



**HOMELAND TOWERS, LLC (HOMELAND)
NEW CINGULAR WIRELESS PCS, LLC (AT&T)**

**Application to the
State of Connecticut Siting Council**

**For a Certificate of
Environmental Compatibility and Public Need**

—KENT FACILITY—

Docket No. _____

**HOMELAND TOWERS, LLC (HOMELAND)
9 HARMONY STREET
DANBURY, CONNECTICUT 06810**

**NEW CINGULAR WIRELESS PCS, LLC (AT&T)
500 ENTERPRISE DRIVE
ROCKY HILL, CONNECTICUT 06067**

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STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF HOMELAND TOWERS, LLC
("HOMELAND") and NEW CINGULAR WIRELESS
PCS, LLC ("AT&T") FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC
NEED FOR THE CONSTRUCTION,
MAINTENANCE AND OPERATION OF A
TELECOMMUNICATIONS TOWER FACILITY AT
ONE OF TWO SITES IN THE TOWN OF KENT

DOCKET NO. _____

**APPLICATION FOR CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED**

I. Introduction

A. Purpose and Authority

Pursuant to Chapter 277a, Sections 16-50g et seq. of the Connecticut General Statutes ("C.G.S."), as amended, and Sections 16-50j-1 et seq. of the Regulations of Connecticut State Agencies ("RCSA"), as amended, Homeland Towers, LLC ("Homeland Towers") and New Cingular Wireless PCS, LLC ("AT&T") as the applicants (together "Applicants"), hereby submit an application and supporting documentation (collectively, the "Application") for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless communications facility (the "Facility") in the Town of Kent (the "Town" or "Kent"). A Facility at *one* of the two candidate locations is a necessary component of AT&T's and other wireless carriers' networks for the provision of personal wireless communications services as well as emergency communication services and will allow wireless carriers to continue providing reliable wireless communications services to the central portion of Kent, including portions of Route 341 (Segar Mountain Road), Richards Road, Bald Hill Road, Stonefence

Lane, Spectacle Road, and the residential neighborhoods and business/retail areas in the vicinity.

B. Executive Summary

There is a significant coverage deficiency in the existing AT&T wireless communications along Segar Mountain Road (Route 341), Richards Road and the neighboring residential and business/retail areas in Kent. The Facility at either candidate location will provide reliable wireless communications services to the central portion of Kent and address the significant coverage deficiency in the existing AT&T wireless communications network along the nearby roadways, residential areas, and business/retail areas in Kent. The Facility is needed by AT&T in conjunction with the other existing and proposed facilities to provide reliable services to the public that is not currently provided in this part of Kent. AT&T will also deploy FirstNet, a nationwide broadband public safety network dedicated to the needs of first responders. The area is characterized by significant changes in ground elevation resulting in challenging terrain for signal propagation as well as several forested parcels. The challenging terrain and distance between existing wireless sites and the targeted coverage area result in limited option for AT&T to provide reliable wireless services.

Homeland in coordination with AT&T investigated different parcels of land in and around Kent. These searches determined that there are no tall, non-tower structures within the identified area of need. Homeland investigated twenty-seven (27) different parcels of land within and near the area for construction of a new facility. It should be noted that Homeland is presenting two (2) candidate locations for the Facility but only one of the candidate locations will be selected and developed with a new tower. The two

candidate locations submitted to the Siting Council for consideration are identified throughout this Application as Site A or Site B.

Site A is located on Bald Hill Road in the Town of Kent and is identified as Map 10, Block 22, Lot 38 on the Town of Kent's Tax Map. Site A is an approximately 1.99-acre parcel of land owned by InSite Wireless Group, LLC. The proposed Facility at Site A will be located in the southwest section of the parcel and consists of a new 154' AGL high self-supporting monopole on which AT&T proposes to install up to nine (9) panel antennas and related equipment at a centerline height of 150' AGL. The Town of Kent also proposes to install six (6) omni antennas and one (1) microwave dish. The tower base will be located within an approximately 3,950 s.f. equipment compound enclosed with an 8' high chain link fence. Landscaping is proposed on the east and south side of the equipment compound. The Facility would be designed for future use by other FCC licensed wireless carriers. Within the fenced equipment compound, AT&T proposes to install a walk-in equipment cabinet and an emergency back-up diesel generator. The fenced equipment compound would also provide space for future shared use of the Facility by other carriers as well as the Town of Kent's Fire Department, Fire Dispatch, Emergency Services and Highway Department. The equipment compound will be accessed from Bald Hill Road over an approximately 300' existing abandoned driveway that will be upgraded to a 12' wide gravel access driveway. Utility connections would be routed underground along the access easement.

