGS §16-50*l* (b), the Applicants provided public notice of the filing of the application that was published in the Republican-American on February 26 and February 27, 2020. (Applicants 1, p. 6; Applicants 2, response 3)

8. Pursuant to CGS §16-50*l* (b), notice of the application was provided to all abutting property owners by certified mail. None of the certified mail receipts from abutting property owners were received. The Applicants resent notice by first class mail on March 27, 2020. (Applicants 1, p. 7 and Tab 13; Applicants 2, response 1)

9. The Applicants provided notice to all federal, state and local officials and agencies listed in CGS §16-50*l* (b). (Applicants 1, pp. 6-7, Tab 14)

Procedural Matters

10. Upon receipt of the application, the Council sent a letter to the Town of Kent on March 2, 2020, as notification that the application was received and is being processed, in accordance with CGS §16-50gg. (Record)

11. On March 10, 2020, Governor Lamont issued a Declaration of Public Health and Civil Preparedness Emergencies, proclaiming a state of emergency throughout the state as a result of the COVID-19 pandemic. (Council Administrative Notice Item No. 52)

12. On March 12, 2020, Governor Lamont issued Executive Order No. (EO) 7 ordering a prohibition of large gatherings, among other orders and directives. (Governor Lamont's EO 7; Council Administrative Notice Item No. 52)

13. On March 12, 2020, the Council requested an extension of time for a completeness review of the Application due to a statewide effort to prevent spread of the Coronavirus that disrupted Council meetings and other business. On March 13, 2020, the Applicants granted the Council an extension of time to May 22, 2020. (Record)

14. On March 14, 2020, Governor Lamont issued EO 7B ordering suspension of in-person open meeting requirements of all public agencies under CGS §1-225. The Freedom of Information Act defines "meeting" in relevant part as "any hearing or other proceeding of a public agency." (Council Administrative Notice Item No. 52, CGS §1-200, et seq. (2019))

15. EO 7B 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;
    d) 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
    e) 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. 52)

16. On March 25, 2020, June 29, 2020 and September 8, 2020, Governor Lamont issued EOs 7M, 7DDD and 9A, respectively, allowing for an extension of all statutory and regulatory deadlines of administrative agencies for a period of no longer than 90 days. (Record; Governor Lamont's EOs 7M, 7DDD and 9A)

17. On April 24, 2020, 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 at 93 Richards Road in Kent, pursuant to CGS §1-210(b) and consistent with the Conclusions of Law adopted in Docket 366. (Record)

18. On June 4, 2020, during a regular Council meeting, the application was deemed complete pursuant to Regulations of Connecticut State Agencies (R.C.S.A.) §16-50*l*-1a and EO 7M, and the public hearing schedule was approved by the Council pursuant to EO7B. (Record)

19. Pursuant to Governor Lamont's EO 7B and CGS §16-50m, the Council published legal notice of the date and time of the remote public hearing via Zoom conferencing in the Republican American on June 11, 2020. (Council's Hearing Notice dated June 9, 2020; Record)

20. In compliance with Governor Lamont's EO 7 prohibition of large gatherings, the Council's Hearing Notice did not refer to a public field review of the proposed sites. (Council's Hearing Notice dated June 9, 2020)

21. Field reviews are not an integral part of the public hearing process. The purpose of a site visit is an investigative tool to acquaint members of a reviewing commission with the subject property. (Council Administrative Notice Item Nos. 53 and 54)

22. On June 10, 2020, in lieu of an in-person field review of the proposed sites, the Council requested the Applicants submit photographic documentation of site-specific features into the record intended to serve as a "virtual" field review of both sites. On July 16, 2020, the Applicants submitted such information in response to the Council's second set of interrogatories. (Record; Applicants 7, response 48)

23. On June 17, 2020, the Council held a pre-remote hearing teleconference on procedural matters for parties and intervenors to discuss the requirements for pre-filed testimony, exhibit lists, administrative notice lists, expected witness lists, filing of pre-hearing interrogatories. Procedures for the remote public hearing via Zoom conferencing were also discussed. Representatives of the Applicants, PDA, the Town and BHRN participated in the pre-remote hearing teleconference. (Council Pre- Remote Hearing Conference Memoranda, dated June 10, 2020 and June 17, 2020)

24. Pursuant to R.C.S.A §16-50j-21, on July 4, 2020, the Applicants installed a sign measuring six feet by four feet at the location of site access driveway for both the proposed Bald Hill Road site (Site A) and the proposed 93 Richards Road site (Site B). The signs included information about the proposed facilities, the public hearing date and contact information for the Council. (Applicants 10; Council Pre-Remote Hearing Conference Memoranda, dated June 17, 2020)

25. Pursuant to CGS §16-50m, the Council, after giving due notice thereof, held a remote public hearing on July 23, 2020, beginning with the evidentiary session at 2:00 p.m. and continuing with the public comment session at 6:30 p.m. via Zoom conferencing. The Council provided access information for video/computer access or audio only telephone access. (Council's Hearing Notice dated June 9, 2020; Tr. 1, p. 1; Transcript 2 – July 23, 2020 6:30 p.m. [Tr. 2], p. 133)

26. In compliance with Governor Lamont's EO 7B:
    a) The public had the ability to view and listen to the remote public hearing in real-time, by computer, smartphone, tablet or telephone;
    b) The remote public hearing was recorded and transcribed and such recording and transcript were posted on the Council's website on July 23, 2020 and July 27, 2020, respectively;
    c) The Hearing Notice, Hearing Program, Citizens Guide for Siting Council Procedures and Instructions for Public Access to the Remote Hearing were posted on the agency's website;
    d) The record of the proceeding is available on the Council's website for public inspection prior to, during and after the remote public hearing; and
    e) The Council, parties and intervenors and members of the public who spoke during the public comment session provided their information for identification purposes during the remote public hearing.

    (Hearing Notice dated June 9, 2020; Tr. 1; Tr. 2; Record)

27. On July 23, 2020, the Council issued a Protective Order related to the Applicants' Phase I Environmental Site Assessment for proposed Site A, pursuant to CGS §1-210(b). (Continued Hearing Memo dated July 24, 2020)

28. The Council continued the remote evidentiary hearing session via Zoom conferencing on August 11, 2020 beginning at 1:00 p.m., on September 3, 2020 beginning at 4:00 p.m. and on September 22, 2020 beginning at 2:00 p.m. (Council's Continued Hearing Memos dated July 24, August 12, & September 4, 2020; Transcript 3- August 11, 2020 – 1:00 p.m. [Tr. 3], p. 167; Transcript 4- September 3, 2020 – 4:00 p.m. [Tr. 4] p. 473; Transcript 5- September 22, 2020 – 2:00 p.m. [Tr. 5] p. 571)

29. On September 3, 2020, beginning at 2:00 p.m., the Council held a closed remote evidentiary hearing session via Zoom conferencing specifically limited to the Applicants' Phase I Environmental Site Assessment for Site A that was submitted under the Protective Order issued by the Council on July 23, 2020. Parties and intervenors who signed a Non-Disclosure Agreement, the Applicants, Council members and Council staff were in attendance. (Record; Continued Hearing Memos dated July 24 & August 18, 2020)

30. Pursuant to CGS §16-50p (a), on September 4, 2020, the Council requested consent to extend the 180-day deadline to render a decision on this application from October 25, 2020 to January 25, 2021. On September 11, 2020, the Applicants consented to extend the deadline to render a decision until January 25, 2021. (Record)

State Agency Comment

31. Pursuant to CGS §16-50j (g), on June 9, 2020, the following state agencies were solicited by the Council to submit written comments regarding the proposed facility: Department of Energy and Environmental Protection (DEEP); Department of Public Health (DPH); Council on Environmental Quality (CEQ); Public Utilities Regulatory Authority (PURA); Office of Policy and Management (OPM); Department of Economic and Community Development (DECD); Department of Agriculture (DOAg); Department of Transportation (DOT); Connecticut Airport Authority (CAA); Department of Emergency Services and Public Protection (DESPP); and State Historic Preservation Office (SHPO). (Record)

32. On April 22, 2020, the Council received comments from the CEQ, which are attached hereto. (CEQ Comments dated April, 22 2020)

33. On June 23, 2020, the Council received comments the DOT Bureau of Engineering and Construction, which are attached hereto. (DOT Comments dated June 23, 2020)

34. The following agencies did not respond to the Council's request for comment on the proposed facility: DPH, DEEP, PURA, OPM, DOAg, DECD, DESPP, SHPO, and CAA. (Record)

35. 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. (*Corcoran v. Connecticut Siting Council*, 284 Conn. 455 (2007)).

Municipal Consultation

36. The Applicants commenced the 90-day pre-application municipal consultation process by providing a copy of the technical report for both proposed sites to the Town on October 16, 2019. At the time of the technical report filing, the Site A tower was proposed at 154 feet above ground level (agl) and the Site B tower was proposed at 175 feet agl. (Applicants 1, p. 26, Tab 12, Bulk File Section 5)

37. On December 12, 2019, the Town Planning and Zoning Commission submitted a letter to the Applicants stating that the locations of both sites do not conform to various Town zoning regulation criteria and requested that the Applicants consider alternative sites. (Applicants 1, Tab 12)

38. On December 13, 2019, the Town held a public meeting to review project details and to respond to public questions related to both proposed sites. (Applicants 1, p. 26)

39. Subsequent to the technical report filing, the Applicants reduced the height of the proposed Site B tower from 175 feet to 154 feet agl after a height analysis revealed that there would be no significant increase in coverage beyond a height of 154 feet. (Applicants 1, Tab 10- 93 Richards Road, p. 3; Applicants 2, response 33)

40. On January 18, 2020, the Applicants conducted a publicly noticed balloon test at Site A and a crane test at Site B. (Applicants 1, p. 26; Tab 10)

41. The Applicants have designed the proposed tower to accommodate Town highway and emergency services antennas. Although the site plans contain specific information as to the type of equipment to be installed, the Town does not have any plan to install any equipment at this time. (Applicants 1, Tab 3, Tab 5; (Applicants 2, response 36; Tr. 4, p. 485)

42. The Litchfield County Dispatch (LCD) manages the Town's public safety network. LCD indicated that for emergency communication, it prefers Site B over Site A due to Site B's larger coverage footprint. (Applicants 2, response 36)

Public Need for Service

43. 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)

44. 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. AT&T is licensed by the FCC to provide personal wireless communication service to Connecticut. (Council Administrative Notice Item No. 4 – Telecommunications Act of 1996; Applicants 1, Tab 1 – Radio Frequency Analysis Report, p. 1)

45. 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)

46. 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)

47. 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)

48. 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)

49. 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)

50. 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)

51. 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. 23 – FCC Wireless Infrastructure Report and Order; Council Administrative Notice Item No. 12 – Presidential Executive Order 13616, Accelerating Broadband Infrastructure Development)

52. 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. An increase in height from the original, approved height of a tower of up to 10% or 20 feet; whichever is greater, does not constitute a substantial change in the physical dimensions of a tower. (Council Administrative Notice Item No. 8 – Middle Class Tax Relief and Job Creation Act of 2012; Council Administrative Notice Item No. 23 – FCC Wireless Infrastructure Report and Order)

53. 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. (Conn. Gen. Stat. §16-50aa)

54. On June 9, 2020, the Council sent correspondence to other telecommunications carriers requesting that carriers interested in locating on the proposed facility in the foreseeable future notify the Council by July 16, 2020. By email dated July 16, 2020, T-Mobile indicated that it has no plans to co-locate on the proposed facility in the foreseeable future. Verizon responded to the Council on August 25, 2020, expressing interest in locating at either proposed facility. (Record)

55. HT would design the tower/foundation at either site to support a 20-foot extension if necessary for future tower sharing. (Applicants 2, response 6; Applicants 7, response 50)

AT&T's Existing and Proposed Wireless Services

56. AT&T has a significant coverage deficiency in its wireless communications network in a majority of the eastern and central portions of the Town. AT&T is located on two existing towers in the southwest portion of Town that provide service to the Route 7 and South Kent Road areas (refer to Figure 2). (Applicants 1, Tab 1, Radio Frequency Analysis Reports, Tab 2)

57. AT&T issued a Site Acquisition Request Form (SARF) for the central Kent area in January 2018. It had a search ring radius of 0.25 mile. (Applicants 5, response 1)

58. AT&T performed coverage modeling and a drive test which demonstrated deficient service in central and eastern Kent as well as areas in the Town of Warren which abuts Kent to the east. The approximate area of deficient coverage (700 MHz) is 42.6 square miles (refer to Figure 3 - coverage model). (Applicant 1, Tab 1; Applicants 2, response 31; Applicants 14a)

59. Mr. Alan Gawel, communications officer of the Kent Volunteer Fire Department, and Fire Chief Edward Matson of the Kent Volunteer Fire Department both made limited appearance statements into the record stating that the proposed sites would be able to provide wireless public safety communications to areas in Kent that do not currently have service. (Tr. 2, pp. 152-155)

60. Due to the lack of wireless service in the eastern and central portions of Kent, the proposed site is intended to provide as much coverage as possible along Route 341 and adjacent roadways such as Richards Road, Bald Hill Road, Stonefence Lane, and Spectacle Road. The proposed coverage areas would service residential areas as well as some businesses and two summer camps (Kentmont and Kenwood). (Applicants 1, Tab 1, Radio Frequency Analysis Reports, Tab 12; Applicants 2, response 30)

61. Due to the large area of deficient wireless service in eastern and central Kent, the proposed site at either location cannot serve the entire area that has deficient service. An additional AT&T facility would be necessary east of the proposed sites to provide additional wireless service to the Route 341 area of eastern Kent. This remaining deficient area might be served by a potential facility located in Warren. (Applicants 1, Tab 1, Radio Frequency Analysis Reports; Applicants 2, response 30; Tr. 1, p. 83; Tr. 3, p. 264)

62. Other towers in Kent may be necessary to provide uninterrupted wireless service. (PDA 8, p. 6)

63. Existing AT&T facilities within 5.0 miles of the proposed sites are as follows:

Site Location	**Height of AT&T's Antennas above ground level (agl)**	**Ground elevation**	**Type**
136 Bulls Bridge Road, South Kent	180 feet	781 feet	Tower
70 Herb Road, Sharon	92 feet	1083 feet	Tower
38 Maple Street, Kent	140 feet	307 feet	Tower
6 Mountain Road, Washington	167 feet	705 feet	Tower

(Applicants 1, Radio Frequency Analysis Reports, p. 9)

64. AT&T intends to offer 3rd Generation (3G) and 4th Generation (4G) services from the site. As of now, there is a lack of service to the area. 5G technology is not proposed at this time. (Tr. 1, pp. 106-107)

65. AT&T's wireless network provides digital voice and data services using 3G UMTS technology in the 850 MHz and 1900 MHz frequency band, and advanced 4G services over LTE technology in the 700 MHz and 1900 MHz frequency bands. (Applicants 1, Tab 1 Radio Frequency Reports p. 1)

66. AT&T's 4G LTE technology is designed to thresholds of -83 dBm and -93 dBm for the 700 MHz LTE system, and -86 dBm and -96 dBm for the 1900 MHz LTE system. The stronger thresholds (-83 dBm and -86 dBm) provide faster network speeds for an improved customer experience. The -93 dBm and -96 dBm thresholds are the minimum acceptable levels required to meet customer expectations for 4G service. Outdoor service has a threshold of -108 dBm. (Applicants 1, Tab 1 Radio Frequency Reports p. 2; Tr. 3, p. 229)

