

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE:

APPLICATION OF DIAMOND TOWERS V LLC
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR
THE CONSTRUCTION, MAINTENANCE, AND
OPERATION OF A TELECOMMUNICATIONS
FACILITY AT 185 ACADEMY ROAD,
TOWN OF CHESHIRE, CONNECTICUT

DOCKET NO. 498

May 3, 2020

**RESPONSES OF DIAMOND TOWERS V, LLC TO
CONNECTICUT SITING COUNCIL PRE-HEARING INTERROGATORIES, SET ONE**

General

- Q1. Of the letters sent to abutting property owners, how many certified mail receipts were received? If any receipts were not returned, which owners did not receive their notice? Were any additional attempts made to contact those property owners?
- A1. *Certified mail receipts were sent to all abutting property owners, however two of the mailings were unclaimed. As such, the Applicant re-sent notice to those two abutting property owners by first class mail on March 29, 2021. A copy of this mailing is included in Attachment 1.*
- Q2. Referring to Application p. 26, how will Diamond Towers V, LLC recover the construction cost of the facility?
- A2. *The cost of tower construction is recovered through rent from tenants that utilize the tower/facility.*
- Q3. Referring to Application p. 25 and attachment 10, how many residents attended the November 23, 2020, public meeting? What concerns were raised by residents and town officials and how were these concerns addressed?
- A3. *The November 23, 2020 public information session was held via videoconference using the Town of Cheshire's Zoom Meeting Room and town officials managed the Zoom meeting. Therefore, Diamond Towers V, LLC ("Diamond") was not able to see how many parties were in attendance. No member of the public commented during the information session and no concerns were raised by town officials. The Cheshire Fire Chief and Emergency Management Director, Jack Casner, attended the meeting and inquired about the potential for the tower to accommodate municipal communications equipment.*

Site/Tower

- Q4. Would any blasting be required to develop the site?
- A4. *Diamond does not anticipate the need for blasting to construct the proposed Facility. Before construction, a geotechnical survey will be performed to evaluate subsurface conditions. If ledge is encountered, chipping is preferred to blasting. If blasting were required, an appropriate protocol would be followed in accordance with state and municipal regulations.*
- Q5. Is the proposed site located within a 100-year or 500-year flood zone? If so, would ground equipment be raised to a height above the flood zone?
- A5. *No. The proposed site location is outside of the 100- year and 500-year flood zones.*
- Q6. The Application states on page 5 of Attachment 3 that “The tower will be designed in accordance with American National Standards Institute TIA/EIA-222-G “Structural Standards for Steel Antenna Towers and Antenna Support Structures” and the 2012 International Building Code with 2016 Building Code Amendment.” however, the State of Connecticut has adopted the 2015 International Building Code with 2018 Building Code Amendment effective October 1, 2018. Please clarify
- A6. *Diamond will comply with Connecticut’s adopted 2015 International Building Code with 2018 Building Code Amendment and will design the tower accordingly.*
- Q7. Application Sheet Number CP-1 states a triple t-arm mount would support the antennas. What is the structural design standard applicable to such antenna mount?
- A7. *The structural design standard applicable to the proposed antenna mounts is TIA-222-G-4 “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures.”*
- Q8. Application Sheet Number CP-1 states “Add wraps/socks to all panel antennas and paint all other appurtenances to match tower.”
- a. Describe the color and texture of the monopole.
 - b. How far off the monopole would the antennas extend?
 - c. Would the wraps/socks for panel antennas and paint for all other appurtenances apply to Cellco and all future collocations on the facility, including any equipment modifications?
 - d. Would the monopine branches be thick enough and long enough to conceal Cellco’s antennas and the antennas of other collocators?
 - e. Does Diamond Towers V, LLC have a vendor for tree tower designs?
- A8.
- a. *The monopole will have a smooth galvanized finish and will be painted brown.*
 - b. *The antennas will extend approximately 3 feet off the monopole.*
 - c. *Yes, the wraps/socks for panel antennas and paint for all other appurtenances, including equipment modifications, will apply to Verizon and all other tenants on the proposed Facility.*

- d. *Yes, the branches will conceal Verizon's antennas and the antennas of other tenants. At the top tenant location, where Verizon will be located, additional branching will be affixed to the antenna mount to further conceal the antennas. Covers made of the same materials as the tree branches will also be placed over each antenna. Equipment at lower tenant locations will be concealed by tree branches, or similarly camouflaged as necessary.*
- e. *Diamond's vendor for the tree tower design is Sabre Industries.*

Q9. Would the tower and foundation be designed to accommodate an increase in tower height?