Site B is located at 93 Richards Road in the Town of Kent and is identified as Map 17, Block 25, Lot 1 on the Town of Kent's Tax Map. Site B is an approximately 6.821-acre parcel of land owned by Jason and Jennifer Dubray. The proposed Facility at Site B will be located in the northeast section of the parcel and consists of a new 154' AGL high self-

supporting monopole on which AT&T proposes to install up to nine (9) panel antennas and related equipment at a centerline height of 150' AGL. The Town of Kent also proposes to install six (6) omni antennas and one (1) microwave dish. The tower base will be located within an approximately 3,600 s.f. equipment compound enclosed with an 8' high chain link fence. Landscaping is proposed on the north side of the equipment compound. The Facility would be designed for future use by other FCC licensed wireless carriers as well as the Town of Kent's Fire Department, Fire Dispatch, Emergency Services and Highway Department. Within the fenced equipment compound, AT&T proposes to install a walk-in equipment cabinet and an emergency back-up diesel generator. The fenced equipment compound would also provide space for future shared use of the Facility by other carriers. The equipment compound will be accessed from Richards Road over an approximately 1,050' existing driveway. Utility connections would be routed underground along the access easement.

The Applicants respectfully submit that the public need for the tower at one of the two candidate locations to provide reliable wireless services as well as emergency communication services to central area of the Town of Kent far outweighs any potential environmental effects from the Facility as proposed in this Application. Indeed, the proposed Facility will provide the important benefit of reliable wireless services to the nearby roadways and the neighboring residential and business/retail areas as well as reliable emergency communications services and will not have any substantial adverse effect on the aesthetics or scenic quality of the neighborhood.

C. The Applicants

Applicant Homeland is a New York limited liability company with offices at 9 Harmony Street, Danbury, Connecticut. Homeland currently owns and/or operates

numerous tower facilities in Connecticut. Homeland entered into a long-term lease with the owner of Site A and the owner of Site B. Homeland would construct, maintain and own the Facility at whichever Site is approved and would be the Certificate holder.

New Cingular Wireless PCS, LLC (“AT&T”) is a Delaware limited liability company with an office at 84 Deerfield Lane, Meriden, Connecticut. The company’s member corporation is licensed by the Federal Communications Commission (“FCC”) to construct and operate a personal wireless services system, which has been interpreted as a “cellular system” within the meaning of the C.G.S. Section 16-50i(a)(6).

Neither company conducts any other business in the State of Connecticut other than the development of tower sites and provision of personal wireless services under FCC rules and regulations. Correspondence and/or communications regarding this Application shall be address to the attorneys for the Applicants:

Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
(914) 761-1300
Attention: Lucia Chiochio, Esq.

A copy of all correspondence shall also be sent to:

Homeland Towers, LLC
9 Harmony Street
Danbury, CT 06810
Attention: Raymond Vergati
Manuel Vicente

AT&T
84 Deerfield Lane
Meriden, CT 06450
Attention: Brian Leyden
Harry Carey

D. Application Fee

Pursuant to RCSA Section 16-50v-1a(b), a check made payable to the Connecticut Siting Council in the amount of \$1,250 accompanies this Application which represents the Application Fee. Included in this Application and its accompanying attachments are reports, plans and visual materials detailing the design and location for each of the proposed candidates and the environmental effects associated with each. A copy of the Siting Council's Community Antennas Television and Telecommunications Facilities Application Guide with page references from this Application is also included in **Attachment 15**.

E. Compliance with C.G.S. Section 16-50l(c)

Neither Applicants are engaged in generating electric power in the State of Connecticut. As such, the proposed Facility is not subject to C.G.S. Section 16-50r of the Connecticut General Statutes. Furthermore, the proposed Facility has not been identified in any annual forecast reports, therefore the proposed Facility is not subject to C.G.S. Section 16-50l(c).

II. Service and Notice Required by C.G.S. Section 16-50l(b)

Pursuant to C.G.S. Section 16-50l(b), copies of this Application are being sent to municipal, regional, State, and Federal officials. A certificate of service, along with a list of the parties served with a copy of the Application is included in **Attachment 14**. Pursuant to C.G.S. 16-50l(b), notice of the Applicants' intent to submit this application was published on two occasions in the *Republican-American*, the paper utilized for publication of planning and zoning notices in the Town of Kent and of general circulation in the area. A copy of the published legal notice is included in **Attachment 13**. The

publisher's affidavits of service will be forwarded upon receipt. Further, in compliance with C.G.S. 16-50l(b), notices were sent to each person appearing of record as owner of a property which abuts the parcels known as Site A and Site B. Certification of such notice, a sample notice letter, and the list of property owners to whom the notice was mailed are also included in **Attachment 13**.

III. Statements of Need and Benefits

A. Statement of Need

1. United States Policy & Law

United States policy and laws continue to support the growth of wireless networks. In 1996, the United States Congress recognized the important public need for high quality wireless communications service throughout the United States in part through adoption of the Telecommunications Act (the "Act"). A core purpose of the Act was to "provide for a competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies to all Americans." H.R. Rep. No. 104-458, at 206 (1996) (Conf. Rep.). With respect to wireless communications services, the Act expressly preserved state and/or local land use authority over wireless facilities, placed several requirements and legal limitations on the exercise of such authority, and preempted state or local regulatory oversight in the area of emissions as more fully set forth in 47 U.S.C. § 332(c)(7). In essence, Congress struck a balance between legitimate areas of state and/or local regulatory control over wireless infrastructure and the public's interest in its timely deployment to meet the public need for wireless services.

