



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

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June 21, 2010

TO: Parties and Intervenors

FROM: S. Derek Phelps, Executive Director

RE: **DOCKET NO. 395A** - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off of Haywardville Road (Devil's Hopyard North), East Haddam, Connecticut.

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By its Decision and Order dated June 17, 2010, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility located off of Haywardville Road (Devil's Hopyard North), East Haddam, Connecticut.

Enclosed are the Council's Findings of Fact, Opinion, and Decision and Order.

SDP/CDM/jbw

Enclosures (3)

c: State Documents Librarian

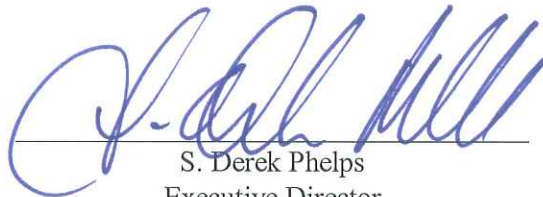
STATE OF CONNECTICUT            )

ss. New Britain, Connecticut        :

COUNTY OF HARTFORD            )

I hereby certify that the foregoing is a true and correct copy of the Findings of Fact, Opinion, and Decision and Order issued by the Connecticut Siting Council, State of Connecticut.

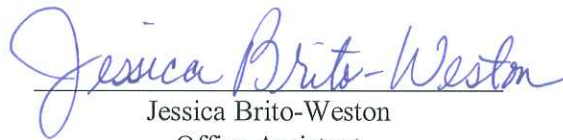
ATTEST:



S. Derek Phelps  
Executive Director  
Connecticut Siting Council

I certify that a copy of the Findings of Fact, Opinion, and Decision and Order in Docket No. 395A has been forwarded by Certified First Class Return Receipt Requested mail, on June 21, 2010, to all parties and intervenors of record as listed on the attached service list, dated December 3, 2009.

ATTEST:



Jessica Brito-Weston  
Office Assistant  
Connecticut Siting Council

**LIST OF PARTIES AND INTERVENORS**  
**SERVICE LIST**

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
<b>Applicant</b>	<input type="checkbox"/> E-mail or <input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC	Christopher B Fisher, Esq. Daniel M. Laub, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14 <sup>th</sup> Floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 fax <a href="mailto:cfisher@cuddyfeder.com">cfisher@cuddyfeder.com</a> <a href="mailto:dlaub@cuddyfeder.com">dlaub@cuddyfeder.com</a>  Michele Briggs AT&T 500 Enterprise Drive Rocky Hill, CT 06067-3900 <a href="mailto:michele.g.briggs@cingular.com">michele.g.briggs@cingular.com</a>
	<input type="checkbox"/> E-mail or <input type="checkbox"/> U.S. Mail		
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**DOCKET NO. 395A** – New Cingular Wireless PCS, LLC } Connecticut  
application for a Certificate of Environmental Compatibility and }  
Public Need for the construction, maintenance and operation of a } Siting  
telecommunications facility located off of Haywardville Road in }  
the Town of East Haddam, Connecticut. } Council

June 17, 2010

## **Findings of Fact**

### **Introduction**

1. Pursuant to Chapter 277a, Sections 16-50g et seq. of the Connecticut General Statutes (CGS), as amended, and Section 16-50j-1 et. seq. of the Regulations of Connecticut State Agencies (RCSA), New Cingular Wireless PCS, LLC (AT&T) applied to the Connecticut Siting Council (Council) on December 3, 2009 for the construction, management, and maintenance of two telecommunications facilities. Both facilities would be located within the Town of East Haddam, Connecticut. One of the facilities would be located off of Haywardville Road and would include a 180-foot monopole tower. The other facility would be located off of Ed Williams Road and would include a 160-foot monopole tower. (AT&T 1, pp. 1, 3)
2. AT&T's application for the two telecommunications facilities was bifurcated into two separate dockets. The facility off of Haywardville Road, identified as Devil's Hopyard North, was designated as Docket 395A. (Transcript, March 4, 2010, 3:30 p.m. [Tr. 1], p. 4)
3. AT&T is a Delaware limited liability company with an office at 500 Enterprise Drive, Rocky Hill, Connecticut. The company's member corporation is licensed by the Federal Communications Commission (FCC) to construct and operate a personal wireless services system. The company does not conduct any other business in the State of Connecticut other than the provision of wireless services under FCC rules and regulations. (AT&T 1, p. 4)
4. The party in this proceeding is the applicant. (Tr. 1, p. 6)
5. The purpose of the proposed facility would be to provide wireless communication services in the eastern portion of East Haddam, including the Devil's Hopyard State Park, and along State Route 434 as well as other local roads in the area. (AT&T 1, pp. 2, 12; Attachment 1, Propagation Map - Devil's Hopyard North Proposed Coverage at 170')
6. Pursuant to CGS § 16-50m, the Council, after giving due notice thereof, held a public hearing on March 4, 2010, beginning at 3:30 p.m. and continuing at 7:00 p.m. in the Grange Hall, 488 Town Street in East Haddam, Connecticut. (Tr. 1, p. 3 ff.)
7. The Council and its staff conducted an inspection of the proposed site on March 4, 2010, beginning at 2:00 p.m. On the day of the field inspection, the applicant flew a balloon at the site between 7:30 a.m. and 5:00 p.m. There was a breeze most of the day that prevented the balloon from flying at the height of the proposed tower. (Tr. 1, p. 25)