67. The 700 MHz frequency provides the largest area of service and therefore defines the coverage footprint of the AT&T wireless network. Other higher frequencies (850 MHz, 1900 MHz, 2100 MHZ) used in AT&T's network provide smaller coverage footprints and are used to provide additional capacity to the system, reducing the customer load on the 700 MHz system, thereby increasing the data speeds available to users that only have 700 MHz coverage. (Applicants 2, response 32)

68. AT&T would install antennas at a centerline height of 150 feet at either proposed site. The antennas would provide service in the 700 MHz, 850 MHz, 1900 MHz, and 2100/2300 MHz frequency bands. All frequency bands would be used to transmit voice and data. (Applicants 1, Tab 1 Radio Frequency Reports, p. 1, Tab 9)

69. AT&T's proposed 700 MHz wireless service from the proposed sites with antennas mounted at a centerline height of 150 feet is presented in the table below:

Site (w/antennas at 150 feet agl)	**Coverage Footprint (Sq. mi)**	**Primary Roads (mi)**	**Secondary Roads (mi)**
Site A 700 MHz (≥ -93 dBm)	6.73	2.1	9.0
Site B 700 MHz(≥ -93 dBm)	15.5	5.6	26.9

(Applicants 1, Radio Frequency Analysis Reports, p. 6)

70. Site A would provide 1.7 miles of new coverage to Route 341. Site B would provide 1.5 miles of new coverage to State Highway 341 (refer to Figure 4 &5). (Applicants 2, response 28)

71. If either proposed site was constructed, an approximate 1.5 mile coverage gap would remain (700 MHz ≥ -93 dBm) on Route 341 east and west of Cobble Road as it contours around several mountains. AT&T has no current plan to develop a facility to serve this area. (Applicants 1, Attachment 1, coverage plots, 3D maps; Tr. pp. 68-69)

72. HT is pursuing a potential tower facility in the Town of Warren although specifics of a potential tower are not yet known due to the lack of carrier interest at this time. The potential Warren facility is approximately 4.2 miles east of the proposed sites and would not supplant the need for the proposed sites, but rather, would complement the proposed sites by offering continuity of wireless service on Route 341 into Warren. (Tr. 1, pp. 69, 83)

73. AT&T would be willing to accept installing antennas at a centerline height of 131 feet agl on a 135-foot monopole at either proposed site. A tower below this height would compromise AT&T's intent to provide wireless service to the greatest extent possible. (Applicants 14b)

74. AT&T's proposed 700 MHz wireless service from the proposed sites with antennas mounted at a centerline height of 131 feet would reduce coverage to the surrounding area as follows:

Site (w/antennas at 131 feet agl)	Coverage Footprint (Sq. mi)	Primary Roads (mi)	Secondary Roads (mi)
Site A 700 MHz (≥ -93 dBm)	6.1 *(loss of 9%)*	2.1 *(loss of 12%)*	9.0 *(loss of 10%)*
Site B 700 MHz(≥ -93 dBm)	14.8 *(loss of 5%)*	5.5 *(loss of 2%)*	25.0 *(loss of 7%)*

(Applicants 14b, Attachment 2; Applicants 15a; Tr. 5, p. 665)

75. For Site A, AT&T's outdoor coverage footprint (≥ -108 dBm) would be reduced from 17.8 sq. mi. at 150 feet to 15.8 sq. mi. at 131 feet. For Site B AT&T's outdoor coverage footprint (≥ -108 dBm) would be reduced from 35.5 sq. mi. at 150 feet to 33.8 sq. mi. at 131 feet. (Applicants 14b)

Site Selection

76. HT identified and investigated 28 locations in the Kent area for a potential location of a tower site. HT began searching for sites in 2012 before AT&T issued its search ring. (Applicants 1, Tab 2; Applicants 5, response 1; Applicant 14c; Tr. 5, p. 676)

77. There are no other existing towers or other sufficiently tall structures within a 4-mile radius of the proposed sites that currently, or could, provide adequate coverage to the central-eastern sections of Kent. AT&T is located on two existing tower structures that serve the southwest portion of Kent. (Applicants 1, Tab 1, Radio Frequency Reports, Tab 2 – Existing Facilities within 4 mile Radius)

78. After determining there were no suitable structures that could provide service to the area, Homeland searched for properties suitable for tower development. Homeland investigated 28 parcels/areas, two of which were selected for site development. The 26 rejected parcels/areas and reasons for their rejection are as follows:

a) **65 & 70 Kenmont Road, Kent (Campland Inc, a/k/a KenMont & KenWood)** – camp properties rejected because of lack of owner interest in leasing space for a tower;
b) **Segar Mountain Road, Kent (Block-Lot: 10-22-52**) – parcel rejected because of lack of owner interest in leasing space for a tower
c) **Segar Mountain Road, Kent (Block-Lot: 16-25-12)**– parcel rejected because of lack of owner interest in leasing space for a tower;
d) **Richards Road, Kent, (Block-Lot 10-41-2) -** parcel rejected because of lack of owner interest in leasing space for a tower;
e) **17 Richards Road, Kent, CT** – parcel rejected because of lack of owner interest in leasing space for a tower;
f) **22 Richards Road, Kent** – parcel rejected because of lack of owner interest in leasing space for a tower;
g) **218 Segar Mountain Road, Kent**– owner was potentially interested; however, HT did not pursue a site due to difficult site topography and on-site wetlands
h) **80 Kent Hollow Road, Kent** - property owner did not respond to mailing;
i) **71 Jennings Road, Kent**- property owner did not respond to mailing;
j) **Jennings Road, Kent (Block-Lot: 10-40-27)** - property owner did not respond to mailing;

k) **Segar Mountain Road, Kent (Block-Lot: 10-40-32**) - property owner did not respond to mailing;
l) **48 Stone Fence Lane, Kent** – property owner did not respond to mailing;
m) **Hidden Lane Road, Kent (Block-Lot: 16-25-8)** – property owner did not respond to mailing;
n) **255 Segar Mountain Road, Kent (Block-Lot: 10-22-17)** - property owner did not respond to mailing;
o) **141 Cobble Road, Kent** – property owner did not respond to mailing;
p) **120 Segar Mountain Road, Kent** - property owner did not respond to mailing;
q) **7 Richards Road, Kent –** property owner did not respond to mailing;
r) **Cobble Road, Kent(Block-Lot: 10-22-11) –** property owner did not respond to mailing;
s) **404 Segar Mountain Road, Kent –** property owner did not respond to mailing;
t) **81 Kent Hollow Road, Kent –** property owner did not respond to mailing;
u) **Ten Rod Road, Kent –** property owner did not respond to mailing;
v) **Spectacle Ridge Road, Kent (Block-Lot: 16-25-38)–** property owner did not respond to mailing;
w) **Kenmont Road, Kent (Block-Lot: 9-22-142)–** owner expressed initial interest but then declined to pursue a lease with HT;
x) **Kenmont Road, Kent (Block-Lot: 15-22-95) –** This parcel was suggested by the Town but was rejected because it did not meet AT&T's radio frequency objectives (height 150 feet agl); and
y) **50 Upper Kent Hollow Road, Kent**- property owner contacted HT in 2020. Coverage modeling indicates that an intervening high elevation ridgeline to the northwest would block coverage from reaching Rout 341.

(Applicants 1, Tab 2; Applicants 14c; Applicants 2, responses 34 & 35; Tr. 5, pp. 664-665)

79. After the technical report filing, the Town contacted a few property owners to determine if there was any interest in hosting a tower. None of the property owners were interested. (Tr. 4. p. 487)

80. 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. (Corcoran v. Connecticut Siting Council, 284 Conn. 455 (2007); CGS §16-50p(g)(2019))

81. The Applicants have not performed any analysis of siting multiple, shorter towers to serve the same service area as the installation of multiple towers would be inconsistent with CGS 16-50p(b)(2) to prevent the unnecessary proliferation of towers in the State. (Applicants 5, response 12)

Small Cells and Distributed Antenna Systems

82. Small cells or distributed antenna systems would not be a practicable or feasible means of addressing the existing coverage deficiency in the central and eastern areas of Kent that have no AT&T service. The proposed tower (macrosite) would enable AT&T to provide wireless service to a large area. (Applicants 1, Tab 1, Radio Frequency Analysis Reports; AT&T 7, response 46; Tr. 1, pp. 113-114)

83. AT&T installs small cells in Connecticut to provide capacity relief in targeted areas. AT&T has over 200 small cells approved and either constructed or planned for deployment in urban/downtown areas and more densely populated areas of the state such as Bridgeport, New Britain, Waterbury, Danbury, New London and Greenwich. (AT&T 7, response 46)

84. PDA has presented a conceptual small-cell design, prepared by Isotrope, LLC for the Route 341 area in central Kent that only serves to illustrate that such a system could be used in areas of irregular terrain to provide coverage where a single tower could not. Isotrope has not designed a small cell system (PDA 8, pp. 7-9; Tr. 3, p. 297)

85. The hypothetical small cell system would rely on 7 small cell nodes. Each node would have an antenna mounted on a utility pole along a public road. This hypothetical assumed each small cell would be mounted at a height of 50 feet agl. If existing poles were not tall enough or had utility line encumbrances precluding use of the top of the pole, then new poles of sufficient height would have to be installed along the road public rights-of-way to support the small cell infrastructure. (PDA 8, pp. 8-9; Tr. 3, pp. 292-293)

86. Isotrope's radio frequency modeling of the hypothetical 7 node system at 700 MHz indicates a larger coverage footprint that serves more road miles of Route 341 and more residences is possible when compared to wireless service from proposed Site A and Site B. The conceptual design would also be able to provide service to Route 341/Cobble Hill Road area which is not adequately served by the proposed sites. The modeled small cell network was not a fully designed system and actual pole locations and node count may vary to achieve similar results. (PDA 8, pp. 4-10)

87. Each of the nodes could have its own emergency power battery system that could be mounted to each utility pole or installed on the ground. The batteries would be small units that could run from 4 to 8 hours. A portable generator could also power each node. (Tr. 3, pp. 293-294)

88. The small cell system could be designed as a distributed antenna system (DAS) or a cloud radio access system. Both types of systems do not require a tower to hand off to. The DAS systems, usually provided by a third party for multiple carriers to share, are typically connected by fiber-optic cable that would be installed for the system to extend to a centralized base station. Cloud radio access systems use fiber infrastructure on utility poles to connect the small cells, thereby bypassing the need for a dedicated base station. (PDA 8, p. 10; Tr. 3, pp. 302-304)

89. AT&T performed coverage modeling of Isotrope's hypothetical design using an antenna height of 52 feet agl and determined, based on AT&T's network design, the small cell system would only provide minimal service around each of the 7 nodes and would not supplant the need for a macrosite facility. (Applicants 7, response 42)

90. The terrain in Kent is mountainous with significant topographic relief (refer to Figure 8). Isotrope knows of no small cell systems that have been installed in northwest Connecticut or in Massachusetts with terrain similar to Kent. (Applicants 1, Tab 1; Tr. 3, pp. 295-296)

91. Isotrope knows of one DAS network, approved in 2012, that was installed in two towns on the western end of Martha's Vineyard. American Tower constructed and operates the DAS which is currently used by AT&T and Verizon Wireless. Isotrope submitted a drawing of the DAS network from a 2012 newspaper article that showed 15 nodes but it is unknown whether nodes exist in the locations shown. The exact number of nodes, the installation detail of each node, and any possible issues relating to wireless interference from existing vegetation is not known. (PDA 9G; Tr. 5, pp. 576-582, 587-588, 621-622)

92. The Council approved a DAS in November 2007 that was specifically designed to only serve the Merritt Parkway from the New York state line to Westport, Connecticut. The approved DAS consisted of 27 nodes and two base stations to provide wireless service to approximately 20 linear miles of the parkway. The Council approved the project with the condition that a Development and Management (D&M) Plan be submitted prior to construction. No D&M Plan was ever submitted. (Town Administrative Notice Item No. 5)

93. A small cell installation, consisting of a Verizon installation on a 36-foot high utility pole, is located on Route 341 in Kent, adjacent to the Kent School, a private school west of Kent village. It is approximately 0.5 miles northwest of an existing 150-foot tall Verizon macrosite facility located on the east side of Kent village at 38 Maple Street. (Applicants 2; Applicants 1a)

Facility Description - Site A, Bald Hill Road

94. Proposed Site A would consist of a 154-foot tall monopole located on a 1.99 acre parcel that is zoned rural residential (refer to Figure 9). (Applicants 1, Tab 3)

95. The tower site is located near the top of Treasure Hill ridgeline. It is located between South Spectacle Lake to the northeast and Lake Waramaug to the west (refer to Figure 10). (PDA 3, p. 2)

96. The undeveloped parcel, owned by InSite Wireless Group, LLC, is located on the west side of Bald Hill Road. (Applicants 1, Tab 3)

97. Generally, land use within the immediate vicinity of the site is residential. A camp property is located further to the north. (Applicants 1, Tab 2, Tab 3)

98. The tower site would be located within a 60-foot by 90-foot lease area in the southwest portion of the site (refer to Figures 11A & 11B). (Applicants 1, Tab 3)

99. A 3,950 square foot gravel compound (irregular shape) would be established within the lease area and would contain the tower and associated ground equipment. AT&T's ground equipment includes, but is not limited to radio cabinets and emergency power equipment. The compound would have space available for other tower tenants. (Applicants 1, Tab 3)

100. An 8-foot high chain link fence would enclose the compound. Utility meters and transformers would be installed outside the compound, adjacent to the fence. Bollards would be installed to protect this electrical equipment. (Applicants 1, Tab 3)

101. Access to the site would be from a new 12-foot wide, 300-foot long gravel drive that generally follows an old access way into the parcel from Bald Hill Road. It is designed to accommodate construction and emergency vehicles. (Applicants 1, Tab 3; Applicants 4, response 32)

102. The ground elevation at the tower base would be at approximately 1,300 feet above mean sea level (amsl). (Applicants 1, Tab 3)

103. AT&T would install 9 panel antennas and 18 remote radio heads on an antenna platform at the 150-foot level of the tower. The tower would be designed to support three levels of wireless carrier antennas (in addition to AT&T) as well as municipal emergency services antennas. (Applicants 1, Tab 3)

104. Development of the site would disturb an approximate 15,500 square foot area and would require approximately 450 cubic yards of excavation and 210 cubic yards of imported stone for the compound and access drive. Approximately 90 percent of the proposed development occurs within 100 feet of the southern property line. (Applicants 1, Tab 3, Tab 4; Applicants 4, response 7)

105. Utilities would be installed underground from Bald Hill Road along the north side of the access drive. (Applicants 1, Tab 3)

106. There are 16 single family residences within 1,000 feet of the Site A compound, with the nearest located approximately 151 feet to the south. (Applicants 1, Tab 4)

107. The nearest property boundaries from the compound fence are approximately 25 feet to the south and 29 feet to the west. (Applicants 1, Tab 4)

108. The nearest property boundaries from the proposed tower are approximately 67 feet to the south 63 feet to the west. (Applicants 1, Tab 4)

109. The Applicants would be willing to relocate the Site A facility to other portions of the property. (Tr. 1, pp. 35-36, 116)

110. Site preparation work would commence following Council approval of a Development and Management Plan (D&M Plan). The site preparation phase is expected to be completed in 8-10 weeks. Installation of the monopole, antennas and associated equipment is expected to take an additional 2 weeks. Facility integration and system testing for carrier equipment is expected to require an additional 2 weeks after completion of construction. (Applicants 1, p. 28)

111. The estimated cost of the proposed Site A facility is:

Tower and Foundation	$156,000
Site Development	90,000
Utility Installation	22,000
Facility Installation	40,000
Subtotal: Homeland Towers Cost	**$308,000**
Antennas and Equipment	$107,000
Subtotal: AT&T Costs	**$107,000**
Total Estimated Costs	**$415,000**

(Applicants 1, p. 27)

Facility Description - Site B, 93 Richards Road

112. Proposed Site B would consist of a 154-foot tall monopole located on a 6.82-acre parcel on the east side of Richards Road that is owned by Jason and Jennifer Dubray (refer to Figure 12). The proposed site location is approximately one mile south of proposed Site A. (Applicants 1, Tab 5; Applicants 2, Attachment 7)

113. The tower site is located on the Bald Hill ridgeline between North Spectacle Pond and South Spectacle Pond (refer to Figure 13). (PDA 3, p. 2)

114. The parcel, zoned rural residential, is improved with a residence and a one story commercial building. (Applicants 1, Tab 5)

115. Generally, land use within the immediate vicinity consists of single family residential and undeveloped properties. (Applicants 1, Tab 5) , Tab 3)

116. The tower site would be located within a 6,075 square foot lease area in the northeast corner of the property. The facility development area is partially within an existing construction storage yard (refer to Figures 14A & 14B). (Applicants 1, Tab 5, Tab 6)

117. A 3,600 square foot gravel compound (60-foot by 60-foot) would be established within the lease area and would contain the tower and associated ground equipment. AT&T's ground equipment includes, but is not limited to radio cabinets and emergency power equipment. The compound would have space available for other tower tenants. (Applicants 1, Tab 5)

118. An 8-foot high chain link fence would enclose the compound. Utility meters and transformers would be installed outside the compound, adjacent to the fence. Bollards would be installed to protect this electrical equipment. (Applicants 1, Tab 5)

119. Access to the compound would utilize an existing gravel driveway on the property. A new 60-foot long section of gravel driveway would be constructed near the entrance on Richards Road to ensure the entire access way remains on the site property. The total length of the access road is 1,050 feet. (Applicants 1, Tab 5; Tr. 1, p. 36).