In December 2009, then President Obama issued Proclamation 8460 which included wireless facilities within his definition of the nation's critical infrastructure and declared in part:

Critical infrastructure protection is an essential element of a resilient and secure nation. Critical infrastructure are the assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety. From water systems to computer networks, power grids to cellular phone towers, risks to critical infrastructure can result from a complex combination of threats and hazards, including terrorist attacks, accidents, and natural disasters.¹

Congress and the Federal Communications Commission further developed a national plan entitled "Connecting America: The National Broadband Plan" (the "Plan").²

Although broad in scope, the Plan's goal is undeniably clear:

[A]dvance consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, employee training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.³ [internal quotes omitted]

¹ Presidential Proclamation No. 8460, 74 C.F.R. 234 (2009).

² Connecting America: The National Broadband Plan, Federal Communications Commission (2010), available at <http://www.broadband.gov/plan/>.

³ Id. at XI.

A specific goal of the Plan is that “[t]he United States should lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.”⁴

Shortly after adoption of the Plan, and in April 2011, the FCC issued a Notice of Inquiry concerning the best practices available to achieve wide-reaching broadband capabilities across the nation including better wireless access for the public.⁵ The FCC also adopted various orders in furtherance of the public need for the deployment of wireless infrastructure including specific time limits for decisions on land use and zoning permit applications.⁶ Congress also acted again when it passed the Middle Class Tax Relief and Job Creation Act of 2012, which includes Section 6409 in the Spectrum Act which preempts a discretionary review process for eligible modifications of existing wireless towers or base stations.

More recently in 2018, the FCC adopted two separate orders incorporating several declaratory rulings and a set of new regulations to specifically address various areas of state and municipal oversight of wireless facility siting including towers and small cells.⁷ The first order prohibits any actual or de facto moratoria on the siting of wireless facilities. The second, intended to streamline the siting of current 4G LTE and future 5G wireless

⁴ Id. at 25.

⁵ FCC 11-51: Notice of Inquiry, In the Matter of Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0407/FCC-11-51A1.pdf.

⁶ WT Docket No. 08-165- Declaratory Ruling on Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance.

⁷ WT Docket No. 17-79 – Declaratory Ruling and Third Report and Order, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.

infrastructure, addressed numerous provisions of the Telecommunications Act and focused on any state or local siting requirements that might materially inhibit the deployment of wireless facilities including small cells. The Trump Administration has further developed a national strategy for the United States to win the 5G global race and continue American leadership in wireless technology.⁸

2. United States Wireless Usage Statistics

Over the past thirty plus years, wireless communications have revolutionized the way Americans live, work and play.⁹ The ability to connect with one another in a mobile environment has proven essential to the public's health, safety and welfare. As of June 2019, there were an estimated over 421 million wireless devices in the United States amounting to approximately 1.3 devices per person.¹⁰ Of those devices, over 284 million are data-intensive smartphones.¹¹ The United States also saw a record-setting amount of data-traffic with over 28 trillion megabytes carried over U.S. wireless networks in 2018, an increase of 12.9 trillion megabytes (over 82%) from the previous year.¹² The ever-increasing number of households transitioning to mobile voice connection only (i.e. abandoning land lines) has now grown to approximately 54.9% of households

⁸ See <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-developing-sustainable-spectrum-strategy-americas-future> and <https://www.whitehouse.gov/articles/america-will-win-global-race-5g>

⁹ See, generally, History of Wireless Communications, *available at* http://www.ctia.org/media/industry_info/index.cfm/AID/10388 (2011)

¹⁰ CTIA Annual "The State of Wireless 2018" available at <https://api.ctia.org/wp-content/uploads/2019/06/2019-annual-survey-highlights-final.pdf>.

¹¹ Id.

¹² Id.

nationwide.¹³ As of 2016, Connecticut in contrast lags behind in this statistic with approximately 33.4% wireless only households.¹⁴

Wireless access has also provided individuals a newfound form of safety. Up to 80% of *all* 9-1-1 calls made each year come from a wireless device.¹⁵ Beginning May 15, 2015, wireless carriers in the U.S. voluntarily supported Text-to-911, a program that allows users to send text messages to emergency services as an alternative to placing a phone call.¹⁶

Wireless access to the internet has also grown exponentially since the advent of the truly “smartphone” device. Cisco reports that mobile data traffic will continue to grow significantly, reaching 77.5 exabytes per month by 2022 which is an exponential increase from the 4.4 exabytes per month at the end of 2015.¹⁷ As of 2018, smartphone data traffic has surpassed that of fixed broadband.¹⁸

¹³ See *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January-June 2018*, National Center for Health Statistics, Stephen J. Blumberg Ph.D and Julian V. Luke, found at <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201812.pdf>.

¹⁴ See *Modeled Estimates of the percent distribution of household telephone status for adults aged 18 and over, by state: United States, 2016* available at https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201712.pdf.

¹⁵ 911 Wireless Services Guide last reviewed November 2, 2015 available at <https://transition.fcc.gov/cgb/consumerfacts/wireless911srvc.pdf>.