8. Pursuant to CGS § 16-501 (b), public notice of the application was published in the Hartford Courant on November 18 and 19, 2009. (AT&T 1, p. 5, Attachment 8; Hartford Courant Affidavit of Publication, dated November 19, 2009)
9. Pursuant to CGS § 16-501(b), AT&T sent notices of its intent to file an application with the Council to each person appearing of record as owner of property abutting the property on which the proposed facility is located. (AT&T 1, p. 5, Attachment 8)
10. AT&T received return receipts from all of the abutting property owners. (AT&T 2, A1)
11. Pursuant to CGS § 16-501 (b), AT&T provided notice to all federal, state, regional, and local officials and agencies listed therein. (AT&T 1, p. 5, Attachment 7)
12. On February 19, 2010, AT&T posted a sign at the proposed site informing the public of its pending application. The sign included the height of the proposed tower, the date of the Council's scheduled hearing, and information about how to contact the Council. (Tr. 1, pp. 14-16)

#### State Agency Comments

13. Pursuant to CGS § 16-501, the Council solicited comments on AT&T's application from the following state departments and agencies: Department of Agriculture, Department of Environmental Protection, Department of Public Health, Council on Environmental Quality, Department of Public Utility Control, Office of Policy and Management, Department of Economic and Community Development, the Department of Transportation, and the Department of Emergency Management and Homeland Security. The Council's letters requesting comments were sent on January 11, 2010 and April 9, 2010. (CSC Hearing Package dated January 11, 2010; Letter to State Department Heads dated April 9, 2010)
14. The Department of Transportation (ConnDOT) responded to the Council's solicitation with no comments. (ConnDOT Letter dated January 26, 2010)
15. ConnDOT's District 2 Office submitted an email in which it noted that AT&T would need an encroachment permit for the Devil's Hopyard North site's access road entrance on State Route 434 (Haywardville Road). (Email correspondence from Kelli McKeon, Land Transportation District Service Agent, dated April 1, 2010)
16. The Department of Environmental Protection (DEP) observed that soil in the area of the compound and access road for the facility proposed off of Haywardville Road could potentially be contaminated with lead if there were a significant amount of spent ammunition present. DEP recommended that AT&T make provision for the proper handling of contaminated soil during construction. (See Finding of Fact No. 79) (DEP Letter dated March 1, 2010)
17. Besides the comments from the ConnDOT and DEP, no comments from any other state department were received. (Record)

### Municipal Consultation

18. After conducting its initial site search, AT&T met with officials of the Town of East Haddam in the fall of 2008 to discuss its requirements in the targeted coverage area and its proposed sites and to receive input from the town. (AT&T 1, p. 9)
19. These initial meetings, which included a representative from the Eightmile River Wild and Scenic Coordinating Committee, identified several important resources including Devil's Hopyard State Park and its scenic views to the south and the Millington Green Historic District to the west of AT&T's site search areas. (AT&T 1, p. 9)
20. In accordance with CGS § 16-50I, AT&T sent a letter to the town on May 11, 2009 to commence the municipal consultation period for the proposed facility location AT&T had leased. AT&T also provided a technical report describing the proposed facility as part of its notice to the town. (AT&T 1, pp. 9-10)
21. On June 13, 2009, AT&T conducted balloon floats at its two proposed sites, including the Devil's Hopyard North site, in response to a request from the town. (AT&T 1, p. 10)
22. AT&T representatives appeared before the East Haddam Planning and Zoning Commission on June 23, 2009 to discuss details of its proposed tower site candidates and to receive comments from the town and other interested parties including the Eightmile River Wild and Scenic Coordinating Committee and the East Haddam Land Trust. (AT&T 1, p. 10)
23. At the June 23, 2009 meeting of the East Haddam Planning and Zoning Commission, local representatives had no objection to AT&T's proposed site on the East Haddam Fish and Game Club property (the Devil's Hopyard North site). (AT&T 1, p. 10)
24. The East Haddam Planning and Zoning Commission issued a letter in which it expressed the belief that the two locations chosen by AT&T were the best available sites considering topography in the area and the availability of sites not already encumbered with restrictions. (Letter from James Ventres, East Haddam Land Use Administrator, dated February 3, 2010)
25. The Eightmile River Wild and Scenic Coordinating Committee submitted a letter in which it acknowledged AT&T's efforts to preserve scenic vistas in the area by adjusting the locations of its proposed towers. (Letter from Eightmile River Wild and Scenic Coordinating Committee, dated March 29, 2010)
26. AT&T would make space available on the proposed tower for municipal antennas at no cost. (AT&T 2, A6)

### **Federal Designation for Public Need**

27. The United States Congress, through adoption of the Telecommunications Act of 1996 (Act), recognized the important public need for high quality telecommunication services throughout the United States. The purpose of this 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.” (AT&T 1, p. 6)
28. 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 throughout the State of Connecticut. (Council Administrative Notice Item No. 7; AT&T 1, p. 6)
29. The Act prohibits local and state bodies from discriminating among providers of functionally equivalent services. (Council Administrative Notice No. 7 - Telecommunications Act of 1996)
30. The Act prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC’s regulations concerning such emissions. This Act also blocks the Council from prohibiting or acting with the effect of prohibiting the provision of personal wireless service. (Council Administrative Notice No. 7 - Telecommunications Act of 1996)
31. Congress enacted the Wireless Communications and Public Safety Act of 1999 (the 911 Act) to promote public safety through the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. (AT&T 1, p. 7)
32. AT&T would provide Enhanced 911 services from its proposed facilities as required by the 911 Act. (AT&T 1, p. 7)
33. Youghiogheny Communications Northeast LLC, an FCC-licensed wireless telecommunications provider doing business in Connecticut as Pocket Wireless, experiences a coverage gap in the vicinity of the proposed towers and would place its antennas at a centerline height of 150 feet on each tower, if that height were available. (Letter from Pocket Wireless, dated February 24, 2010)