120. The ground elevation at the tower base would be approximately 1,345 feet amsl. (Applicants 1, Tab 6)

121. AT&T would install 9 panel antennas and 18 remote radio heads on an antenna platform at the 150-foot level of the tower. The tower would be designed to support three levels of wireless carrier antennas (in addition to AT&T) as well as municipal emergency services antennas. (Applicants 1, Tab 5)

122. Development of the site would disturb an approximate 16,025 square foot area and would require approximately 125 cubic yards of excavation and 100 cubic yards of imported stone for the compound and access drive. Most of the proposed compound development occurs within 100 feet of the northern and southern property line. (Applicants 1, Tab 5, Tab 6)

123. Utilities would be installed underground from Richards Road along the north side of the access drive. (Applicants 1, Tab 5)

124. There are 4 single family residences within 1,000 feet of the Site B compound, with the nearest located approximately 490 feet to the north. (Applicants 1, Tab 5, Tab 6)

125. The nearest property boundaries from the compound fence are approximately 61 feet to the north and 41 feet to the southeast. (Applicants 1, Tab 6)

126. The nearest property boundaries from the proposed tower are approximately 90 feet to the north and 84 feet to the southeast. (Applicants 1, Tab 6)

127. The Applicants cannot relocate the Site B tower to other areas of the property due to the landlords' use of the property and the presence of steep slopes along the southern property line. (Applicants 14)

128. Site preparation work would commence following Council approval of a D&M Plan. The site preparation phase is expected to be completed in 8-10 weeks. Installation of the monopole, antennas and associated equipment is expected to take an additional 2 weeks. Facility integration and system testing for carrier equipment is expected to require an additional 2 weeks after completion of construction. (Applicants 1, p. 28)

129. The estimated cost of the proposed Site B facility is:

Tower and Foundation	$156,000
Site Development	85,000
Utility Installation	33,000
Facility Installation	40,000
Subtotal: Homeland Towers Cost	**$314,000**
Antennas and Equipment	$107,000
Subtotal: AT&T Costs	**$107,000**
Total Estimated Costs	**$421,000**

(Applicants 1, p. 27)

Public Safety

130. 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)

131. The proposed facility would be in compliance with the requirements of the 911 Act and would provide Enhanced 911 services. (Applicants 1, p. 13)

132. Wireless carriers have voluntarily begun supporting text-to-911 services nationwide in areas where municipal Public Safety Answering Points (PSAP) support text-to-911 technology. Text-to-911 will extend emergency services to those who are deaf, hard of hearing, have a speech disability, or are in situations where a voice call to 911 may be dangerous or impossible. However, even after a carrier upgrades its network, a user's ability to text to 911 is limited by the ability of the local 911 call center to accept a text message. The FCC does not have the authority to regulate 911 call centers; therefore, it cannot require them to accept text messages. (Council Administrative Notice Item No. 22 – FCC Text-to-911: Quick Facts & FAQs)

133. The proposed facility would support text-to-911 service. (Applicants 1, p. 11)

134. The Kent Volunteer Fire Department supports a tower at either location in order to provide cellular communications for both the public and emergency responders. Coverage from either proposed site would allow AT&T's customers to make emergency calls from areas that currently do not have service. (Town 2 – Kent Volunteer Fire Dept. Letter dated December, 19, 2020; Tr. 3, pp. 486-487)

135. Pursuant to the Warning, Alert and Response Network Act of 2006 (WARN), "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. AT&T's facility would support the WARN alert system (Council Administrative Notice No. 5 – FCC WARN Act; Applicants 1, pp. 13-14)

136. AT&T's equipment would be designed to support FirstNet services. FirstNet is a federal program to provide emergency communications to areas with deficient wireless service by establishing a nationwide wireless broadband communications network that is dedicated to first responders and public safety entities. It provides dedicated spectrum to first responders over other users thereby eliminating network congestion and improving emergency communications. (Applicants 12; Tr. 1, pp. 101, 104)

137. AT&T has a contract under the FirstNet program to provide emergency services to areas with deficient service. Northwest Connecticut is one of the areas with deficient emergency communication. The FirstNet system is not related to the Town's emergency communication services that are managed by LCD. (Tr. 1, pp. 63-64, 104-105, 128)

138. FirstNet services would be provided from AT&T's 700 MHz 4G LTE equipment. No additional antennas or base station cabinets are required. (Tr. 3, pp. 202, 226)

139. Pursuant to CGS §16-50p(a)(3)(G), the tower would be constructed in accordance with the governing standard in the State of Connecticut for tower design in accordance with the most recent International Building Code. (Applicants 1, Tab 4 & Tab 6 – Facilities and Equipment Specification; Applicants 4, response 12)

140. A geotechnical investigation would be performed prior to finalization of the tower and tower foundation design. Although the geotechnical work has yet to be completed, it is anticipated that a concrete pad and pier tower foundation would be installed. The foundation would be designed to meet ANSI/TIA-222-G "Structural Standard for Antenna Supporting Structures and Antennas" all applicable state and federal structural requirements for loading, including wind and ice loads. (Applicants 2, response 5; Applicants 4, response 18)

141. The towers are constructed of non-combustible steel sections and the tower would be bonded and grounded to protect against lightning strikes. (Applicants 4, response 14)

142. The proposed towers would not constitute an obstruction or hazard to air navigation and would not require any obstruction marking or lighting. (Applicants 1, p. 22)

143. AT&T's equipment cabinets include silent intrusion alarms. The compound fence would feature anti-climb mesh. The compound fence would have a locked gate. (Applicants 1, Tabs 3 & 5; Applicants 2, response 4)

144. The setback radius for the Site A tower extends onto adjacent property to the west and south by 91 and 87 feet, respectively. HT would design a yield point on the Site A tower at a height of 91 feet agl that would allow the tower to collapse upon itself rather than fall over lengthwise onto adjacent property in the unlikely event of a structure failure. (Applicants 1, Tab 3, Tab 5; Applicants 4, response 11; Tr. 1, p. 119)

145. The setback radius for the Site B tower extends onto adjacent property to the north and southeast by 64 and 70 feet, respectively. HT would design a yield point on the Site B tower at a height of 70 feet agl that would allow the tower to collapse upon itself rather than fall over lengthwise onto adjacent property in the unlikely event of a structure failure. (Applicants 1, Tab 6; Tr. 1, p. 119)

146. The cumulative worst-case maximum power density from the radio frequency emissions from the operation of AT&T's proposed antennas is 8.0 percent of the standard for the General Public/Uncontrolled Maximum Permissible Exposure, as adopted by the FCC, at the base of the proposed tower. This calculation was based on methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) that assumes all antennas in a sector would be pointed at the base of either tower and all channels would be operating simultaneously, which creates the highest possible power density levels. Under normal operation, the antennas would be oriented outward, directing radio frequency emissions away from the tower, thus resulting in significantly lower power density levels in areas around the tower. This calculation includes a 10 dB off-beam pattern loss to account for the lower relative gain below the antennas. (Applicants 1, Tab 9, Calculated Radio Frequency Exposure report, p. 3; Council Administrative Notice Item No. 2 – FCC OET Bulletin No. 65)

Emergency Backup Power

147. 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. 48)

148. 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. 31 – Council Docket No. 432)

149. 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. Every year since 2006, AT&T, Sprint, T-Mobile, and Verizon have certified their compliance with the CTIA Business Continuity/Disaster Recovery Program and the Communications Security, Reliability and Interoperability Council standards and best practices to

ensure network reliability during power outages. (Council Administrative Notice Item No. 31 – Council Docket No. 432)

150. For backup power at each proposed site, AT&T originally proposed a 20-kilowatt (kW) diesel-fueled generator for its own use. However, AT&T subsequently changed its design to include a 15-kW propane-fueled generator. Two 120 gallon propane tanks would be installed on a concrete pad within the compound that would allow for an approximate 72 hour run time before refueling is necessary. (Applicants 1, Tab 3, Tab 5; Applicants 13; Tr. 3, pp. 326-327)

151. The proposed generator would be for AT&T's own use. There are no plans for a shared generator at this time to eliminate the potential for common point of failure. (Applicants 2, response 40)

152. The backup generator would be tested periodically for maintenance. These maintenance tests can be pre-scheduled (i.e. programmed) by AT&T and typically last about 20 minutes. (Applicants 2, response 37)

153. AT&T would also have a battery system to provide emergency power to the facility during the short time it takes for the propane generator to start. (Applicants 2, response 38)

154. FirstNet services can only operate when AT&T's equipment is operating. It does not have an independent power source. (Tr. 3, pp. 205, 211)

155. 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 State Noise Control Regulations. (R.C.S.A. §22a-69-1.8)

156. Pursuant to R.C.S.A. §22a-174-3b, the generator can be managed to comply with DEEP's "permit by rule" criteria and is exempt from general air permit requirements. (R.C.S.A. §22a-174-3b)

Environmental Considerations

157. 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.)

158. 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)

159. 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)

160. No wetlands are located on either the Site A or Site B parcels. The nearest wetlands to Site A and Site B are 580 feet to the west and 500 feet to the north, respectively. (Applicants 1, pp. 25-26, Tab 8)

161. On-site management of stormwater and erosion controls would be implemented during and after construction. Therefore, the proposed facility would have little to no impact on water flow or water quality. (Applicants 1, pp. 16-17)

162. The proposed project would be constructed in compliance with the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control* which would mitigate potential erosion and run-off from impacting areas beyond the construction limits. (Applicants 1, p. 26; Applicant 5, response 9)

163. No fuels would be stored on-site during construction. Construction vehicles would be fueled-up prior to mobilization, and any subsequent fueling would occur off-site. (Applicants 7, response 41)

164. Neither facility is located on mapped Prime Farmland Soils. (Applicants 2, Attachment 5)

165. Neither facility would adversely affect historic resources, as determined by SHPO. No previously identified archaeological sites or properties listed or determined eligible for listing in the National Register of Historic Places are located within 1 mile of the project area. (Applicants 1, pp. 19-20, Tab 7; Applicants 2, response 16)

166. The proposed sites are located within the Upper Housatonic Valley National Heritage Area (UHVNHA), a 29-town area located in northwest Connecticut and western Massachusetts and within the watershed of the upper Housatonic River, established by Congress in 2006 to recognize the region as a unique national resource. The designation is intended to interpret and promote the historical, cultural and scenic features of the upper Housatonic River valley. Neither site is proximate to any UHVNHA identified historic, cultural or natural resource. The UHVNHA designation does not prevent the construction of telecommunications facilities within the area. (Council Administrative Notice No. 76; Applicants 2, response 17)

167. The Town of Kent is not within an aquifer protection area. (Council Administrative Notice No. 69)

168. Site A contains areas of abandoned debris. HT performed a Phase I site investigation of the site. A Phase II site investigation was not performed. (Applicants 4, responses 32 & 33; BHRN 4, response 3)

169. Due to the proximity of a DEEP Natural Diversity Database (NDDB) area to Site A, HT requested an NDDB project review from DEEP review. DEEP did not identify any NDDB-listed species that could be potentially impacted by the facility. (Applicants 1, p. 19, Tab 11; Applicants 2, Attachment 7, p. 6)

170. The Site B facility is not within 0.25-mile of a DEEP NDDB buffered area and therefore, no DEEP review was conducted. (Applicants 1, p. 19; Applicants 2, Attachment 7, p. 6)

171. While there are no known federally-listed species specific to the site, the northern long-eared bat (NLEB), a federally-listed Threatened Species and state-listed endangered species, has the entire State of Connecticut as potential habitat. The HT consulted with the U.S. Fish and Wildlife Service and determined that the proposed facility would not have an impact on the NLEB. The nearest NLEB habitat resource to the proposed Facilities is located in New Milford, approximately 6.8 miles south of Site B and 7.5 miles south of Site A. (Applicants 1, Attachment 11; Applicants 2, Attachment 7)

172. Development of Site A would require the removal of 22 trees that are six inches in diameter or greater. Seven trees would be removed to develop Site B. (Applicants 1, Tab 3, Tab 5; Applicants 2, Attachment 7; Applicants 5, response 16)

173. 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 tower sites is Shepaug Forest Block, located approximately 2.4 miles to the southeast of Site A and approximately 1.9 miles east of Site B. (Applicants 2, response 18)

174. The proposed facility would comply with the United States Fish and Wildlife Service guidelines for minimizing the potential for telecommunications towers to impact bird species. (Applicants 2, response 19)

175. HT does not anticipate the need for blasting to construct either proposed facility. Prior to construction, a geotechnical survey would be performed to evaluate subsurface conditions. If ledge is encountered, chipping is preferred to blasting. If blasting is required, an appropriate protocol would be followed in accordance with state and municipal regulations. (Applicants 2, response 5; Applicants 7, response 49)

176. Operation of both proposed sites would meet State Noise Control criteria. The only routine sound from the sites are the cabinet ventilators which are expected to be near the ambient sound level at the nearest residential property lines. A supplementary cabinet cooler is expected to operate only during the daytime under summertime highest ambient temperatures but would not exceed noise control criteria. (Applicants 6, supplemental response to Council interrogatory 27A)

177. Construction noise is exempt from the State of Connecticut 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))

Visibility

Methodology

178. The Applicants' consultant, All Points Technology, Inc. (APT) evaluated the visibility of the proposed facilities using a combination of predictive computer models, in-field analysis, and a review of various data sources to evaluate the visibility of each proposed facility on both a quantitative and qualitative basis. (Applicants 1, Tab 10 - Comparative Visual Assessment)