A9. *If requested, Diamond will design the tower and foundation to accommodate an increase in tower height.*

Q10. What measures are proposed for the site to ensure security and deter vandalism?

A10. *The tower and equipment compound will be completely enclosed by an 8'-tall security fence with a locked gate. In addition, Verizon's equipment cabinets will be equipped with silent intrusion alarms. If someone attempts to tamper with or break-in to the cabinet, the technician monitoring the site will be alerted and local police will be contacted.*

Q11. Pursuant to CGS §16-50p(a)(3)(G), identify the safety standards and/or codes by which equipment, machinery or technology that would be used or operated at the proposed facility.

A11. *The following safety standards and codes will be used:*

- *2015 International Building Code with the 2018 CT Building Code Amendments;*
- *National Electric Code (NFPA 70);*
- *2005 CT State Fire Safety Code with the 2009 Amendments;*
- *TIA-222-G-4 "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures"; and*
- *Occupational Safety and Health Administration ("OSHA") Standards.*

Q12. Aside from Cellco, have any other wireless carriers expressed an interest in co-locating on the proposed facility to date?

A12. *While AT&T has expressed interest in this location in the past, no other commercial carrier has expressed an interest in co-locating on the proposed facility to date.*

Backup Power

Q13. What measures would the applicant implement or employ to ensure an adequate supply of backup power for the site in the event of a propane fuel shortage?

A13. *Pursuant to its lease agreement, Diamond would not be responsible for the provision of backup power to Verizon's, or any other carrier's, telecommunications equipment. Notwithstanding, in the unlikely event of a shortage of propane fuel, it is Diamond's understanding that Verizon would rely on its back-up battery system for back-up power. If commercial power and propane backup power sources were interrupted for an extended period, Verizon might consider the use of a diesel portable generator that it would bring to the site.*

- Q14. Could an emergency backup generator be shared by other carriers that may locate at the proposed facility?
- A14. *Verizon's proposed generator is sized for Verizon's use only. This question should be directed to Verizon. Diamond cannot speak to Verizon's willingness to share a back-up generator with other carriers that may co-locate on the proposed Cheshire facility in the future. With respect to a shared generator, Diamond refers the Council to the Docket 432 Findings and Report.*

Public Safety

- Q15. Please respond to the Connecticut Airport Authority comments dated April 14, 2021.
- A15. *Diamond will comply with the Connecticut Airport Authority's request to file Form FAA 7460, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration*
- Q16. Would the proposed facility comply with Department of Energy and Environmental Protection (DEEP) noise control standards at the property boundaries?
- A16. *We note that pursuant to CT General Statutes Section 22a-69-1.8(m), exempts operation of the emergency back-up power generator from the CT DEEP noise control standards because it constitutes noise generated by a substation of a public utility providing telephone service. Further, operation of the generator for emergency back-up power purposes would be exempt from the Statute under Section 22a-69-1.8(f) because any noise created would be the result of an emergency.*

Nevertheless, Diamond anticipates that the proposed Facility will comply with the DEEP Noise Control Standards at the property boundaries. The 30 kW generator proposed by Verizon will be located within a sound-attenuating enclosure to provide for quiet operation. According to the specifications for the proposed generator, the noise emitted from the generator measures approximately 40 dBA at 45 feet away from the unit. The nearest property line is approximately 45 feet away from the proposed generator location. Pursuant to Section 22a-69-3.5, the maximum permitted noise at the property line is approximately 55 dBA within a Class A Noise Zone, which the area surrounding the proposed Site would be classified. Therefore, operation of the proposed generator within the sound-attenuating enclosure will comply with the noise control standards at the property boundaries even though exempt.

Environment

- Q17. Referring to Application Attachment 9 - Visibility Assessment, revise Table 1 on pp. 5-6 to include a column that estimates how much of the tower is visible in each photograph (in feet).
- A17. *Enclosed as Attachment 2 is a table titled "CSC Docket NO. 498 Interrogatory Answer 17", which includes a column with the estimated height (in feet) above the tree line that the proposed Facility will be visible on a year-round basis from each location.*

Additionally, while Photo #2 is predicted to have year-round visibility, this prediction is based primarily on the location's proximity to the proposed Facility. Due to the lack of

intervening vegetation, the tower will not extend above the tree line in this location. Please note that, with the exception of photo locations 19, 30 and 36, the locations identified as “seasonally visible” in Table 1 do not extend above a tree line.