### **Existing and Proposed Wireless Coverage**

34. In the area that would be covered by the proposed facility, which is within the Hartford Metropolitan Statistical Area, AT&T is licensed to use the 850 MHz “b” frequency band and the 1900 MHz A3, D, E, and C1 frequency bands. (AT&T 2, A7)

35. AT&T's design signal strength for in-vehicle coverage is -82 dBm. For in-building coverage, it is -74 dBm. (AT&T 2, A8)
36. The existing signal strength in the area that would be covered by the proposed facility varies between -82 dBm and -105 dBm. (AT&T 2, A10)
37. The overall percentage of dropped calls for the surrounding AT&T facilities, with which the proposed Devil's Hopyard North facility would hand off calls, is approximately two percent. (Transcript, March 4, 2010, 7:00 p.m. [Tr. 2], pp. 43-44)
38. AT&T's proposed facilities would provide in-vehicle coverage for approximately 4.8 miles along Route 434 and approximately 1.8 miles along Haywardville/Millington Road. (AT&T 2, A13; Tr. 1, 19)
39. AT&T's antennas at the Devil's Hopyard North site would hand off signals to existing AT&T facilities identified in the table below.

Site Address	Facility Type	Structure Height	AT&T Antenna Height	Distance & Direction
160 Witch Meadow Road, Salem	Monopole	196 feet	185 feet	3 mi. to ENE
126 Parker Road, East Haddam	Guyed lattice tower	300 feet	188 feet	2.9 mi. to SW
East Haddam Road, Salem	Monopole	190 feet	127 feet	4.4 mi. to ESE
135 Honey Hill Road, East Haddam	Monopole	150 feet	120 feet	2.2 mi. to SSE

(AT&T 2, A16)

40. At -82 dBm, the area that would be covered by the Devil's Hopyard North site would be 7.3 square miles. Combined, the Devil's Hopyard North and South sites would cover approximately 12.3 square miles. (AT&T 2, A12)
41. The minimum height at which AT&T could achieve its coverage objective from the Devil's Hopyard North site is 170 feet. (AT&T 2, A17)
42. At heights lower than 170 feet, AT&T would lose areas of reliable coverage along Salem Road east of the proposed site and along State Route 434 west of the proposed site. (Tr. 1, p. 20)

#### Site Selection

43. AT&T established a site search in 2008 to address coverage problems identified in eastern East Haddam. (AT&T 1, p. 8)
44. Due to the proximity of Devil's Hopyard State Park, AT&T generated two search areas, one to the north and one to the south of the park. (AT&T 1, Attachment 2)



45. There are seven communications towers within a radius of approximately four miles of the proposed Devil's Hopyard North Site. AT&T has antennas on four of these towers. None of these towers was found to be adequate for AT&T's coverage purposes. The towers are listed in the table below.

<b>Tower Location</b>	<b>Height of Tower</b>	<b>Tower Owner</b>	<b>Approx. Distance and Direction</b>
Buckley Hill Road, Colchester	200 feet	CT Dept. of Transportation	2.8 miles to N
169 Trowbridge Road, East Haddam	175 feet	Message Center Management	4.1 miles to NW
126 Parker Road, East Haddam	300 feet	Century Cable Management	2.9 miles to W
135 Honey Hill Road, East Haddam	150 feet	Crown	3.8 miles to SW
153 East Haddam Road, Salem	190 feet	American Tower	4.5 miles to SE
399 West Road, Salem	180 feet	Crown	2.1 miles to E
160 Witch Meadow Road, Salem	197 feet	SBA	2.9 miles to NE

(AT&T 1, Attachment 1)

46. AT&T investigated four properties as potential locations for its Devil's Hopyard North site. Information about these properties is presented in the table below.

<b>Location</b>	<b>Owner</b>	<b>Size of Property</b>	<b>Determination</b>
Haywardville Road	East Haddam Fish and Game Club	101.72 acres	Proposed Devil's Hopyard North site
Hopyard Road	Edward Hotyckey	21.75 acres	Town officials objected to this site because of potential visual impacts on State Park
Early Road	Town of East Haddam	2.05 acres	Town officials felt this site would be too visible
428 Hopyard Road & Salem Road	DRA, LLC	148 acres	Owner was unresponsive; many wetland areas on property

(AT&T 1, Attachment 2)

47. Repeaters, microcell transmitters, distributed antenna systems and other types of transmitting technologies are not a practicable or feasible means of providing service within the coverage objective area, and there are no equally effective and feasible technological alternatives to the construction of the proposed tower. (AT&T 1, p. 6)

### Facility Description

48. AT&T's proposed Devil's Hopyard North Site is located on a 101.72 acre parcel on the west side of Haywardville Road in East Haddam. The property is owned by the East Haddam Fish and Game Club. (See Figures 1 and 2) (AT&T 1, Attachment 3)
49. The Fish and Game Club property is within an area classified as an R-2 Zoning District, a residential district that requires a minimum lot size of two acres. Wireless telecommunications towers are permitted in R-2 districts with a special exception issued by the Planning and Zoning Commission. (AT&T 1, p. 21; Bulk filing – East Haddam Zoning Regulations)
50. At this proposed site, AT&T would lease a 100-foot by 100-foot area, within which it would develop a facility that would include a 180-foot monopole tower inside a 75-foot by 75-foot compound. (See Figure 3) (AT&T 1, p. 3, Attachment 3)
51. The proposed tower would be designed in accordance with the American National Standards Institute TIA/EIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Support Structures" and the 2003 International Building Code with the 2005 Connecticut Amendment. The base of the tower would be approximately four and a half feet in diameter. The top of the tower would be approximately two feet in diameter. (AT&T 1, Attachment 3 – Facilities and Equipment Specification)
52. The proposed tower would be designed to accommodate the antennas of four wireless carriers and the antennas of local public safety services. (AT&T 1, p. 13; Tr. 1, pp. 17-18)
53. The proposed tower would be painted brown below the tree line in response to a request from the Fish and Game Club. (AT&T 1, Attachment 3, Tower Elevation; Tr. 1, p. 22)
54. The proposed tower would be located at 41° 29' 28.1" north latitude and 72° 21' 16.9" west longitude. Its ground elevation would be 416 feet above mean sea level (amsl). (AT&T 1, Attachment 3 – Site Evaluation Report)
55. At this location, AT&T would install six panel antennas, two per sector, and six tower-mounted amplifiers on a low profile platform at a centerline height of 177 feet above ground level (agl). AT&T would also install a 12-foot by 20-foot radio equipment shelter within the proposed facility compound. (AT&T 1, Attachment 3 – Facilities and Equipment Specification; Tr. 1, p. 16)
56. The proposed compound would be enclosed by an eight-foot chain link fence. (AT&T 1, p. 13)
57. For emergency backup power, AT&T would rely on a battery backup system and a permanent diesel generator. The battery system would be used to prevent a "re-boot" condition from occurring during the generator start-up period, which typically lasts ten minutes. The generator's fuel tank would consist of a bladder within a steel container designed to contain fuel in the event of a fuel spill. (AT&T 1, p. 15)