179. For Site A, in field visibility analyses were conducted on April 11, 2019 and January 18, 2020 by performing a balloon float, area reconnaissance, and photo documentation. The balloon floats were conducted by floating a four-foot diameter balloon tethered to a string length of 150 feet. (Applicants 1, Tab 10 – Site A Visual Assessment Report, p. 3)

180. For Site B, an in field visibility analysis was conducted on January 18, 2020 by attaching a 4-foot by 4-foot flag to a crane raised to a height of approximately 154 feet agl at the site. (Applicants 1, Tab 10 – Site B Visual Assessment Report, p. 3; tr. 1, pp. 73-74)

181. Information obtained during the field analyses were incorporated into APT's mapping data layers, including the observations of the field reconnaissance, photo-simulation locations, areas that experienced recent land use changes, and locations where initial visibility modeling was found to over or under-predict visibility. Once the additional data was integrated into the model, APT re-calculated

the visibility of the proposed facilities from within the two-mile study area to produce final viewshed maps for both sites. (Applicants 1, Tab 8 – Site A & Site B Visual Assessment Reports, pp. 1-6)

182. The final viewshed maps depict areas where year-round and seasonal visibility (leaf-off conditions) could occur within a two-mile radius (8,042 acres) of the sites, based on computer modeling, aerial imagery review and in-field observations from publicly-accessible locations. In this area, leaf-off conditions would occur for approximately six to seven months. Forested areas within 500 feet of a site are assumed to have visibility through the trees. (Applicants 1, Tab 8 – Site A & Site B Visual Assessment Reports, p. 3; Tr. 1, p 38)

183. APT uses a two-mile radius study area because, in general, once beyond that distance, a tower that is less than 200 feet tall would not be a prominent point of interest where a viewer is drawn to it. (Tr. 1, p. 53)

184. PDA conducted a balloon float on July 4, 2020 to simulate the height of both towers. A balloon representing the Site A tower was floated at 15 Richards Road, a property abutting Site A to the south. A second balloon was floated on parcel northeast of Site B to represent the Site B tower. PDA adjusted the string length to account for topographic differences between the proposed tower locations and the balloon float locations. (PDA 9)

Site A Visibility

185. Based on APT's viewshed map, the proposed Site A tower would be visible year-round from approximately 131 acres within a two-mile radius of the site. This would be about 1.62 percent of the two-mile radius study area (8,042 acres). Of the 131 acres of year-round visibility, approximately 109 acres would occur from the open waters of North Spectacle Pond (46 acres) and South Spectacle Pond (63 acres) (refer to Figure 15). (Applicants 1, Tab 10 – Site A Visual Assessment Report, pp. 6-7, maps)

186. In addition to year-round views, the Site A tower would be seasonally visible from approximately 55 acres within a two-mile radius of the site, representing 0.68 percent of the study area. (Applicants 1, Tab 10 – Site A Visual Assessment Report, p. 7).

187. The most prominent year-round views of the Site A tower would occur from the Richards Road area and from the open waters of North Spectacle Pond and South Spectacle Pond. (Applicants 1, Tab 10 – Site A Visual Assessment Report, pp. 6-7)

188. The open areas along Richards Road, approximately 0.4 to 0.6 miles south of the site, would have views of the upper half of the facility. (Applicants 1, Tab 10)

189. South Spectacle Pond is located approximately 0.35 mile southeast of the Site A the tower at its closest point. The Site A tower would be visible from the open waters of most of the pond (63 acres of visibility) where approximately the upper 50 feet or more of the tower would be visible. There are approximately 8 shoreline properties with 9 homes/cottages that may have year-round views of the upper 50 to 75 feet of the Site A tower. (Applicants 1, Tab 10, Site A viewshed maps; Applicants 2, response 21b; Tr. 1, p. 61; Tr. 3, pp. 345-346; PDA 3 Exhibits 1, 1A)

190. North Spectacle Pond is located approximately 0.30 mile northeast of the Site A tower at its closest point. The Site A tower would be visible from the open waters of the northern portion of pond (46 acres of visibility). The pond has limited shoreline development but there are approximately 5 shoreline properties with 5 homes/cottages that have the potential for year-round views of the upper 10 feet of the tower, with some smaller areas with the potential to view the upper 10 - 30 feet of the tower. (Applicants 1, Tab 10, Site A viewshed maps; Applicants 2, response 21c)

191. Within 0.5 mile of the Site A tower, approximately 3 residential properties would have year-round views and 13 residential properties would have seasonal views. Although a wooded area would remain between the compound area and abutting residential property to the south, views of the compound would be possible from this residence due to lack of an dense intervening forest under story. (Applicants 2, response 21d; Applicants 7, response 53)

Site B Visibility

192. Based on APT's viewshed map, the proposed Site B tower would be visible year-round from approximately 205 acres within a two-mile radius of the site (refer to Figure 16). This would be about 2.55 percent of the two-mile radius study area (8,042 acres). Of the 205 acres of year-round visibility, approximately 54 acres would occur from the open waters of South Spectacle Pond (refer to Figure 16). (Applicants 1, Tab 10 – Site B Visual Assessment Report, p. 7)

193. In addition to year-round views, the Site B tower would be seasonally visible from approximately 96 acres within a two-mile radius of the site, representing 1.19 percent of the study area. (Applicants 1, Tab 10 – Site B Visual Assessment Report, p. 7)

194. The most prominent year-round views would generally be from areas 0.5 to 1.0 mile from the site, including portions of Richards Road, and upper Kent Hollow Road, as well as from the northern portion of South Spectacle Pond. Intermittent year-round views would occur from areas 1 mile and beyond, including but not limited to, Beardsley Road, Segar Mountain Road, Geer Mountain Road and Jennings Road. (Applicants 1, Tab 10 – Site B Visual Assessment Report, p. 7)

195. The open areas along Richards Road, approximately 0.5 to 0.6 miles north of the site, would have views of the upper half of the facility. (Applicants 1, Tab 10)

196. South Spectacle Pond is located approximately 0.35 miles north of the Site B tower at its closest point. The Site B tower would be visible from the open waters of most of the pond. There are approximately 6 shoreline properties with 6 homes/cottages that may have year-round views of the upper 10 to 75 feet of the Site B tower. (Applicants 1, Tab 10, Site A viewshed maps; Applicants 2, response 22; PDA 3d; Tr. 3, p. 346)

197. The Site B tower would not be visible from North Spectacle Pond. (Applicants 1, Tab 10, Site B viewshed maps)

198. Within 0.5 mile of the Site B tower, approximately 4 residential properties would have year-round views and 12 residential properties would have seasonal views of the facility. (Applicants 2, response 22)

Site A and Site B Visibility

199. Due to the location of both sites along ridgelines, the towers would be silhouetted against the sky when viewed from certain locations. (PDA 3, pp. 2-3)

200. The Town established a Horizon-line Conservation Overlay District (HCOD) to conserve and protect the hill summits and ridges that form the high horizon visible from the Town's system of roads. The Town prefers towers to be sited outside of the HCOD. Towers should be located in areas where topography vegetation, buildings and others structures provide the greatest amount of screening and that minimize long-range visual effect. The proposed Site A tower is not within the HCOD. The proposed Site B tower is within the HCOD. (Town 4; PDA 3, p. 2; Applicants 2, response 9)

201. Construction of facilities defined under CGS §16-50*i*, including but not limited to, telecommunications towers, is permissible on ridgelines within the state. (CGS §8-1aa; CGS §8-2; C.G.S. §16-50*x*)

202. There are no Connecticut blue-blazed hiking trails located within 2 miles of the proposed sites. (Applicants 1, Tab 10– Visual Assessment Reports, Viewshed Analysis Maps)

203. There are several land preserves with hiking trails within 2 miles of the proposed sites. APT performed field reconnaissance of the West Aspetuck Scenic Wetlands Preserve Hiking Trail, the East Kent Hamlet Nature Preserve Hiking Trail, the Iron Mountain Preserve Hiking Trail and the Emery Park Hiking Trail. Based on the field surveys, neither site would be visible during leaf-off conditions from the existing hiking trails at these preserves. (Applicants 1, Tab 10 – Visual Assessment Reports, Viewshed Analysis Maps; Applicants 2, response 20, response 23)

204. The Appalachian Trail, at its closest point, is approximately 2.8 miles west of Site A and 3.6 miles west of Site B. Year-round visibility of the sites is not expected. Leaf-off views from parts of the Appalachian Trail may be possible. (Town 2, Town 4)

205. There are no State designated scenic highways within 2 miles of the proposed sites. (Applicants 1, Tab 10 – Visual Assessment Reports, Viewshed Analysis Maps; Applicants 7, response 45)

206. Several Town-designated scenic roads are within 2 miles of the proposed sites. Site A is not expected to be visible from any Town designated scenic road. Site B would have spot year-round visibility from several locations along Geer Mountain Road, approximately 1.7 miles southwest of the site and seasonal visibility from the northern extent of Treasure Hill Road, approximately 0.5 mile southwest of the site. (Applicants 7, response 45; Tr. 1, pp. 50-51)

207. Lake Waramaug, at its closest point is located approximately 2.3 miles southeast of Site A and 1.9 miles east of Site B. Lake Waramaug State Park is located along the northwest arm of the lake. Neither Site A nor Site B would be visible from the state park. Views of the sites would begin as one moves eastward across the lake at a distance around 2.5 miles and beyond and would be visible from substantial portions of the lake. (Town 2; Tr. 1, pp. 50-53)

208. Waramaug Rock, a scenic outlook with a view to the west, is located approximately 5 miles east of Site B. The tower would be visible along the ridgeline but, given the distance to the tower, it would not be a focal point. (Tr. 1, pp. 122-123)

209. Pursuant to CGS §16-50p(a)(3)(F), no public schools or commercial child day care facilities are located within 250 feet of either site. No such facilities are within 2 miles of the proposed sites. (Applicants 1, Tab 10)

210. A faux tree tower design was not considered at either location due to the effects on views from some of the viewshed areas. Although such a design would be feasible for areas with near views through the trees, in other locations, a tree tower would appear out of place as it would extend-significantly above the tree line such as along the open areas of Richards Road. Additionally, a faux pine tree may look out of place because the dominate forest type in the area of the two sites is deciduous. (Applicants 2, response 24, Attachment 9; Tr. 1, pp. 54-56; PDA 3, Exhibits C, E)

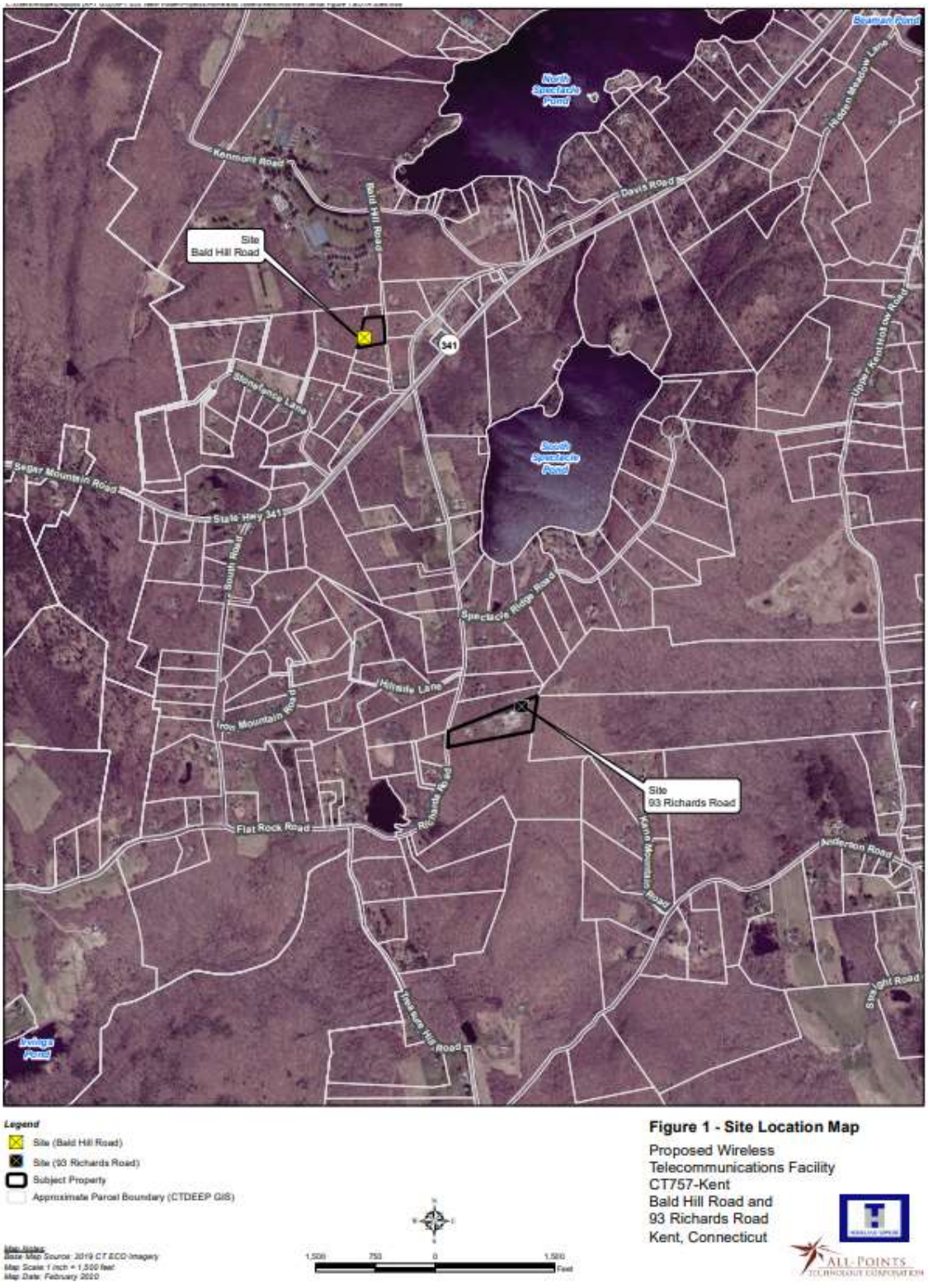
211. A tree tower design would add substantial mass to the structure due to faux branches and a faux conical top that would extend the height of the structure by 4 to 6 feet. (Tr. 1, pp. 54, 59)

212. If either tower was reduced in height to 135 feet agl, a faux tree tower design could still appear out of place from certain locations due to the height of the structure extending above the tree line, the general lack of evergreen tree species in the area, and the significant mass of the structure. (Applicants 15b; Tr. 5, pp. 659-662)

213. A two-tone tower color scheme at either site could mitigate some visibility by using a brown-gray color for the bottom portion of the tower where it would blend in with surrounding vegetation and a blue or similar color for the top portion of the tower to blend in with the sky where the tower is observed above the tree line. (Tr. 1, pp. 55, 60)