- Q18. Please submit photographic site documentation with notations linked to the site plans or a detailed aerial image that identifies locations of site-specific and representative site features. The submission should include photographs of the site from public road(s) or publicly accessible area(s) as well as Site-specific locations depicting site features including, but not necessarily limited to, the following locations as applicable:

For each photo, please indicate the photo viewpoint direction and stake or flag the locations of site-specific and representative site features. Site-specific and representative site features include, but are not limited to, as applicable:

1. wetlands, watercourses and vernal pools;
2. forest/forest edge areas;
3. agricultural soil areas;
4. sloping terrain;
5. proposed stormwater control features;
6. nearest residences;
7. Site access and interior access road(s);
8. utility pads/electrical interconnection(s);
9. clearing limits/property lines;
10. mitigation areas; and
11. any other noteworthy features relative to the Project.

A photolog graphic must accompany the submission, using a site plan or a detailed aerial image, depicting each numbered photograph for reference. For each photo, indicate the photo location number and viewpoint direction, and clearly identify the locations of site specific and representative site features shown (e.g., physical staking/flagging or other means of marking the subject area).

The submission shall be delivered electronically in a legible portable document format (PDF) with a maximum file size of <20MB. If necessary, multiple files may be submitted and clearly marked in terms of sequence.

- A18. *Please see the Remote Field Review photo documentation report included as Attachment 3.*

CERTIFICATE OF SERVICE

I hereby certify that on this day the foregoing was sent electronically and one hard copy via first class mail to the Connecticut Siting Council and sent electronically to the service list below, in accordance with Connecticut Siting Council directives.

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
(860) 275-8200
kbaldwin@rc.com

Dated: May 3, 2020



Kristen Motel, Esq.
Christopher B. Fisher, Esq.
Cuddy & Feder LLP
445 Hamilton Ave, 14th Floor
White Plains, NY 10601
(914)-761-1300

ATTACHMENT 1



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Kristen Motel, Esq.
kmotel@cuddyfeder.com

March 29, 2021

VIA FIRST CLASS MAIL

Aurangzb A. Ali
Julie C. Ali
245 Academy Road
Cheshire, CT 06410

Re: Diamond Towers V LLC ("DTV")
Wireless Telecommunications Tower Facility
185 Academy Road, Cheshire, Connecticut

Dear Mr. and Ms. Ali:

Our office previously attempted to contact you on behalf of our client, Diamond Towers V LLC, with respect to the above-referenced matter. A certified return receipt envelope was sent to your attention on March 3, 2021 but a signed receipt was not returned. The address listed for you corresponds with the records on file with the Town of Cheshire Assessor's Office as an owner of property abutting the subject parcel detailed in the attached notice. This letter, along with a copy of the notice sent on March 3, 2021, is being sent via first class mail in the hope that this method may be successful in reaching you.

If you have any questions concerning this information, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Kristen Motel', written over a light blue horizontal line.

Kristen Motel

Enclosures

cc: Christopher B. Fisher, Esq.



Christopher B. Fisher
cfisher@cuddyfeder.com

March 3, 2021

**VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED**

AURANGZB A. ALI
JULIE C. ALI
245 ACADEMY ROAD
CHESHIRE, CT 06410

Re: Diamond Towers V, LLC ("DTV")
Wireless Telecommunications Tower Facility
185 Academy Road, also known as State Route 68, Cheshire, Connecticut

Dear Mr. and Ms. Ali:

We are writing on behalf of our client, Diamond Towers V, LLC ("DTV"), with respect to the above referenced matter and our client's intent to file an application with the State of Connecticut Siting Council ("CSC") for approval of a proposed wireless communications tower (the "Facility") within the Town of Cheshire.

State Law requires that record owners of property abutting a parcel on which a facility is proposed be sent notice of an applicant's intent to file an application with the CSC. The Facility is proposed to be constructed at 185 Academy Road, also known as State Route 68, identified as Map 58, Lot 27 on the Town of Cheshire Tax Map. We are writing to you to provide notice as you are an abutting neighbor to 185 Academy Road. The Facility consists of a new self-supporting monopole designed to resemble a pine tree ("monopine") that is 95' in height with faux branches extending an additional 4' above the top of the pole, bringing the total height to approximately 99". The monopine tower will be located within a 42' x 50' square-foot fenced equipment compound located within the 52' x 50' square foot lease area in the south-central portion of the parcel and will be unmanned with no sanitary or water services. Additional details are provided in the notice included with this letter.