¹⁶ See *Text-to-911: What you need to know* available at <https://www.fcc.gov/consumers/guides/what-you-need-know-about-text-911>. It should be noted that while the carriers have committed to supporting 911 texting in their service areas, text-to-911 is not available everywhere. Emergency call centers, called PSAPs (Public Safety Answering Points), are the bodies in charge of implementing text messaging in their areas. These PSAPs are under the jurisdiction of their local state and counties, not the FCC, which governs the carriers. See also *Text-to-911 is now available in Connecticut* available at <https://www.text911ct.org/>, indicating that the State of Connecticut has recently transitioned to a the Text-to-911.

¹⁷ Cisco Visual Networking Index: Forecast and Trends, 2017-2022 White Paper, February 18, 2019; Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2016-2021, March 28, 2017.

¹⁸ PriceWaterhouseCoopers as reported by CTIA; <https://www.ctia.org/the-wireless-industry/infographics-library>

3. Site Specific Public Need

The Facility at either Site A or Site B proposed in this Application will be an integral component of AT&T's network in its FCC licensed area throughout the state. There is a significant deficiency in AT&T's wireless communications service in the central part of the Town of Kent. The proposed Facility at either candidate site will provide reliable services in AT&T's network to an area of the Town currently experiencing deficient coverage, including along Route 341 (Segar Mountain Road), Richards Road, Bald Hill Road, Stonefence Lane, Spectacle Road, and the neighboring residential and business/retail areas near the proposed Facility. AT&T will also deploy FirstNet at this Facility, which is a nationwide broadband public safety network dedicated to the needs of first responders.

B. Statement of Benefits

There is a significant coverage deficiency in the existing AT&T wireless communication network in central Kent. Carriers have seen the public's demand for traditional cellular telephone services in a mobile setting develop into a requirement for anytime-anywhere wireless connectivity with critical reliance placed on the ability to send and receive, voice, text, image and video. Provided that network service is available, modern devices allow for interpersonal and internet connectivity, irrespective of whether a user is mobile or stationary, which has led to an increasing percentage of the population relying on their wireless devices as their primary form of communication for personal, business and emergency needs. The Facility proposed by Homeland would allow AT&T and other carriers to provide current and future benefits to the public that are not offered by any other form of communication system.

Carriers will also continue to provide “Enhanced 911” services from the Facility, as required by the Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286 (codified in relevant part at 47 U.S.C. § 222) (“911 Act”). The purpose of this federal legislation is to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. In enacting the 911 Act, Congress recognized that networks providing rapid, efficient deployment of emergency services would enable faster delivery of emergency care with reduced fatalities and severity of injuries. With each year since passage of the 911 Act, additional anecdotal evidence supports the public safety value of improved wireless communications in aiding lost, ill, or injured individuals, such as motorists and hikers. Carriers can help 911 public safety dispatchers identify wireless callers’ geographical locations within several hundred feet, a significant benefit to the community associated with any new wireless site.

In 2009, Connecticut became the first state in the nation to establish a statewide emergency notification system. The CT Alert ENS system utilizes the state Enhanced 911 services database to allow the Connecticut Department of Homeland Security and Connecticut State Police to provide targeted alerts to the public and local emergency response personnel alike during life-threatening emergencies, including potential terrorist attacks, Amber Alerts and natural disasters. Pursuant to the Warning, Alert and Response Network Act, Pub. L. No. 109-437, 120 Stat. 1936 (2006) (codified at 47 U.S.C. § 332(d)(1) (WARN)), the FCC has established the Personal Localized Alerting Network (PLAN). PLAN will require wireless service providers to issue text message alerts from the President of the United States, the U.S. Department of Homeland Security, the Federal Emergency Management Agency and the National Weather Service using their

networks that include facilities such as the one proposed in this Application. Telecommunications facilities like the one proposed in this Application enable the public to receive e-mails and text messages from the CT Alert ENS system on their mobile devices. The ability of the public to receive targeted alerts based on their geographic location at any given time represents the next evolution in public safety, which will adapt to unanticipated conditions to save lives.

AT&T will also deploy FirstNet services from this Facility. FirstNet is a federal agency with a mandate to create a nationwide, interoperable public safety broadband network for first responders. FirstNet selected AT&T to build, manage and operate the FirstNet network. By deploying FirstNet at this Facility, AT&T will provide prioritize, preemptive wireless services for first responders in this area of Kent.

C. Technological Alternatives

The FCC licenses granted to wireless carriers in Connecticut authorize them to provide wireless services in this area of the State through deployment of a network of wireless transmitting sites. Kent is a community with significant changes in ground elevation with densely forested areas which create a challenging topography for transmitting wireless services. At this time, there are no known existing tower sites or structures in the central Kent area that would meet the technical requirements and/or are available for lease or acquisition for construction of a tower site that could support a wireless facility.