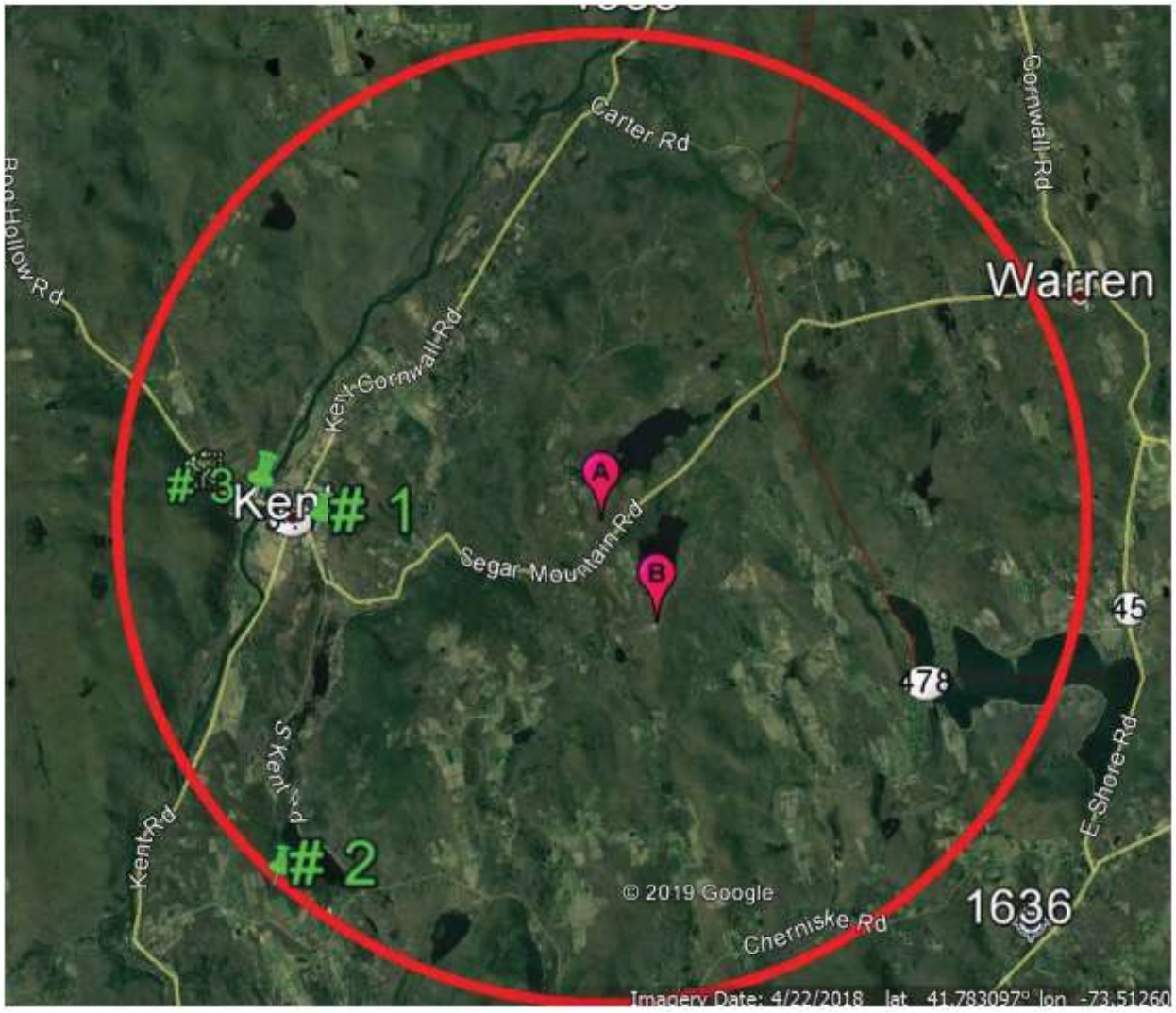
214. Both sites would have landscaping along the compound fence, consisting of six-foot tall Emerald Green Arborvitae installed 10 feet off center. In addition, decorative, solid fencing could be installed to shield views of interior potions of the compound. (Applicants 2, response 14; Tr. 1, pp. 37-38)

Figure 1 – Aerial Map Showing Site A and Site B



(Applicants 1, Tab 10)

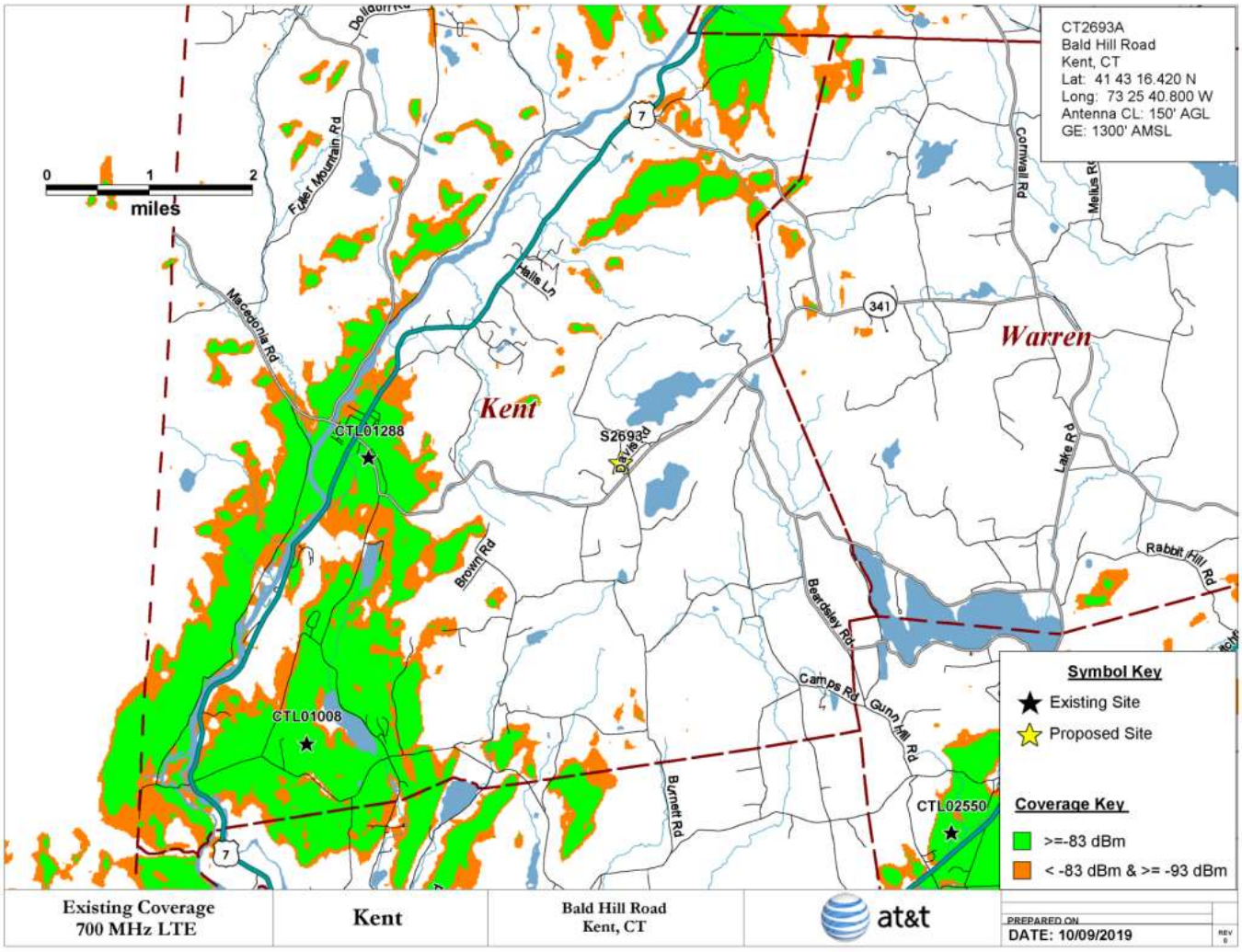
Figure 2 – Site Locations and Existing Facilities



No.	OWNER/ OPERATOR	TOWER/CELL SITE LOCATION	HEIGHT/TYPE	AT&T OPERATING	COORDINATES
1.	Verizon	38 Maple Street, Kent, CT	150'/Monopole	YES	Lat.: 41°43'18.85"N Long.:73°28'29.87"W
2.	Crown Castle	136 Bulls Bridge Road, Kent, CT	180'/Monopole	YES	Lat.: 41°40'54"N Long.: 73°29'12"W
3.	Verizon	Macadonia Road, Kent, CT	36'/Utility Mount	NO	Lat.: 41°43'38"N Long.: 73°28'58"W

(Applicants 1, Tab 2)

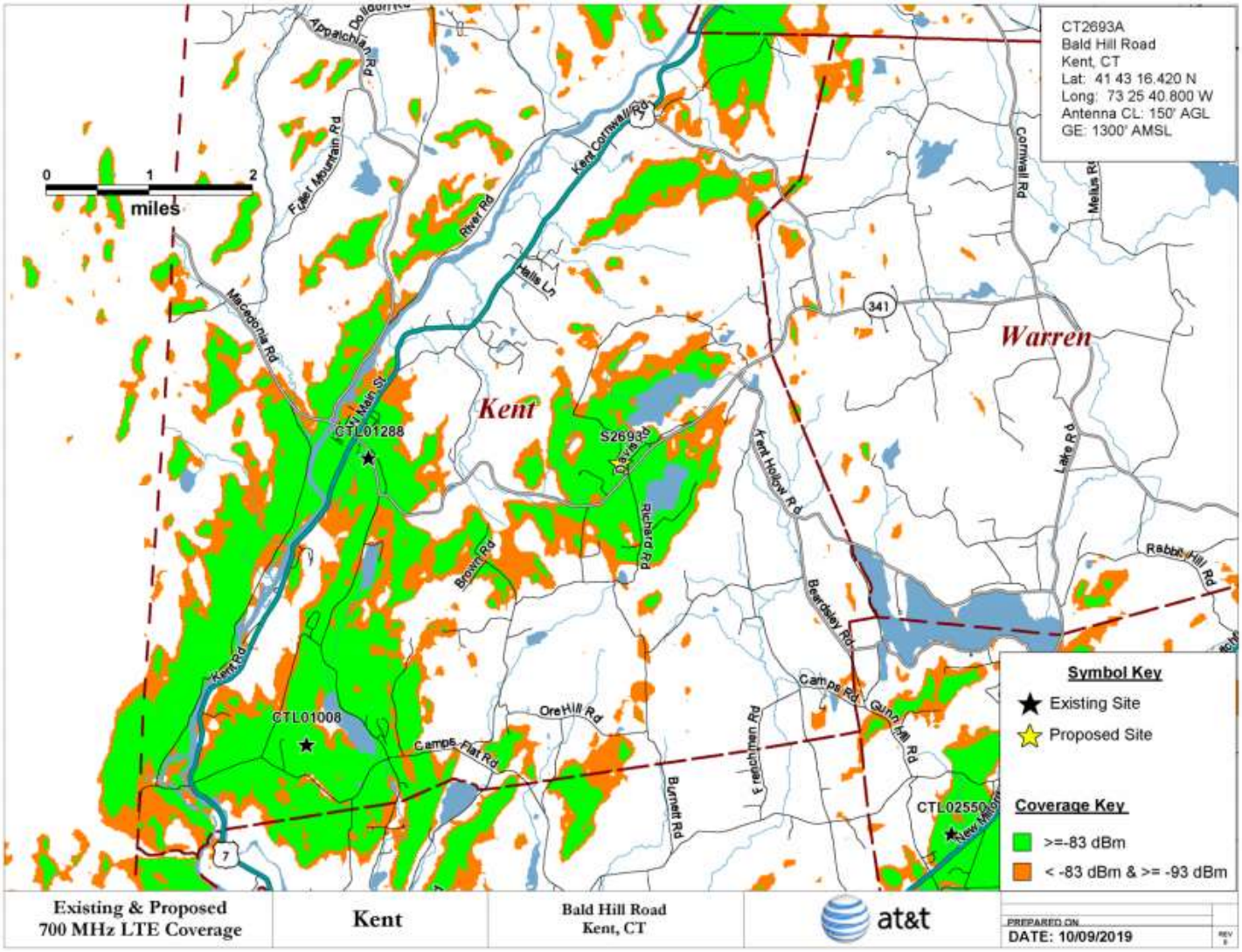
Figure 3 –Existing AT&T 700 MHz Service Coverage Model



(proposed Site B location not shown)

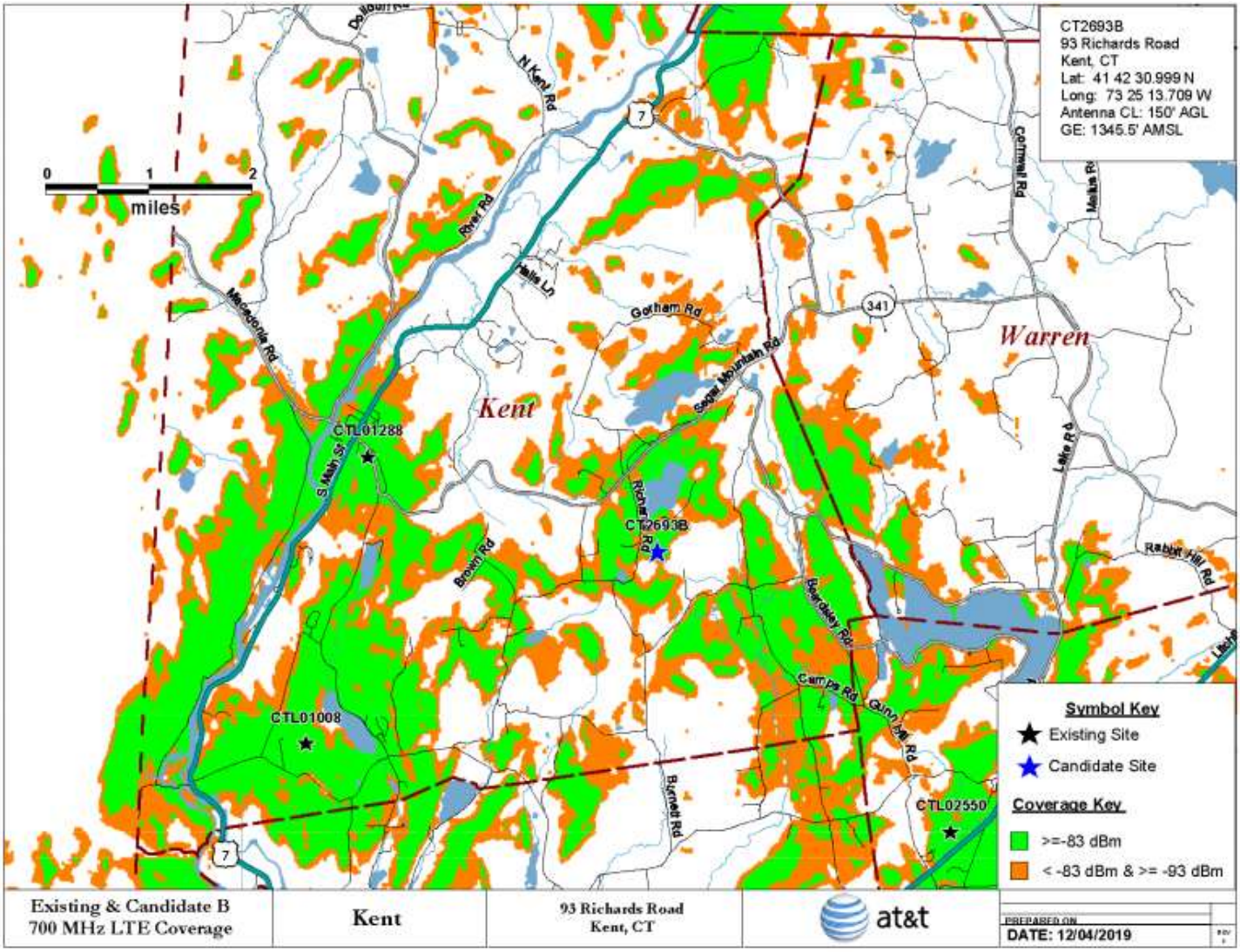
(Applicants 1, Tab 1)

Figure 4 – Site A Existing and Proposed 700 MHz Service (Antennas at 150 feet)