The location, height and other features of the Facility are subject to review and potential change by the CSC under the provisions of Connecticut General Statutes §16-50g et seq.

If you have any questions concerning this application, please contact the CSC or the undersigned after March 11, 2021, the date which the application is expected to be on file.

Very truly yours,

Christopher B. Fisher, Esq.
Enclosure
cc: Kristen Motel, Esq.

NOTICE

NOTICE IS HERBY GIVEN, pursuant to Section 16-50g et seq. of the Connecticut General Statutes, as amended, and Section 16-50j-1 et seq. of the Regulations of Connecticut State Agencies, as amended, of the intent of Diamond Towers V, LLC ("DTV") (the "Applicant") to file an Application for a Certificate of Environmental Compatibility and Public Need with the Connecticut Siting Council ("Siting Council") on or after March 11, 2021 to construct a wireless telecommunications tower facility ("Facility") at 185 Academy Road, also known as State Route 68, in the Town of Cheshire.

The Facility is proposed on an 8.10-acre parcel of land owned by the Cheshire United Methodist Church identified as Map 58, Lot 27 on the Town of Cheshire Tax Map and includes an approximately 52' x 50' square-foot lease area located in the south-central section of the parcel.

The Facility consists of a new self-supporting monopole designed to resemble a pine tree ("monopine") that is 95' in height with faux branches extending an additional 4' above the top of the pole, bringing the total height to approximately 99'. The monopine tower will be located within a 42' x 50' square-foot fenced equipment compound located within the lease area. Cellco Partnership d/b/a Verizon Wireless ("Verizon") will install antennas and associated equipment at a centerline height of 90' on the monopine tower and the Facility will be designed to support the antennas and equipment of two (2) additional FCC-licensed wireless carriers. The location, height and other features of the Facility are subject to review and potential change by the CSC under the provisions of Connecticut General Statutes §16-50g et seq.

The Application explains the need, purpose and benefits of the Facility and also describes the environmental impacts of the proposed Facility.

A balloon, representative of the proposed height of the facility, will be flown at the proposed location on the first day of the Siting Council public hearing on the Application, or on such other day specified by the Siting Council at a time to be determined by the Siting Council, but anticipated to be between the hours of 12pm and 5pm. The Siting Council public hearing on the Application will be held in the Town of Cheshire.

Interested parties and residents of Cheshire, Connecticut are invited to review the Application during normal business hours after March 11, 2021 when the Application is anticipated to be filed, at the following offices:

Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Laura Brennan
Town Clerk
Town of Cheshire Town Hall
84 South Main Street
Cheshire, CT 06410

Or the offices of the undersigned. All inquiries should be addressed to the Connecticut Siting Council or to the undersigned:

Christopher B. Fisher, Esq.
Kristen Motel, Esq.
Cuddy & Feder LLP
445 Hamilton Ave, 14th Floor
White Plains, NY 10601
(914) 761-1300



445 Hamilton Avenue, 14th Floor
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T 914 761 1300
F 914 761 5372
cuddyfeder.com

Kristen Motel, Esq.
kmotel@cuddyfeder.com

March 29, 2021

VIA FIRST CLASS MAIL

Tina Riccio Properties LLC
190 Academy Road
Cheshire, CT 06410

Re: Diamond Towers V LLC ("DTV")
Wireless Telecommunications Tower Facility
185 Academy Road, Cheshire, Connecticut

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Kristen Motel

Enclosures

cc: Christopher B. Fisher, Esq.