58. Development of the Devil's Hopyard North site would require 454 cubic yards of cut and 202 cubic yards of fill. (AT&T 2, A3)
59. Vehicular access to the proposed facility would extend westerly from Haywardville Road along a new 12-foot wide gravel drive for a distance of approximately 616 feet. The access road would follow existing dirt roads for a portion of its distance. (AT&T 1, pp. 3, 13)
60. Utility service for the proposed facility would extend a short distance aboveground from pole 4983 on Haywardville Road and then continue underground for most of the length of the access drive, generally following the course of the drive. (AT&T 1, p. 13)
61. If ledge is encountered during the development of the Devil's Hopyard North site, chipping would be the preferred method of removal rather than blasting. (AT&T 2, A4)
62. The setback radius of the proposed tower would be contained within the Fish and Game Club property. (AT&T 1, Attachment 3 – Distance to property lines)
63. The nearest property boundary to the location of the proposed tower would be 180 feet to the south. (AT&T 1, Attachment 3 – Distance to property lines)
64. There are three residences located within 1,000 feet of the proposed tower. (AT&T 1, Attachment 3 – Residence Information)
65. The nearest residence to the proposed tower is located 770 feet to the southeast. It is owned by Gregory Grinsfelder. (AT&T 1, Attachment 3 – Residence Information)
66. The most significant land use in area surrounding the proposed Devil's Hopyard North Site is the Devil's Hopyard State Park, which is to the south of the site. Other land uses are predominantly single-family home, agricultural lands, and open space. (AT&T 1, pp. 3, 24; Attachment 3-C)
67. The estimated cost of construction of the proposed Devil's Hopyard North Site is:

Tower and foundation costs	\$ 100,000
Site development costs	56,000
Utility installation costs	68,000
<u>Facility installation</u>	<u>93,000</u>
Total estimated costs	\$ 317,000

(AT&T 1, p. 26)

68. The cost of AT&T's antennas and related equipment would be between \$250,000 and \$300,000. (AT&T 2, A5)
69. The total cost of the AT&T's proposed facility, including the cost of antennas and related equipment, would be between \$567,000 and \$617,000. (AT&T 1, p. 26; AT&T 2, A5 )

### Environmental Considerations

70. The Devil's Hopyard North Site is located in close proximity to the Millington Green Historic District and WPA Bridges Nos. 1603, 1604, and 1605, which are listed on the National Register of Historic Places. The State Historic Preservation Office (SHPO) is of the opinion that the proposed facility would affect the historic character of the Millington Green Historic District and the WPA bridges. However, SHPO believes that the proposed facility would constitute no adverse effect upon the historic ambiance of these National Register cultural resources. (AT&T 1, Attachment 6 – Letter from Deputy State Historic Preservation Officer, dated April 15, 2009)
71. DEP's Natural Diversity Database maps have been reviewed for this proposed facility and no impact to endangered, threatened or special concern species is anticipated. (AT&T 1, Attachment 3A – Environmental Assessment Statement)
72. Approximately 24 trees with a diameter at breast height of six inches or more would be removed for the compound and access road at the proposed Devil's Hopyard North Site. (AT&T 1, Attachment 3 – Site Evaluation Report)
73. There are three wetland areas located on the Fish and Game Club property. One area is 50 feet to the south of the proposed compound (Wetland A). A second area is a riverine intermittent unconsolidated bottom cobble/gravel watercourse, which is a continuation of the wetland area to the south of the proposed compound (Wetland B). The third area is a palustrine broad-leaved deciduous forested wetland system that is associated with a riverine watercourse that flows to the northeast approximately 75 feet from the proposed facility (Wetland C). At their closest points, these wetland areas are 62 feet from the southwest corner of the compound grading area, 26 feet from the northern edge of the access road approximately 125 feet to the east of the proposed facility's location, and six feet from the access road where it crosses an existing culvert near the edge of Haywardville Road. (AT&T 1, p. 25; Attachment 3 – Site Access Map, Site Evaluation Report)
74. The Devil's Hopyard North site would be located between Wetlands A and C. The entrance road would utilize an existing dirt road that crosses over a culvert associated with Wetland B. (AT&T 1, Attachment 3A – Wetland & Watercourse Delineation Report, p. 5)
75. The width of the entrance road where it crosses over the culvert would be approximately 12 feet. A temporary steel plate would be used to protect the culvert during construction of the proposed facility. During construction, some rip rap would be added to the culvert's inlet and outlet to prevent soil erosion. (AT&T Responses to CSC Interrogatories-Set 2, A5)
76. Throughout the construction of the proposed facility, AT&T would establish and maintain appropriate soil erosion and sedimentation control measures, in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, established by the Connecticut Council for Soil and Water Conservation, in cooperation with the DEP. (AT&T 1, pp. 25-26)