Repeaters, microcell transmitters, distributed antenna systems (DAS) and other types of transmitting technologies, some of which are deployed in Kent and other parts of Connecticut, are not a practicable or feasible means of addressing the existing coverage

deficiency in Kent. Technologies like small cells are best suited for specifically defined areas where capacity is necessary, such as commercial buildings, shopping malls, and tunnels. Small cells and other types of transmitting technologies are not viable as an alternative to the need for a replacement macro tower site in this area of Kent to continue providing wireless services to the public. Closing the coverage gaps and providing reliable wireless services in central Kent requires a tower site that can provide reliable service over a footprint that spaces several hundred square feet. The Applicants submit that there are no equally effective, feasible technological alternatives to a new tower facility for providing reliable personal wireless services in this area of Connecticut.

IV. Site Selection; Tower Sharing

A. Site Selection

AT&T currently does not provide reliable services in most areas of central and southeastern Kent as shown in the Radio Frequency Analysis Reports included in **Attachment 1**. AT&T conducted both propagation modeling and real-world drive testing in the area of Kent to define the extent of the coverage gap to be filled. AT&T contracted with Homeland to assist in the development of various facilities in Connecticut to provide reliable wireless services. As part of its coordination with AT&T, Homeland developed a search ring in the central portion of the Town of Kent to address AT&T's coverage gap in that area. In any site search area, the Applicants seek to avoid the unnecessary proliferation of towers and to reduce the potential adverse environmental effects of a needed facility while ensuring the quality of service provided by the site to

users in the network. In the case of this site search area, no tall structures were identified as located within the identified area of need.

All viable candidates must have a willing landowner with whom commercially reasonable lease terms may be negotiated. Preference is given to locations that closely comply with local zoning ordinances, or in the event no viable candidates are determined to be located within such areas, to identify other potentially suitable locations.

As provided in **Attachment 2**, Homeland identified and investigated twenty-seven (27) sites in and around the Kent site search area where the construction of a new tower might be feasible. The site search summary identifies the twenty-five (25) other sites investigated and details the reasons those sites were deemed either unavailable or inappropriate for the siting of a tower facility or technically inadequate.

B. Tower Sharing

Both the Site A and Site B Facilities are designed to accommodate the antennas and equipment of AT&T and up to three (3) additional wireless carriers for wireless service networks in the Town of Kent as well Town Highway, EMS, Fire Department and Fire Dispatch communications equipment.

V. Facility Designs

A. Site A: Bald Hill Road

Site A is located on Bald Hill Road in the Town of Kent and is identified as Map 10, Block 22, Lot 38 on the Town of Kent's Tax Map. Site A is an approximately 1.99-acre parcel of land owned by InSite Wireless Group, LLC. The proposed Facility at Site A will be located in the southwestern portion of the parcel and consists of a new 154' AGL high

self-supporting monopole on which AT&T proposes to install up to nine (9) panel antennas and related equipment at a centerline height of 150' AGL. The tower base will be located within an approximately 3,950 s.f. equipment compound enclosed with an 8' high chain link fence. Landscaping is proposed on the east and south side of the equipment compound. The Facility will accommodate the Town's Fire Department, Fire Dispatch, Emergency Services, and Highway Department communications equipment and will be designed for future use by other FCC licensed wireless carriers. Within the fenced equipment compound, AT&T proposes to install a walk-in equipment cabinet and an emergency back-up diesel generator. The fenced equipment compound would also provide space for future shared use of the Facility by other carriers. The equipment compound will be accessed from Bald Hill Road over an approximately 300' existing abandoned driveway that will be upgraded to a 12' wide gravel access driveway. Utility connections would be routed underground along the access easement. The drawings and information included in **Attachments 3 and 4** fully detail the specifications for the Facility at Site A including a topographic survey, abutters map, site plan, compound plans & tower elevation, and site details.

B. Site B Facility: 93 Richards Road

Site B is located at 93 Richards Road in the Town of Kent and is identified as Map 17, Block 25, Lot 1 on the Town of Kent's Tax Map. Site B is an approximately 6.821-acre parcel of land owned by Jason and Jennifer Dubray. The proposed Facility at Site B will be located in the northeast portion of the parcel and consists of a new 154' AGL high self-supporting monopole on which AT&T proposes to install up to nine (9) panel antennas and related equipment at a centerline height of 150' AGL. The tower base will be located within an approximately 3,600 s.f. equipment compound enclosed with an 8' high chain

link fence. Landscaping is proposed on the north side of the equipment compound. The Facility will accommodate the Town's Fire Department, Fire Dispatch, Emergency Services and Highway Department communications equipment and will be designed for future use by other FCC licensed wireless carriers. Within the fenced equipment compound, AT&T proposes to install a walk-in equipment cabinet and an emergency back-up diesel generator. The fenced equipment compound would also provide space for future shared use of the Facility by other carriers. The equipment compound will be accessed from Richards Road over an approximately 1,050' existing driveway. Utility connections would be routed underground along the access easement. The drawings and information included in **Attachments 5 and 6** fully detail the specifications for Site B including a topographic survey, abutters map, partial site plan, compound plans & tower elevation, and site details.