Christopher B. Fisher
cfisher@cuddyfeder.com

March 3, 2021

**VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED**

TINA RICCIO PROPERTIES LLC
190 ACADEMY ROAD
CHESHIRE, CT 06410

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Wireless Telecommunications Tower Facility
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Cheshire, CT 06410

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Christopher B. Fisher, Esq.
Kristen Motel, Esq.
Cuddy & Feder LLP
445 Hamilton Ave, 14th Floor
White Plains, NY 10601
(914) 761-1300

ATTACHMENT 2

CSC Docket No. 498 - Interrogatory #17

Photo	Location	Orientation	Distance to Site	Visibility	Height Visible above Trees
2	Academy Road	Southeast	± 0.12 Mile	Year Round	Not Applicable; Year round visibility is through the trees
3	Academy Road	Southeast	± 488 Feet	Year Round	80'-100'
4	Academy Road	Southwest	± 0.13 Mile	Seasonal	Tower Will Not Extend Above Treeline
5	Academy Road	Southwest	± 0.21 Mile	Year Round	< 20'
18	Wallingford Road	Northeast	± 0.25 Mile	Seasonal	Tower Will Not Extend Above Treeline
19	Woodpond Road	Northeast	± 0.28 Mile	Year Round	< 5'
22	Cheshire Hillside Cemetery	Northeast	± 432 Feet	Year Round	60'-80'
23	Wallingford Road at Walnut Street	Northeast	± 0.33 Mile	Seasonal	Tower Will Not Extend Above Treeline
28	South Main Street	East	± 0.43 Mile	Year Round	20'-40'
29	Wallingford Road**	East	± 0.40 Mile	Year Round	20'-40'
30	111 Church Drive – First Congregational Church	East	± 0.44 Mile	Seasonal	20'-40'
31	South Main Street	East	± 0.40 Mile	Year Round	20'-40'
32	Elm Street	East	± 0.36 Mile	Seasonal	Tower Will Not Extend Above Treeline
34	Main Street	Southeast	± 0.38 Mile	Seasonal	Tower Will Not Extend Above Treeline
35	Main Street	Southeast	± 0.40 Mile	Year Round	20'-40'
36	Main Street	Southeast	± 0.44 Mile	Seasonal	20'-40'
38	Highland Avenue	Southeast	± 0.42 Mile	Seasonal	Tower Will Not Extend Above Treeline