77. The establishment of soil erosion measures would prevent adverse impacts to the wetland areas in the vicinity of the proposed facility. (AT&T 1, pp. 25-26)
78. In order to control drainage from the access road, AT&T would build in cross-berms to collect any water that may run down the road and direct it into a level spreader to dissipate the discharge. AT&T would also plant vegetation on disturbed slopes to prevent erosion of the gravel. (Tr. 1, p. 30)
79. AT&T would design its drainage improvements according to DEP's Stormwater Design Manual and ConnDOT Drainage Manual standards. (Tr. 1, p. 31; AT&T Responses to CSC Interrogatories-Set 2, A3)
80. There are no target ranges on the Fish and Game Club property. The land is primarily used for fishing and an occasional deer hunt. (Tr. 1, pp. 22-23)
81. AT&T utilized the FCC's TOWAIR program to determine if this proposed site would require registration with the Federal Aviation Administration (FAA). The results of this program indicated that no registration would be required for this site and that the proposed tower not would require lighting or marking. (AT&T 1, p. 20)
82. The cumulative worst-case maximum power density from the radio frequency emissions of AT&T's proposed antennas at the Devil's Hopyard North Site is calculated to be 0.0291 mW/cm<sup>2</sup> or 4.27% of the standard for 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 would be pointed at the base of the 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. (AT&T 1, Attachment 3A – Power Density Calculation for Antennas on a Proposed Tower at Haywardville Road, East Haddam, CT)

#### Visibility

83. The tower at the proposed Devil's Hopyard North Site would be visible year-round from approximately 10 acres within a two-mile radius of the site. (AT&T 1, Attachment 3C – Visual Analysis Report)
84. The tower at the proposed Devil's Hopyard North Site would be visible year-round from nine residences on Salem Road. (AT&T 1, Attachment 3C – Visual Analysis Report)
85. The tower at the proposed Devil's Hopyard North Site would be seasonally visible from approximately 21 acres. (AT&T 1, Attachment 3C – Visual Analysis Report)

86. The tower at the proposed Devil’s Hopyard North Site would be seasonally visible from three residences on Hopyard Road and 11 residences on Haywardville Road. (AT&T 1, Attachment 3C – Visual Analysis Report)
87. The visibility of the tower at the proposed Devil’s Hopyard North Site from different vantage points in the surrounding vicinity is summarized in the following table. (See Figure 7)

<b>Location</b>	<b>Visible Site</b>	<b>Approx. Portion of (180’) Tower Visible (ft.)</b>	<b>Approx. Distance and Direction to Tower Site</b>
1 – Picnic area in Devil’s Hopyard State Park	No	n/a	4,750 feet; NW
2 – Pay phone in Devil’s Hopyard State Park	No	n/a	4,500 feet; NW
3 – Hopyard Road	No	n/a	3,750 feet; NW
4 – Hopyard Road	Yes	100’	2,350 feet; WSW
5 – Hopyard Road & Haywardville Road	No	n/a	2,100 feet; WSW
6 – Millington Green	No	n/a	1,950 feet; N
7 – Tater Hill Road	No	n/a	3,850 feet; NE
8 – Tater Hill Road	No	n/a	8,100 feet; N
9 – Hopyard Road & Jones Hill Road	No	n/a	9,850 feet; NNW
10 – Jones Hill Road & Ed Williams Road	No	n/a	9,400 feet; NW
11 – Salem Farms Campground	No	n/a	11,150 feet; W
12 – Early Road & Haywardville Road	No	n/a	3,650 feet; NW
13 – Devil’s Hopyard State Park Southwest Viewpoint	No	n/a	8,150 feet; N
14 - Devil’s Hopyard State Park Southeast Viewpoint	No	n/a	8,500 feet; NNW
15 - Devil’s Hopyard State Park North Viewpoint	No	n/a	4,250 feet; NW
16 – Orange Trail in Devil’s Hopyard State Park	No	n/a	6,050 feet; NW
17 – Youth Camp Area 2 in Devil’s Hopyard State Park	No	n/a	7,650 feet; NW
18 – Orange Trail in Devil’s Hopyard State Park	No	n/a	6,400 feet; NW
19 – Blue Trail in Devil’s Hopyard State Park	No	n/a	6,150 feet; NW
20 – Bridge on Red Trail in Devil’s Hopyard State Park	No	n/a	4,750 feet; NNW
21 – Bridge on Red Trail in Devil’s Hopyard State Park	No	n/a	5,950 feet; NNW
22 – Bridge on Green Trail in Devil’s Hopyard State Park	No	n/a	4,000 feet; NW