VI. Environmental Compatibility

Pursuant to C.G.S. Section 16-50p, the CSC is required to find and determine as part of the Application process any probable environmental impact of the Facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity and fish and wildlife. As demonstrated in this Application and the accompanying Attachments and documentation, neither Site A nor Site B will have a significant adverse environmental impact.

A. Visual Assessment

Attachment 10 includes visual assessments with photosimulations and viewshed maps for Site A and Site B as well as a comparative visual analysis of the two Sites.

As demonstrated in the Visual Assessment and Photosimulations for Site A, the most prominent views of the proposed Facility at Bald Hill Road will occur at select locations along Richards Road and from North Spectacle and South Spectacle Ponds. In general, topography and the existing mature trees in the vicinity of the Site A parcel will minimize year-round visibility. The enclosed visibility assessment also concludes that the proposed Site A Facility will not be visible from local hiking trails.

The Visual Assessment and Photosimulations for Site B indicate that the most prominent views of the proposed Site B Facility will occur in areas approximately 0.5 to 1 mile north of the Site B parcel, including portions of Richards Road and northern portions of South Spectacle Pond and Upper Kent Hollow Road to the east. Due to the heavily wooded character of the area, no views of the proposed Site B Facility are anticipated from local hiking trails.

The Comparative Visual Assessment in **Attachment 10** concludes that the predicted visibility for the Site A facility, which is approximately 186 acres of the 8,042-acre study area, is less than the predicted visibility of the Site B facility, which is approximately 301 acres of the 8,042-acres study area.

Weather permitting, the Applicants will raise a balloon with a diameter of at least 3' at both of the proposed locations on the day of the Siting Council's first hearing session on this Application, or at a time otherwise specified by the Siting Council.

B. Solicitation of Local, State and Federal Agency Comments

Homeland conducted various consultations with State and Federal governmental entities and consultant reviews for potential environmental impacts. As part of Homeland's due diligence for compliance with the National Environmental Policy Act ("NEPA"), Homeland consulted with the Connecticut State Historic Preservation Office

(“SHPO”) and the Connecticut Department of Energy and Environmental Protection (“CTDEEP”). For Site A, the SHPO confirmed that no historic properties will be affected by the Site A Facility and DEEP determined that no negative impacts to State-listed species will result from the Site A Facility. Copies of the SHPO and DEEP determinations are included in **Attachment 11**.

For Site B, Homeland conducted an archeological assessment, which concluded that no previously identified National Register of Historic Places properties/districts or archeological sites are located within the vicinity of Site B and that Site B possesses a “no/low” probability to contain archeological resources. This report was provided to the SHPO and SHPO’s determination will be submitted when received.

Based on Homeland’s United States Fish and Wildlife Service (“USFWS”) and DEEP Natural Diversity Data Base (“NDDB”) reviews, Homeland determined that one federally-listed threatened species, the northern long-eared bat, is known to occur in the vicinity of Site B. Consultation of the NDDB revealed that Site B is not located within 150’ of a known occupied northern long-eared bat maternity roost tree and is not within 0.25 mile of a known northern long-eared bat hibernaculum. While Homeland’s review indicates that no impacts to the northern long-eared bat are anticipated, Homeland will voluntarily implement protection measures. Homeland’s review and the specific protection measures are detailed in the December 16, 2019 compliance determination included in **Attachment 11**. The compliance determination also confirms that Site B is not located within 0.25 mile of a NDDB known area of state-listed species and as such, consultation with the DEEP is not required.

As required, this Application is being served on State and local agencies that may choose to comment on the Application prior to the close of the Siting Council's public hearing.

C. Power Density

In August 1996, the FCC adopted a standard for exposure to Radio Frequency (“RF”) emissions from telecommunications facilities like those proposed in this Application. In August of 2019, after six years of public input and review of the 1996 standards, the FCC announced that the standards adopted in 1996 required no updates.¹⁹ To ensure compliance with applicable standards, AT&T generated a cumulative power density report, which includes the Town’s equipment for the proposed Facility at Site A and the proposed Facility at Site B. These reports are included in **Attachment 9**. The power density reports conclude that the proposed Facility at either Site A or Site B would be well below the FCC’s maximum exposure levels. As part of any future Development and Management Plan and additional tower sharing submissions by any other wireless carriers, a cumulative MPE will be provided to demonstrate continued compliance with FCC requirements.

D. Other Environmental Factors

A Facility at either Site would be unmanned, requiring monthly maintenance visits by each carrier approximately one hour long. All carriers will monitor their equipment 24 hours a day, seven days a week from a remote location. Neither of the Facilities requires

¹⁹ “The FCC sets radiofrequency limits in close consultation with the FDA and other health agencies. After a thorough review of the record and consultation with these agencies, we find it appropriate to maintain the existing radio frequency limits, which are among the most stringent in the world for cell phones,” Julius Knapp, chief of the Office of Engineering and Technology. See: FCC’s Exposure Limits for Handheld Devices are Among the Most Stringent in the World, available at <https://docs.fcc.gov/public/attachments/DOC-358968A1.pdf>.

water supply or wastewater utilities. No outdoor storage or solid waste receptacles will be needed. Further, neither of the Facilities will create or emit any smoke, gas, dust or other air contaminants, noise, odors or vibrations other than installed heating and ventilation equipment. Temporary power outages could require the limited use of a diesel fuel generator. Overall, the construction and operation of the proposed Facility will have no significant impact on the air, water, or noise quality of the area.