**Photograph was taken at 35 mm focal length. All other photographs were taken at 50 mm focal length.



ATTACHMENT 3

REMOTE FIELD REVIEW



**CT SITING COUNCIL DOCKET NO. 498
RESPONSE TO INTERROGATORY 18
CHESHIRE EAST
185 ACADEMY ROAD
CHESHIRE, CT 06410**

**PREPARED FOR:
Diamond Towers V, LLC
820 Morris Turnpike - Suite 104
Short Hills, NJ 07078**

**PREPARED BY:
ALL-POINTS TECHNOLOGY CORPORATION, P.C.
567 Vauxhall Street Extension – Suite 311
Waterford, CT 06385**

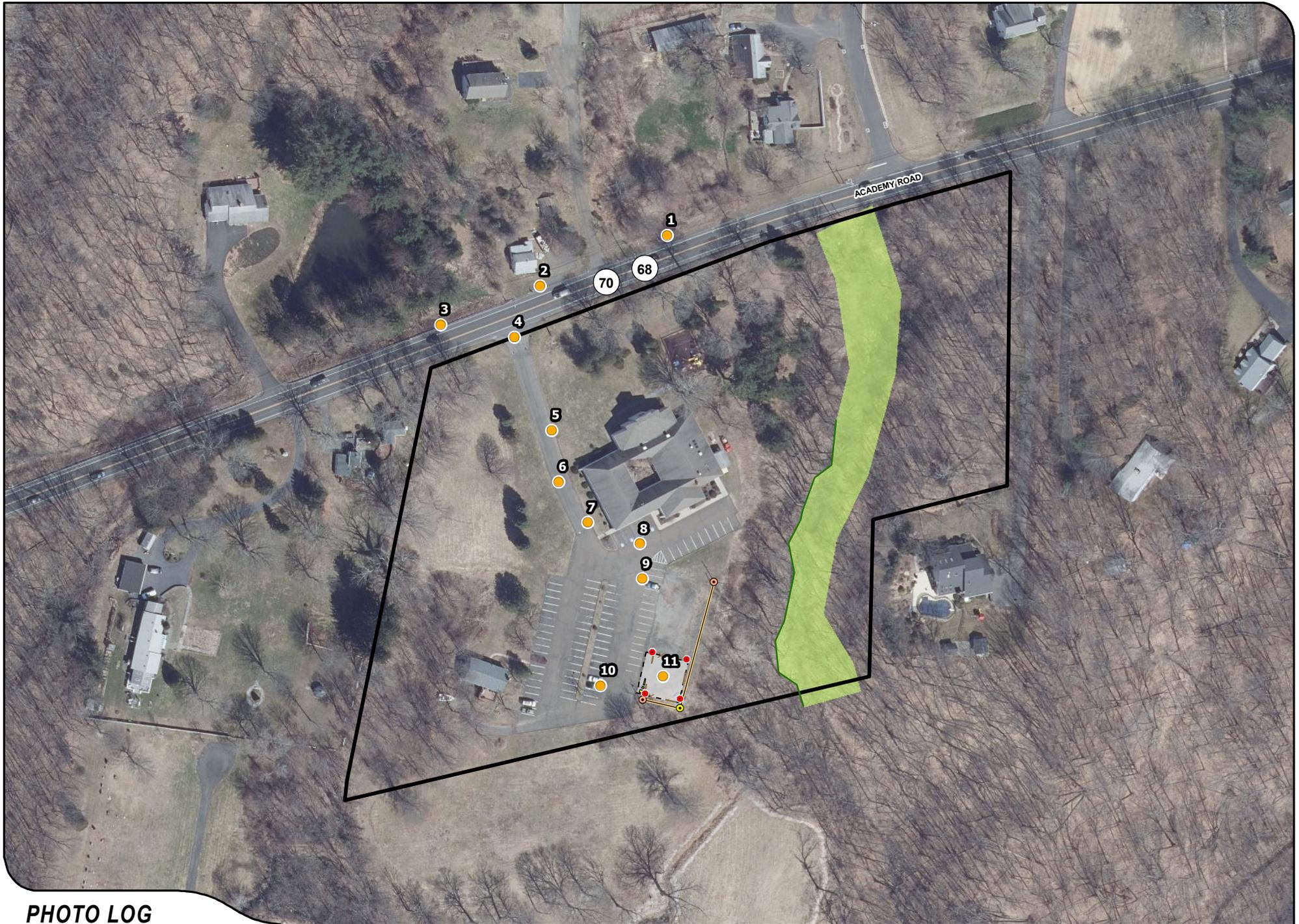
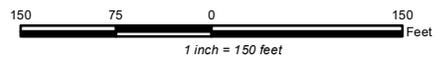


PHOTO LOG

- | | | |
|------------------|-----------------------------|---|
| Photo Locations | Delineated Wetland Boundary | Proposed Relocated Overhead Wires (By Others) |
| Photo Markers | Wetland Area | Lease Area |
| Subject Property | Existing Utility Pole | Fenced Compound Area |
| | Proposed Utility Pole | Equipment Area |



Proposed Wireless
Telecommunications Facility
Cheshire East
185 Academy Road
Cheshire, Connecticut