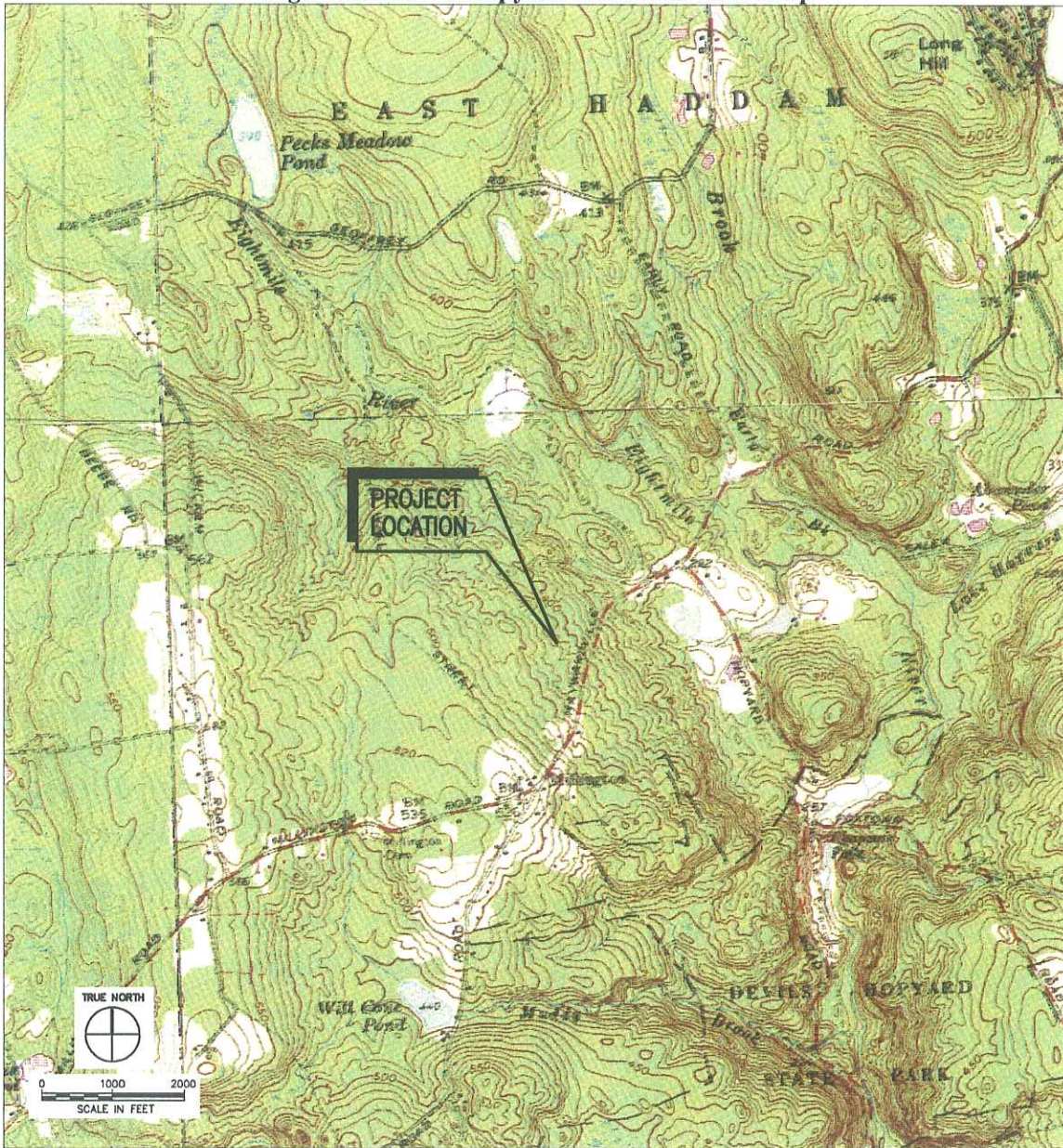
(table continued on next page)

<b>Location</b>	<b>Visible Site</b>	<b>Approx. Portion of (180') Tower Visible (ft.)</b>	<b>Approx. Distance and Direction to Tower Site</b>
23 – Daniel Pack Road & Wickham Road	No	n/a	5,550 feet; SE
24 – Early Road, Geoffrey Road, and Ackley Cemetery	No	n/a	6,500 feet; S
25 – Salem Road	Yes	50'	9,600 feet; SW
26 – Haywardville Road	Yes	30' (seasonal)	650 feet; SW
27 – Haywardville Road	Yes	70' (seasonal)	900 feet; N
28 – Hopyard Road	Yes	60' (seasonal)	2,950 feet; W

(AT&T 1, Attachment 3C – Visual Analysis Report)

88. The tower at the proposed Devil's Hopyard North Site would not be visible from the Devil's Hopyard State Park. (AT&T 1, Attachment 3C – Visual Analysis Report)
89. The tower at the proposed Devil's Hopyard North Site would not be visible from the Millington Green Historic District. (AT&T 1, Attachment 3C – Visual Analysis Report)

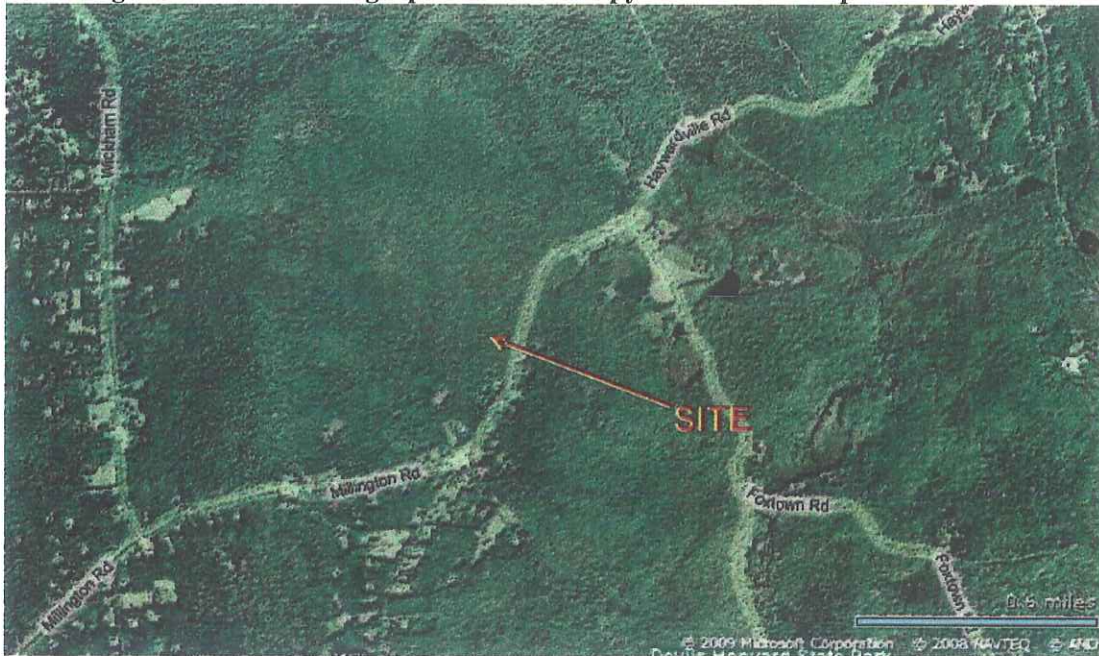
Figure 1: Devil's Hopyard North Location Map