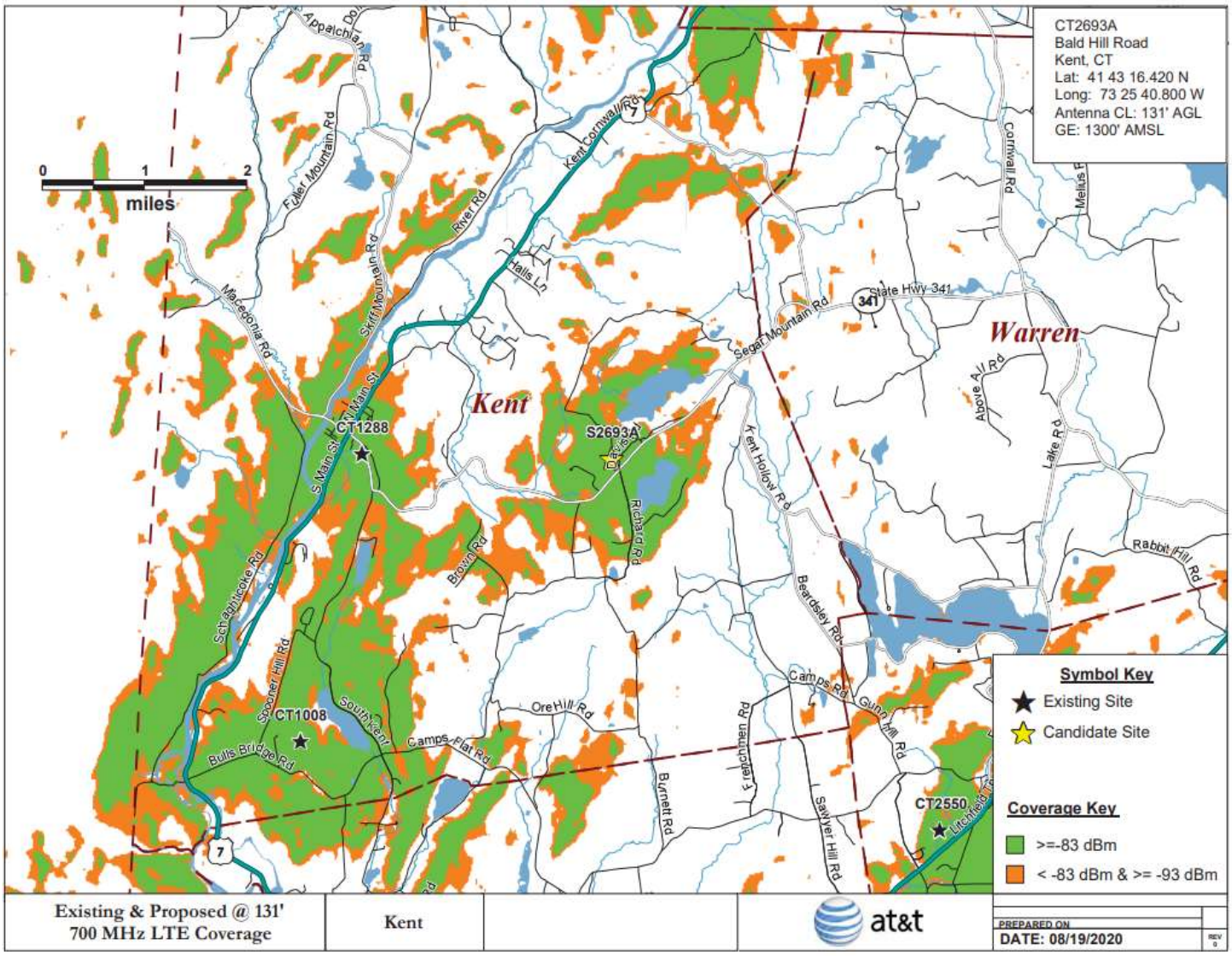
(Applicants 1 Tab 1)

Figure 5 – Site B Existing and Proposed 700 MHz Service (Antennas at 150 feet)



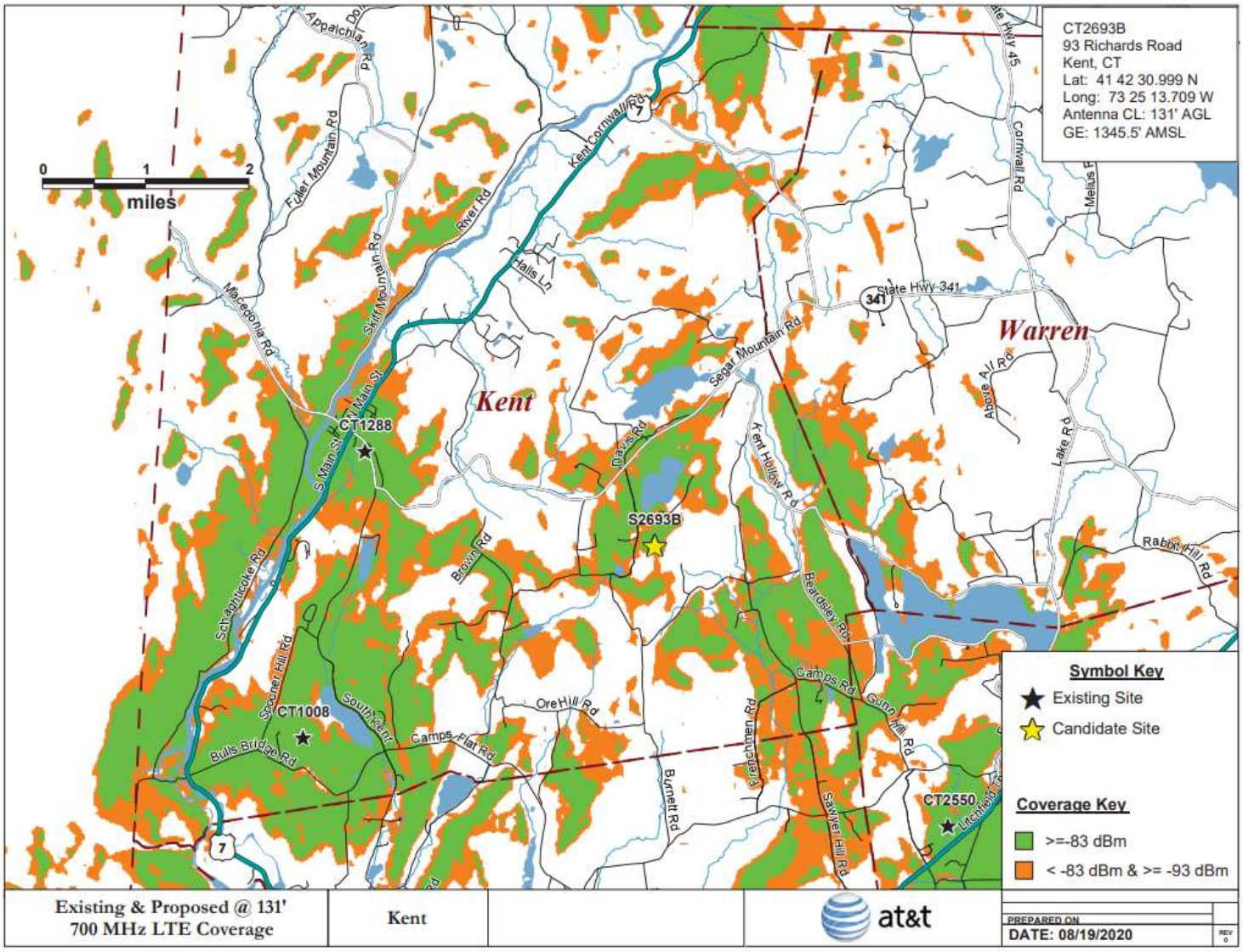
(Applicants 1, Tab 1)

Figure 6 – Site A Existing and Proposed 700 MHz Service (Antennas at 131 feet)



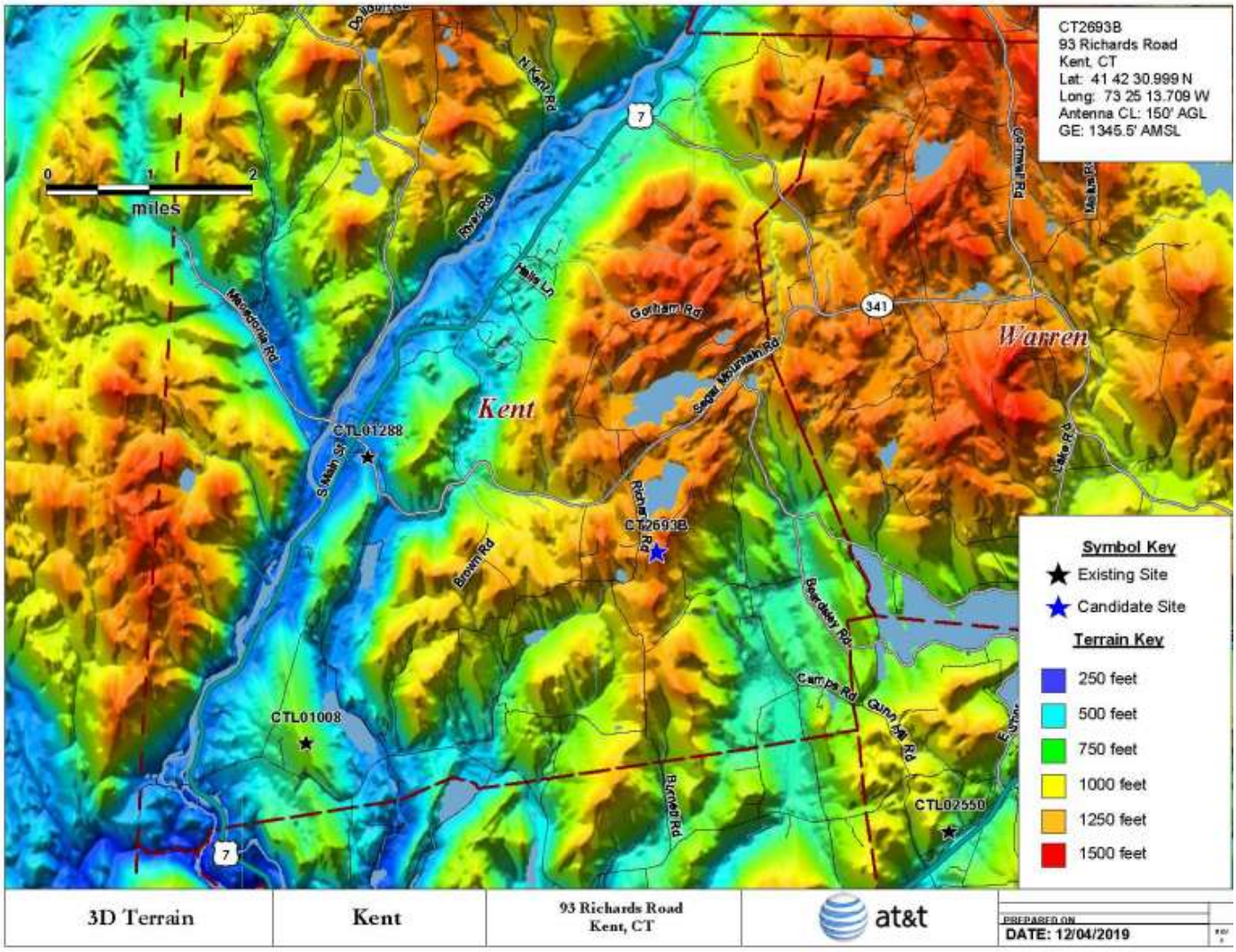
(Applicants 15a)

Figure 7 –Site B Existing and Proposed 700 MHz Service (Antennas at 131 feet)



(Applicants 15a)

Figure 8 – Topographic Relief Map of Kent Area

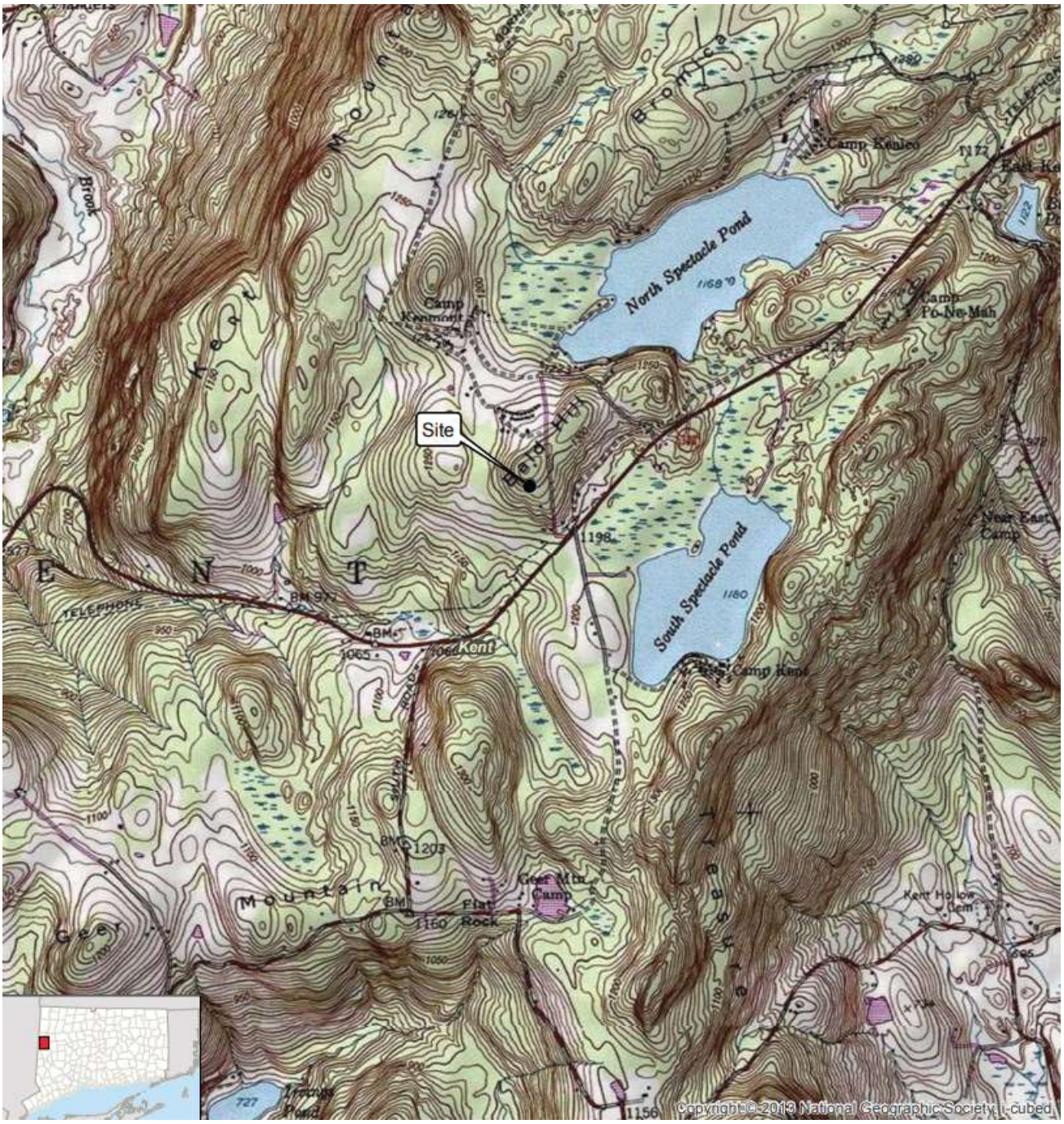


(Applicants 1, Tab 1)

Figure 9– Site A Location - Bald Hill Road - aerial image

(Applicants 1, Tab 3)