PHOTO

1

DESCRIPTION

ACADEMY ROAD LOOKING SOUTHWEST



PHOTO

2

DESCRIPTION

ACADEMY ROAD LOOKING SOUTHWEST



PHOTO

3

DESCRIPTION

ACADEMY ROAD LOOKING SOUTHEAST



PHOTOGRAPHED ON 2/17/2021

PHOTO

4

DESCRIPTION

ACCESS ROAD LOOKING SOUTH



PHOTO

5

DESCRIPTION

ACCESS ROAD LOOKING SOUTH



NORTH



EAST



SOUTH



WEST



PHOTO

6

DESCRIPTION

VIEW FROM ACCESS ROAD - FOUR CARDINAL POINTS

PHOTOGRAPHED ON 2/17/2021



PHOTOGRAPHED ON 2/17/2021

PHOTO

7

DESCRIPTION

ACCESS ROAD LOOKING SOUTHEAST

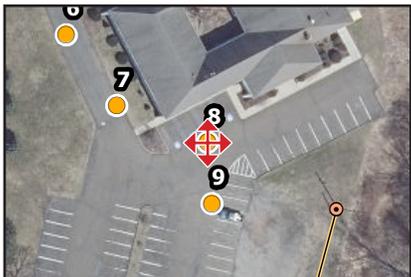
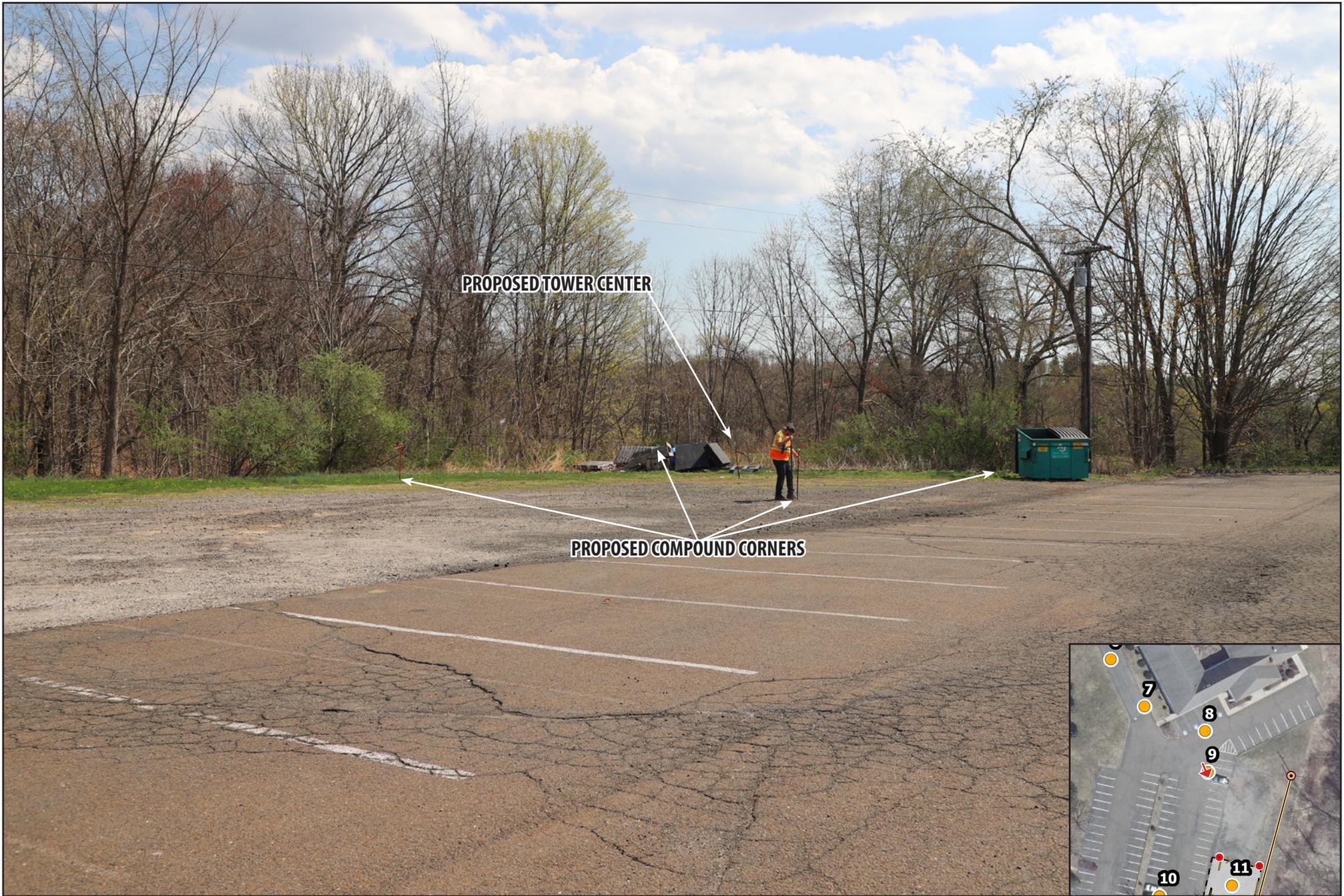


PHOTO	DESCRIPTION
8	VIEW FROM ACCESS ROAD - FOUR CARDINAL POINTS

PHOTOGRAPHED ON 2/17/2021



PHOTOGRAPHED ON 2/17/2021

PHOTO

9

DESCRIPTION

ACCESS ROAD LOOKING SOUTHEAST



PHOTOGRAPHED ON 2/17/2021

PHOTO

10

DESCRIPTION

PARKING LOT LOOKING EAST



NORTH



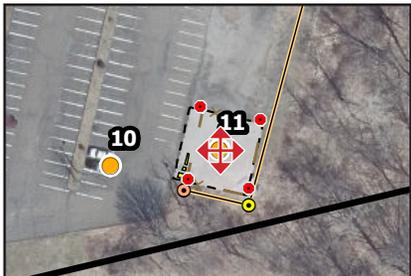
EAST



SOUTH



WEST



PHOTO

11

DESCRIPTION

VIEW FROM PROPOSED TOWER CENTER - FOUR CARDINAL POINTS

PHOTOGRAPHED ON 2/17/2021