(AT&T 1, Attachment 3)

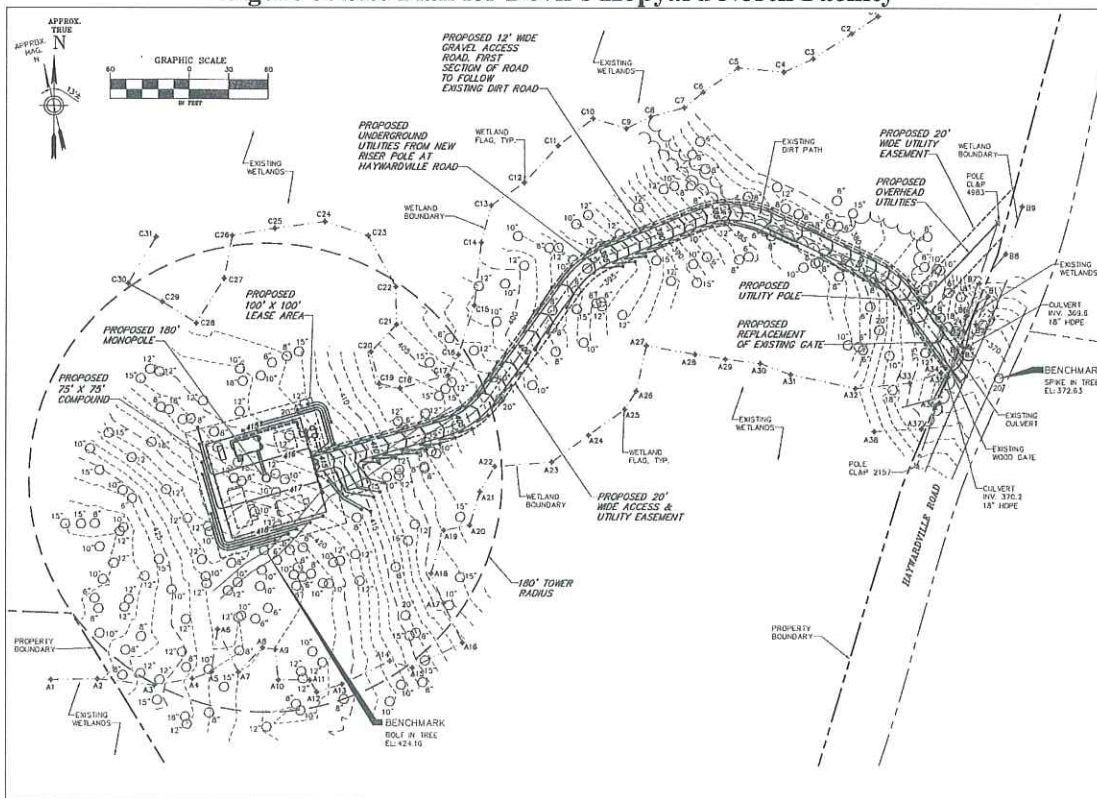


Figure 2: Aerial Photograph of Devil's Hopyard North's Proposed Location



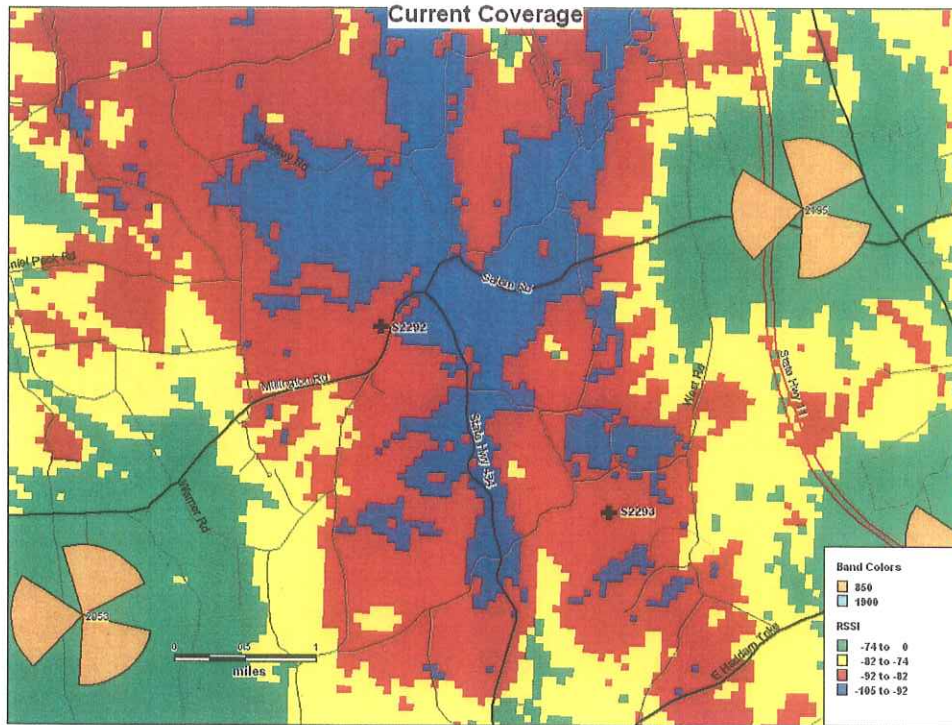
(AT&T 1, Attachment 3B)