Figure 10 –Site A Location - Bald Hill Road – topographic map

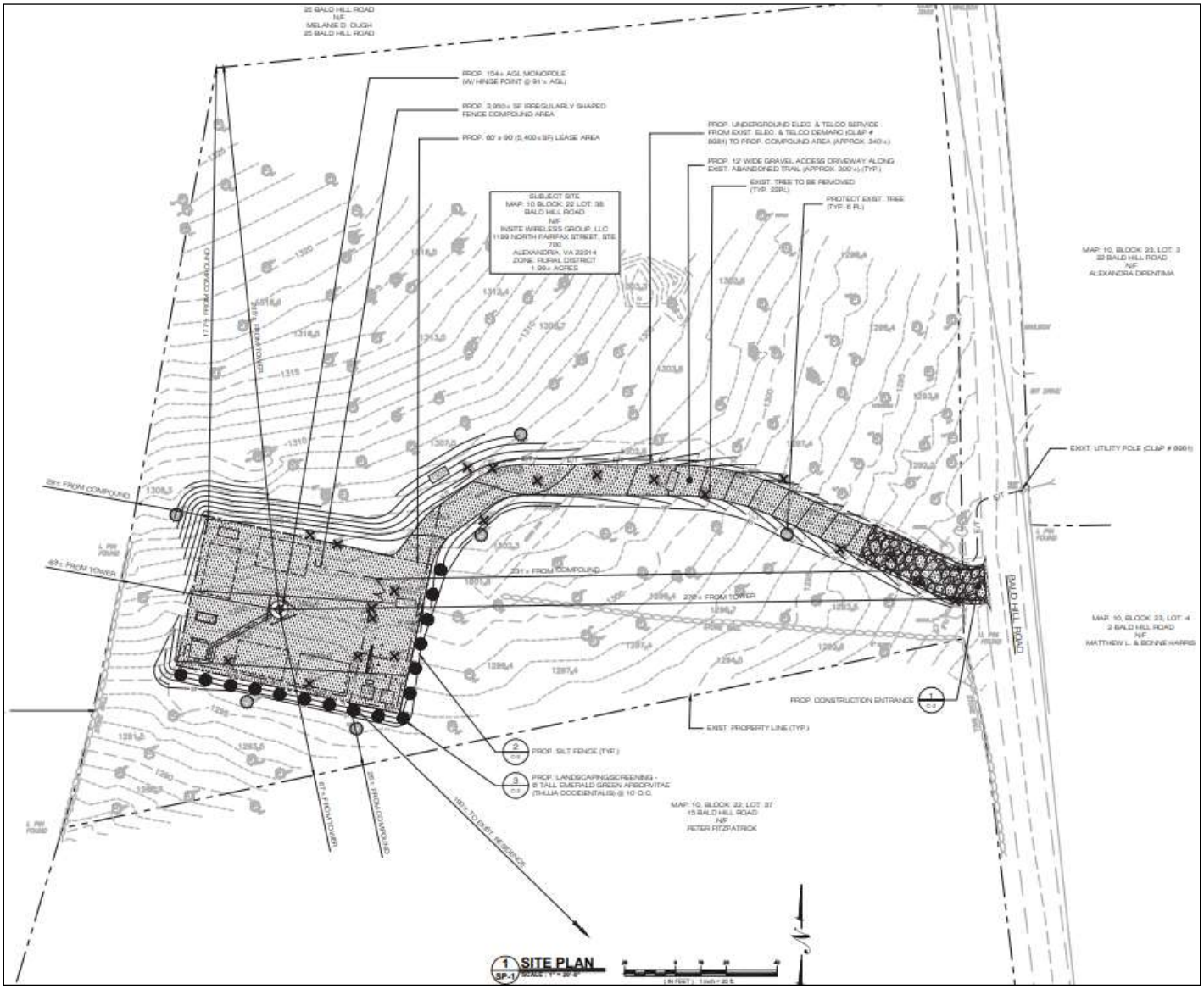


(Applicants 1, Tab 3)

Figure 11A – Site A Aerial Image Site Layout

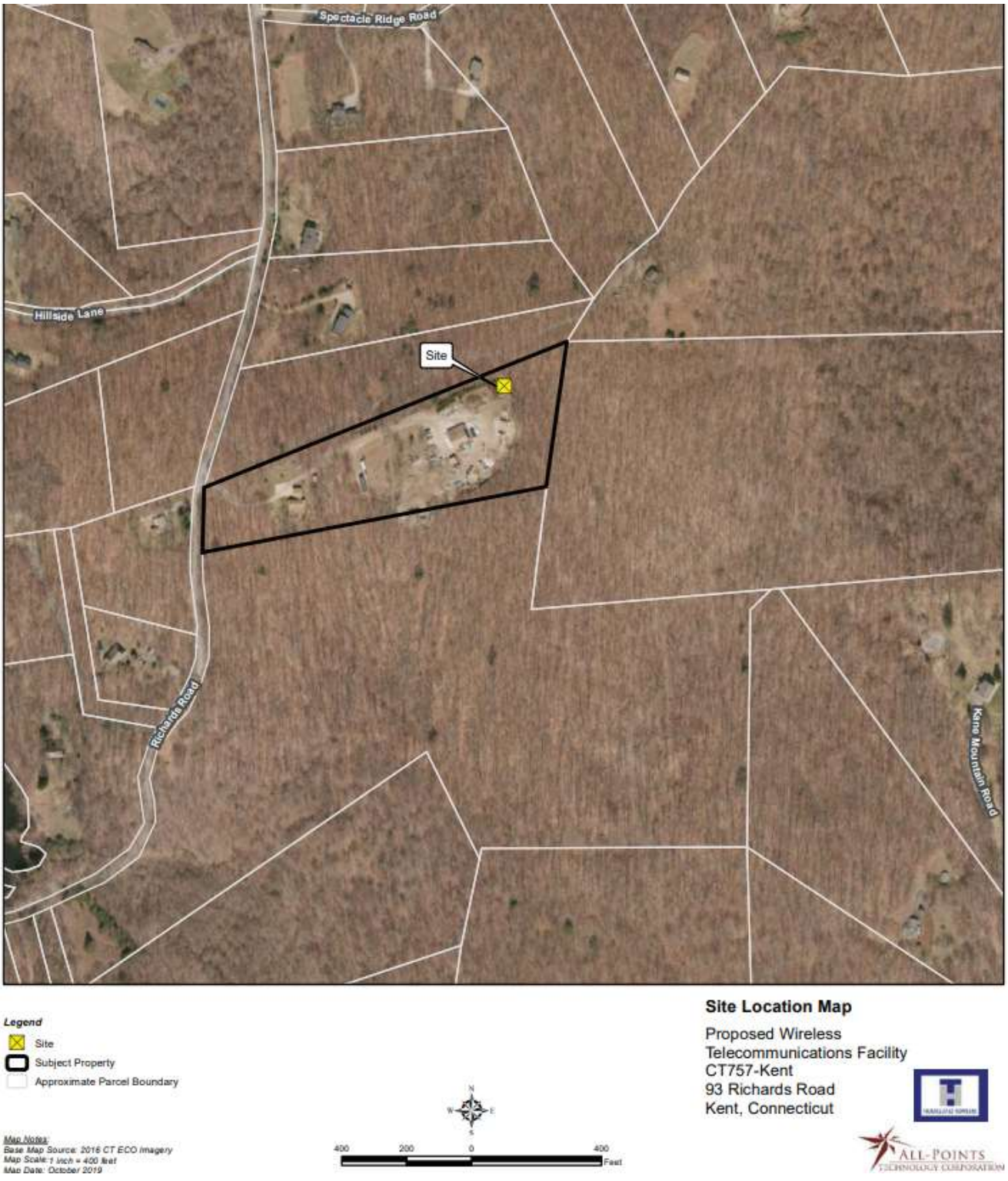
(Applicants 7, response 53)

Figure 11B – Site A – Site Plan



(Applicants 1, Tab 3)

Figure 12– Site B Location - Richards Road - aerial image



(Applicants 1, Tab 5)

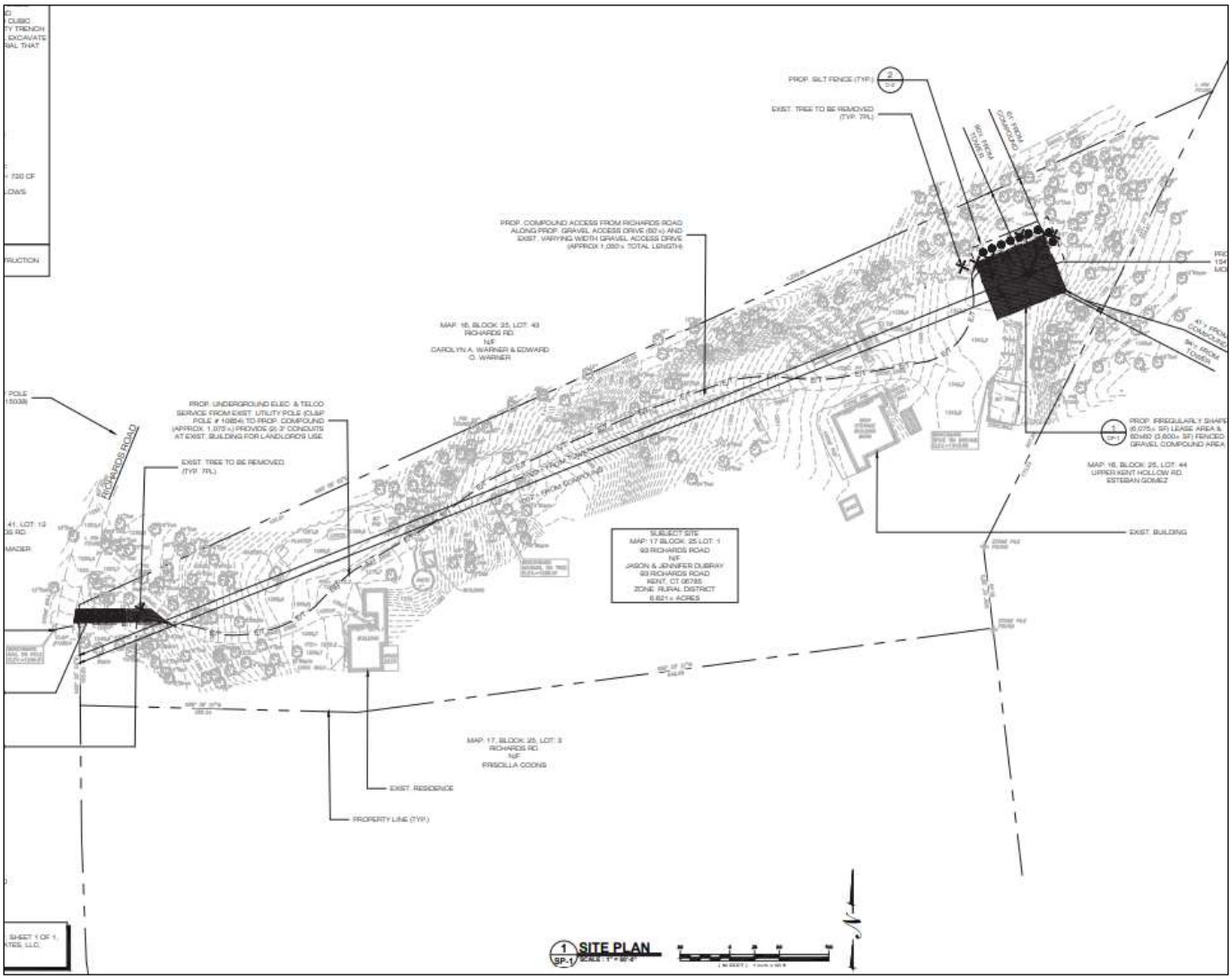
Figure 13– Site B Location - Richards Road - topographic map

(Applicants 1, Tab 5)

Figure 14A – Site B Aerial Image Site Layout

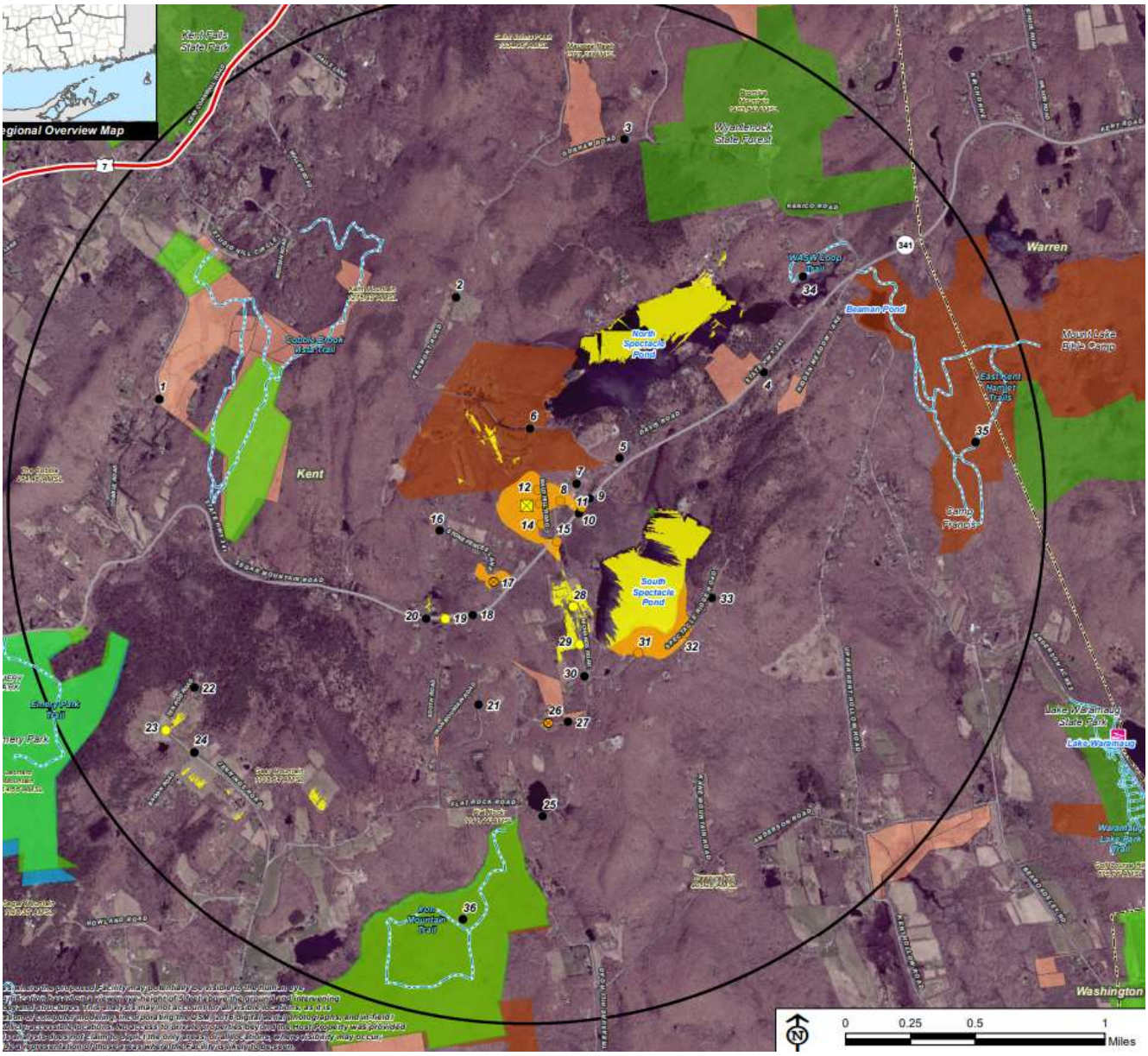
(Applicants 7, response 53)