Both Site A and Site B facilities received a determination of no hazard to air navigation from the Federal Aviation Administration (“FAA”). These determinations are included in **Attachment 3** and **Attachment 5**. No registration with the FAA is required for either Site A or Site B Facility. Final review of the Facilities in accordance with the FCC’s regulations implementing the National Environmental Policy Act of 1969 (“NEPA”) are ongoing and it is noted that neither Site A nor Site B were identified as located in or near a wilderness area, wildlife preserve, National Park, National Forest, National Parkway, Scenic River, State Forest, State Designated Scenic River or State Game Land.

VII. Consistency with the Town of Kent Land Use Regulations

Pursuant to the Council’s Application Guide, this section summarizes the consistency of Site A and Site B with Kent’s zoning and wetland regulations and plan of conservation and development.

A. Kent Plan of Conservation and Development

The Town of Kent 2012 Plan of Conservation and Development (“Plan”), effective January 10, 2013, is included in the Bulk Filing. Page 33 of the Plan indicates that one of the Town’s continuing policies shall be to “support enhancement and improvement of telecommunications services.” Furthermore, Page 25 of the Plan recognizes the

importance of telecommunications services for business development, growth, and competition. As such, the Plan provides that the Town should support the enhancement of telecommunications services whenever possible. The proposed Facility is also located outside of and not visible from the Kent Village Center, thus corresponding with the Plan’s goal of preserving the qualities and appearance in the Kent Village Center and ensure that such qualities are not disrupted by the communications infrastructure.

B. Kent Zoning Regulations and Zoning Classification

Both Site A and Site B are classified in the Town of Kent’s Rural Zoning District. Neither Site A or Site B are located within the Kent Village Center area. Section 9600 of the Town of Kent’s Zoning Regulations sets forth the Town’s standards for telecommunication facilities include guidance for towers and other wireless facilities subject to the jurisdiction of the Siting Council.

Below is a table listing the various Town tower guidance standards with references to the proposed sites:

| Section from the Zoning Regulations | Standard | Proposed Site A and Site B Facilities |
|--|---|---|
| Section 9660.1 | No new tower shall be permitted in the Kent Village Overlay District, the Horizon-line Conservation District, the Housatonic River Overlay District, or the Lake Waramaug Overlay District. | Site A is not within any of these districts. Site B is located within the Horizon-line Conservation District. |
| Section 9660.2 | A new tower shall be on a lot of at least three acres of land and shall be of an area and configuration such that the tower in the proposed location shall be set back from all property lines by a distance no less than 120 percent of the height of the tower. | Site A is located on an approximately 1.99 acre lot and the Site A tower is set back approximately 63’ from the nearest lot line. Site B is located on an approximately 6.82 acre lot and the Site B tower is set back approximately 84’ from the nearest lot line. |

| | | |
|-------------------|--|--|
| Section 9660.3 | New tower application shall demonstrate that the service proposed cannot be provided with equipment added to an existing or other proposed antenna or tower. | Please refer to Sections III & IV and Attachments 1 & 2 for detailed analyses of need for the proposed Facility and site search conducted. |
| Section 9660.4 | A related unmanned equipment and/or storage building(s) shall be permitted, provided that it contains no more than 750 square feet of gross floor area and is not more than 12 feet in height and is screened from view from adjacent properties and public streets. | Neither Site A or Site B proposes any structure with a gross floor area of 750' or more or a height 12' or greater. All equipment will be situated within a fenced equipment compound enclosed with an 8' tall fence and will be screened from view from the street and neighboring properties by the existing mature natural buffer and proposed landscaping. |
| Section 9660.5 | Commercial advertising shall not be allowed on an antenna or the tower. | No commercial advertising is proposed. |
| Section 9660.6 | Signal lights or illumination shall not be permitted unless specifically approved by the Commission and required by the Federal Communications Commission or Federal Aviation Administration. | No lights or illumination are proposed or required by the FAA. |
| Section 9660.7(a) | Existing vegetation on and around the site shall be preserved to the greatest extent possible. | Both Site A and Site B propose the minimum amount of site and vegetation disturbance necessary. |
| Section 9660.7(b) | A planting plan shall be provided showing that the building(s), fuel tanks, other man-made structures and as much of the tower as possible will be screened by an evergreen screen meeting the following parameters: The screen shall be a row of evergreen trees planted 10' on center maximum; The evergreens shall have a minimum height of 6' at planting and be of a type that grows to a minimum of 15' at maturity. | Landscaping is proposed along the south and east portion of the Facility at Site A. There is also an existing mature natural buffer screening the proposed Facility. Landscaping along the northern portion of the Facility is proposed for Site B. |

| | | |
|--------------------|---|--|
| Section 9660.7(d) | For a new tower, a fence with a minimum height of either feet (8') shall be provided around the installation for public safety and security. | The proposed Facility at both Site A and Site B include an eight foot (8') tall fence enclosing the equipment compound and tower. |
| Section 9660.8 & 9 | The Commission may require, as a condition of the permit, that the applicant monitor the radio frequency emissions from the facility on a regular basis, providing both a pre-installation and post-installation assessment. The Applicants shall provide a copy of such monitoring reports to the Planning and Zoning Commission in a timely manner. | The Applicant has included radio frequency emissions analyses in Attachment 9 demonstrating compliance with applicable FCC emission standards. |