Figure 14B – Site B – Site Plan



(Applicants 1, Tab 5)

Figure 15 – Site A Viewshed map and photologs



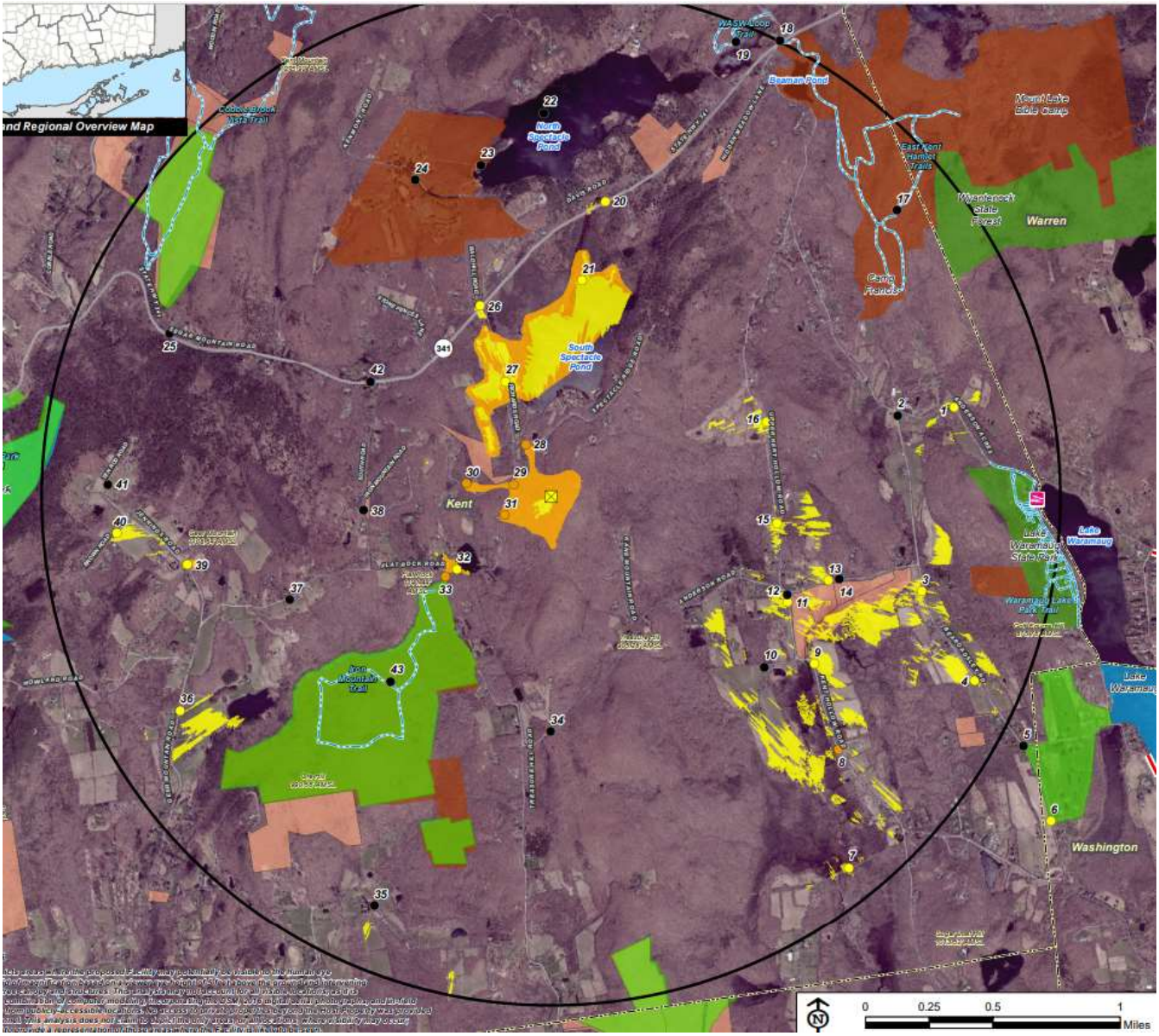
(Applicants 1, Tab 10)

(Site A photo-log)

View	Location	Orientation	Distance to Site	Visibility
1	Cobble Road^	Southeast	±1.48 Miles	Not Visible
2	Kenmont Road	Southeast	±0.85 Mile	Not Visible
3	Gorham Road	Southwest	±1.47 Miles	Not Visible
4	Segar Mountain Road	Southwest	±1.05 Miles	Not Visible
5	Davis Road^	Southwest	±0.40 Mile	Not Visible
6	Kenmont Road^	South	±0.30 Mile	Not Visible
7	Davis Road**	Southwest	±0.21 Mile	Not Visible
8	Davis Road	West	±0.13 Mile	Seasonal
9	Segar Mountain Road	West	±0.24 Mile	Not Visible
10	Segar Mountain Road	West	±0.21 Mile	Seasonal
11	Segar Mountain Road	West	±0.20 Mile	Not Visible
12	Bald Hill Road	Southwest	±412 Feet	Seasonal
13	Bald Hill Road	West	±265 Feet	Seasonal
14	Bald Hill Road^	Northwest	±454 Feet	Seasonal
15	Richards Road at Segar Mountain Road^	Northwest	±0.18 Mile	Seasonal
16	Stone Fences Lane	Northeast	±0.35 Mile	Not Visible
17	Stone Fences Lane*	Northeast	±0.32 Mile	Balloon Visible Through Trees
18	Segar Mountain Road	Northeast	± 0.46 Mile	Not Visible
19	Segar Mountain Road	Northeast	± 0.53 Mile	Year Round
20	Segar Mountain Road^	Northeast	± 0.58 Mile	Not Visible
21	Iron Mountain Road	Northeast	±0.78 Mile	Not Visible
22	Ten Rod Road	Northeast	±1.45 Miles	Not Visible
23	Ten Rod Road	Northeast	±1.63 Miles	Year Round
24	Jennings Road	Northeast	±1.59 Miles	Not Visible
25	Richards Road	North	±1.19 Miles	Not Visible
26	Oak Ridge Road*	North	± 0.84 Mile	Balloon Visible Through Trees
27	Oak Ridge Road	Northwest	± 0.85 Mile	Not Visible
28	Richards Road	Northwest	± 0.43 Mile	Year Round
29	Richards Road	Northwest	±0.57 Mile	Year Round
30	Spectacle Ridge Road at Richards Road^	Northwest	±0.70 Mile	Not Visible
31	Spectacle Ridge Road	Northwest	±0.72 Mile	Seasonal
32	Spectacle Ridge Road	Northwest	±0.79 Mile	Seasonal
33	Spectacle Ridge Road	Northwest	±0.80 Mile	Not Visible

(Applicants 1, Tab 10)

Figure 16 – Site B Viewshed map and photologs



Legend

- Proposed Site
- Study Area (2-Mile Radius)

Photo Locations (January 18, 2020)

- Not Visible
- Seasonal Visibility
- Year-Round
- Predicted Year-Round Visibility (205 Acres; +/- 54 acres occurs over South Spectacle Pond)
- Areas of Potential Seasonal Visibility (96 Acres)
- Municipal Boundary
- Trail
- Scenic Highway
- DEEP Boat Launches
- Municipal and Private Open Space Property
- State Forest/Park

Protected Open Space Property

- Federal
- Land Trust
- Municipal
- Private

(Applicants 1, Tab 10)

(Site B photo-log)

Photo	Location	Orientation	Distance to Site	Visibility
1	Anderson Acres Road	Southwest	± 1.63 Miles	Year Round
2	Anderson Acres Road at Kent Hollow Road*	Southwest	± 1.40 Miles	Not Visible
3	Beardsley Road	Northwest	± 1.51 Miles	Year Round
4	Beardsley Road	Northwest	± 1.81 Miles	Year Round
5	Beardsley Road	Northwest	± 2.10 Miles	Not Visible
6	Beardsley Road, Washington	Northwest	± 2.34 Miles	Year Round
7	Tanguay Road	Northwest	± 1.85 Miles	Year Round
8	Kent Hollow Road	Northwest	± 1.49 Miles	Seasonal
9	Kent Hollow Road	Northwest	± 1.22 Miles	Year Round
10	Straight Road	Northwest	± 1.07 Miles	Not Visible
11	Kent Hollow Road	Northwest	± 1.02 Miles	Year Round
12	Kent Hollow Road at Anderson Road	Northwest	± 1.02 Miles	Not Visible
13	Kent Hollow Road	Northwest	± 1.14 Miles	Year Round
14	Kent Hollow Road*	Northwest	± 1.18 Miles	Not Visible
15	Upper Kent Hollow Road	West	± 0.90 Mile	Year Round
16	Upper Kent Hollow Road	Southwest	± 0.90 Mile	Year Round
17	East Kent Hamlet Nature Preserve – Hiking Trail**	Southwest	± 1.78 Miles	Not Visible
18	Kenico Road at Segar Mountain Road**	Southwest	± 2.03 Miles	Not Visible
19	West Aspetuck Scenic Wetlands Preserve – Hiking Trail	Southwest	± 1.94 Miles	Not Visible
20	Segar Mountain Road	South	± 1.19 Miles	Year Round
21	South Spectacle Pond^	South	± 0.87 Mile	Year Round
22	North Spectacle Pond^	South	± 1.53 Miles	Not Visible
23	Kenmont Kenwood Camp – North Spectacle Pond*	Southeast	± 1.35 Miles	Not Visible
24	Kenmont Kenwood Camp	Southeast	± 1.37 Miles	Not Visible
25	Segar Mountain Road	Southeast	± 1.64 Miles	Not Visible
26	Bald Hill Road at Segar Mountain Road	Southeast	± 0.80 Mile	Year Round
27	Richards Road	Southeast	± 0.49 Mile	Year Round
28	Spectacle Ridge Road	Southeast	± 0.24 Mile	Seasonal
29	Richards Road	Southeast	± 0.16 Mile	Seasonal
30	Oak Ridge Road	Southeast	± 0.34 Mile	Seasonal
31	Richards Road	Northeast	± 0.19 Mile	Seasonal
32	Richards Road	Northeast	± 0.46 Mile	Year Round
33	Treasure Hill Road	Northeast	± 0.52 Mile	Seasonal
34	Anderson Road	North	± 0.91 Mile	Not Visible
35	Ore Hill Road	Northeast	± 1.75 Miles	Not Visible
36	Geer Mountain Road	Northeast	± 1.68 Miles	Year Round
37	Flat Rock Road	Northeast	± 1.10 Miles	Not Visible
38	South Road at Iron Mountain Road**	East	± 0.74 Mile	Not Visible
39	Jennings Road	Northeast	± 1.45 Miles	Not Visible
40	Brown Road	East	± 1.71 Miles	Year Round
41	Ten Rod Road	East	± 1.74 Miles	Not Visible
42	Segar Mountain Road*	Southeast	± 0.84 Mile	Not Visible
43	Iron Mountain Preserve – Hiking Trail**	Northeast	± 0.91 Mile	Not Visible

(Applicants 1, Tab 10)

ATTACHMENTS

Council on Environmental Quality Comments, dated April 22, 2020

Department of Transportation Comments, dated June 23, 2020

STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

April 22, 2020

Melanie Bachman, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: DOCKET NO. 488 - Homeland Towers, LLC and New Cingular Wireless PCS, LLC d/b/a AT&T application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a telecommunications facility located at one of two sites: Kent Tax Assessor ID #M10, Block 22, Lot 38 Bald Hill Road or 93 Richards Road, Kent, Connecticut.

Dear Ms. Bachman:

The Council on Environmental Quality ("the Council") has reviewed the application submitted in Docket 488 for a Certificate of Environmental Compatibility and Public Need. The Council offers the following comments for consideration by the Applicant and Siting Council.

1. Visual Impact

The Council acknowledges that the availability of cell phone service is an essential amenity for residents and tourists who are visiting scenic areas. This poses the paradox that cell tower placement can detract from the scenic values that attract tourism.

Northwestern Connecticut is among the State's most scenic areas and preservation of its vistas has both ecological and economic value. Congress designated this region as the Upper Housatonic Valley National Heritage Area – one of just 50 such designations in the country. The region is designated in Connecticut's Forest Legacy program as an area of critical conservation focus, and The Appalachian Trail, a National Scenic Trail abuts the Housatonic River in Kent. Numerous State parks are located in the area, including Kent Falls State Park, Macedonia Brook State Park, and Lake Waramaug State Park. State Route 7 in Kent and a portion of State Route 478 East, north of State Route 45 along portions of Lake Waramaug, have been designated as "State Scenic Roads". In addition, there are locally designated scenic roads in Kent.

Given these facts, special attention must be paid to the siting of telecommunications tower or to methods to reduce the visual impact.

Absent from the Docket's submission is a visibility analysis for Lake Waramaug, Lake Waramaug State Park, and the ridge located west of Lake Waramaug Road for proposed Site B even though this area is within the two-mile viewshed analysis study area (buffer). In addition, only a very small portion of Route 7 was included in the two-mile viewshed analysis study area for the Proposed Site A and no part of State Route 7 for proposed Site B. The Council recommends that the Applicant supplement the viewshed analysis to include, where appropriate, the designated local and State Scenic Roads, State Parks, trails and other recreational resources noted above.

Additionally, Proposed Site B is located in a Horizonline Conservation District, which prohibits the construction of new towers per the Town's Zoning Regulations, Section 9660.1. It would be best if the town's regulations could be honored, given that there exists a proposed alternative location.

The Docket filing contains only one map for each proposed site depicting 700 MHz LTE coverage at the proposed height of 150 feet AGL. Given the scenic considerations described above, the Council asks whether a Radio Frequency Analysis, had been performed to assess whether a tower below 150 AGL would provide acceptable coverage.

Thank you for your consideration of these comments. Please do not hesitate to contact the Council if you have any questions.

Sincerely,

Peter Hearn

Executive Director

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:

June 23, 2020

Ms. Melanie Bachman
Acting Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Dear Ms. Bachman:

Subject: Docket 488
Telecommunication Facility
Bald Hill Road and 93 Richards Road
Town of Kent

The Department of Transportation has reviewed the above-mentioned Docket and offers the following comments.

Docket 488 does not contain a site plans or disclosed the erosion and sedimentation control measures that would occur at Site B. It is recommended that the Homeland Towers, LLC and New Cingular Wireless PCS, LLC adhere to the 2002 CT Guidelines for Soil Erosion & Sediment Control for Site B.

Additionally, stormwater impact was not disclosed in the supplemental document and Site B discussed the removal of 7 trees with no indication of replacement/landscaping plan.

Finally, both Site A (Bald Hill Road) and Site B (93 Richards Road) indicated the installation of an emergency backup diesel generator. It is recommended that the applicant have double/spill containment- if possible and/or an emergency spill kit at the site location. Please see attached D.O.T. Screening Checklist.

Should you have any questions, please contact Ms. Latoya Smith, Utility Engineer (Utilities) at Latoya.Smith@ct.gov.

Very truly yours,

Andrzej Mysliwiec

Andrzej Mysliwiec
Transportation Supervising Engineer
Division of Facilities and Transit
Bureau of Engineering and Construction

Enclosure

Latoya Smith:ls
bcc: Mark Rolfe
Gregory M. Dorosh -Leo Fontaine-Andrzej Mysliwiec-Derek Brown-Latoya Smith
James Chupas- John DeCastro-Christopher Brochu
Edgar T. Hurle-Kevin Carifa-Desmond P. Dickey