C. Planned and Existing Land Uses

Existing land uses immediately surrounding the Sites are residential, vacant land and a summer camp to the north of Site A. Consultation with municipal officials did not indicate any planned changes to the existing surrounding land uses. Copies of the Town of Kent Zoning Regulations, Inland Wetlands and Watercourses Regulations and Plan of Conservation and Development are included in the Bulk Filing.

D. Kent Inland Wetlands and Watercourses Regulations

The Town of Kent has adopted its “Inland Wetlands and Watercourses Regulations” (“Local Wetlands Regulations”) to regulate wetlands and watercourses within the Town of Kent. The local Wetlands Regulations typically require a permit from the Conservation Inland Wetlands Commission of the Town of Kent for any removal/deposit of materials, construction, alteration, or excavation of lands within 100’ of a wetland or 200’ of a watercourse.

As shown in **Attachment 8**, there are no wetlands identified in or immediately adjacent to the proposed access drive or the Facility at Site A. The nearest wetland is

located off-site and approximately 580' west of the proposed Facility. Thus, no wetlands or inland waterways will be impacted, and Site A will comply with the Local Wetlands Regulations.

As shown in **Attachment 8**, there are no wetlands identified in or immediately adjacent to the proposed access drive or the Facility at Site B. The nearest wetland is located off-site and approximately 500' to the north of the proposed Facility. Thus, no wetlands or inland waterways will be impacted, and Site B will comply with the Local Wetlands Regulations.

Additionally, proposed sedimentation and erosion controls are will be designed, installed, and maintained during construction activities in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control to ensure no temporary impacts.

VIII. Consultation with Local Officials

C.G.S. § 16-50l generally requires an applicant to consult with the municipality in which a new tower facility may be located for a period of ninety days prior to filing any application with the Siting Council. With respect to the sites in this Application, a Technical Report was filed with the Town of Kent on October 16, 2019. An informational meeting was conducted by the Town's First Selectwoman on December 13, 2019 to review details of the project and answer public questions related to both proposed sites. On January 18, 2020, Homeland conducted a publicly noticed balloon test at Site A and a crane test at Site B. **Attachment 12** includes a comment letter from the Planning & Zoning Commission as well as copies of comment letters from the informational meeting.

IX. Estimated Cost and Schedule

A. Overall Estimated Cost

The total estimated cost of construction for the proposed Site A tower facility, excluding subtenant equipment and work, is estimated to be as follows:

| Requisite Component | Cost (USD) |
|-------------------------------|-------------------|
| Tower & Foundation | 156,000 |
| Site Development | 90,000 |
| Utility Installation | 22,000 |
| Facility Installation | 40,000 |
| Subtotal Homeland | 308,000 |
| Antennas & Equipment | 107,000 |
| Subtotal AT&T | 107,000 |
| Total Estimated Costs: | 415,000 |

The total estimated cost of construction for the proposed Site B, excluding subtenant equipment and work, is estimated to be as follows:

| Requisite Component | Cost (USD) |
|-------------------------------|-------------------|
| Tower & Foundation | 156,000 |
| Site Development | 85,000 |
| Utility Installation | 33,000 |
| Facility Installation | 40,000 |
| Subtotal Homeland | 314,000 |
| Antennas & Equipment | 107,000 |
| Subtotal AT&T | 107,000 |
| Total Estimated Costs: | 421,000 |

B. Overall Scheduling

Site preparation work would commence immediately following Council approval of a Development and Management (“D&M”) Plan and the issuance of a Building Permit by the Town of Kent. The site preparation phase for either site is expected to be completed in 8-10 weeks. Installation of the monopole, antennas and associated equipment at Site A or Site B is expected to take an additional two weeks. The duration of the total construction schedule is approximately 12 weeks. Facility integration and system testing for carrier equipment is expected to require an additional 2 weeks after construction is completed.

X. Conclusion

This Application and the accompanying materials and documentation clearly demonstrate that a public need exists for a new tower in the central portion of the Town of Kent to provide both emergency communications and wireless services to the public. AT&T and the Town have gaps in reliable communications in and around this area of the State. The Applicants respectfully submit that the public need for the proposed Facility at either Site A or Site B outweighs any potential environmental effects from the development of the tower at either Site. As such, the Applicants respectfully request that the Council grant a Certificate of Environmental Compatibility and Public Need to Homeland for the construction of the Facility at one of the proposed sites in the Town of Kent.

Respectfully submitted,

By: Lucia Chiochio

Lucia Chiochio, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
(914) 761-1300
Attorney for the Applicants