Figure 3: Site Plan for Devil's Hopyard North Facility



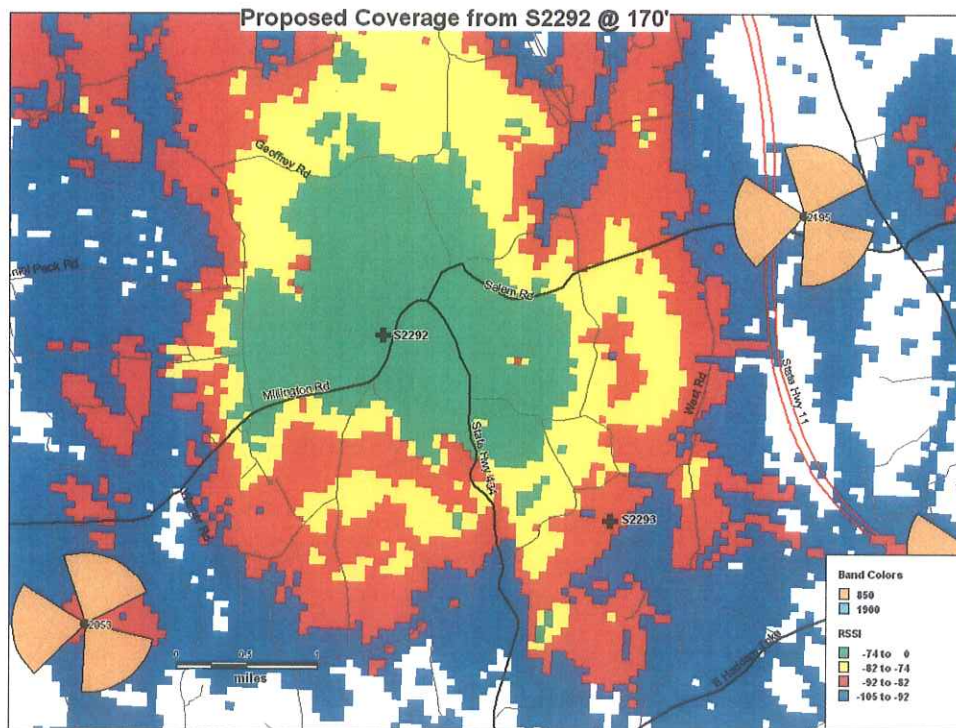
(AT&T 1, Attachment 3)

Figure 4: AT&T's Existing Coverage



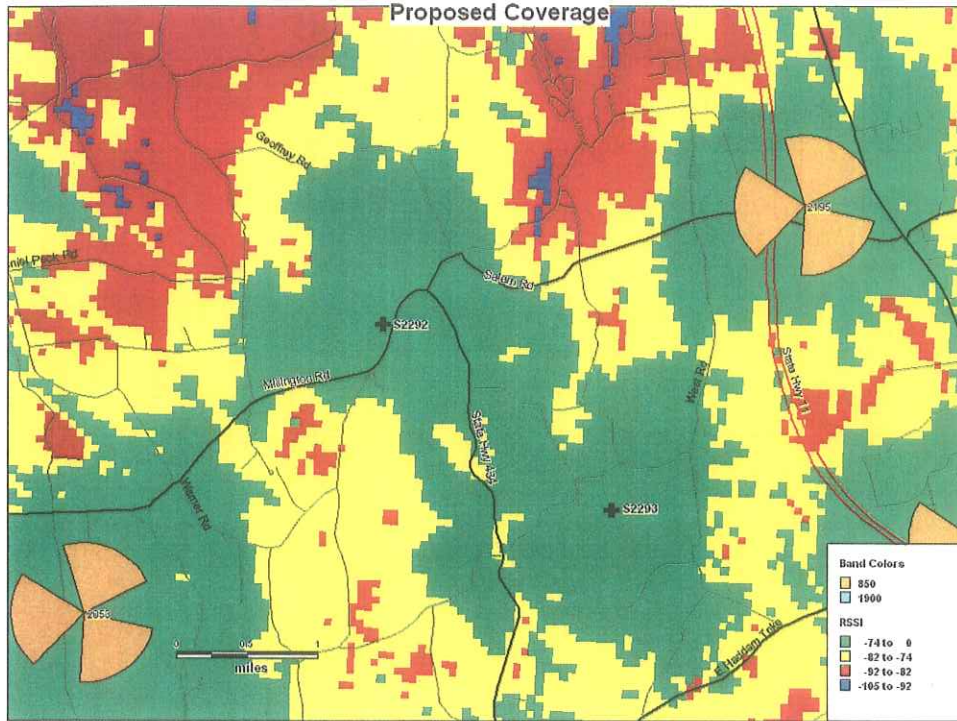
(AT&T 1, Attachment 1)

Figure 5: Coverage From Proposed Devil's Hopyard North Site



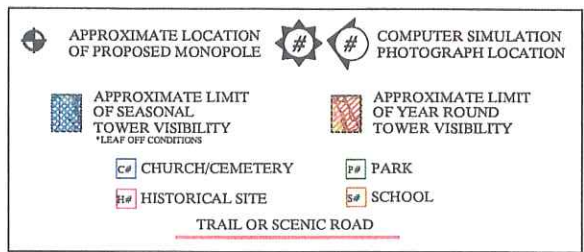
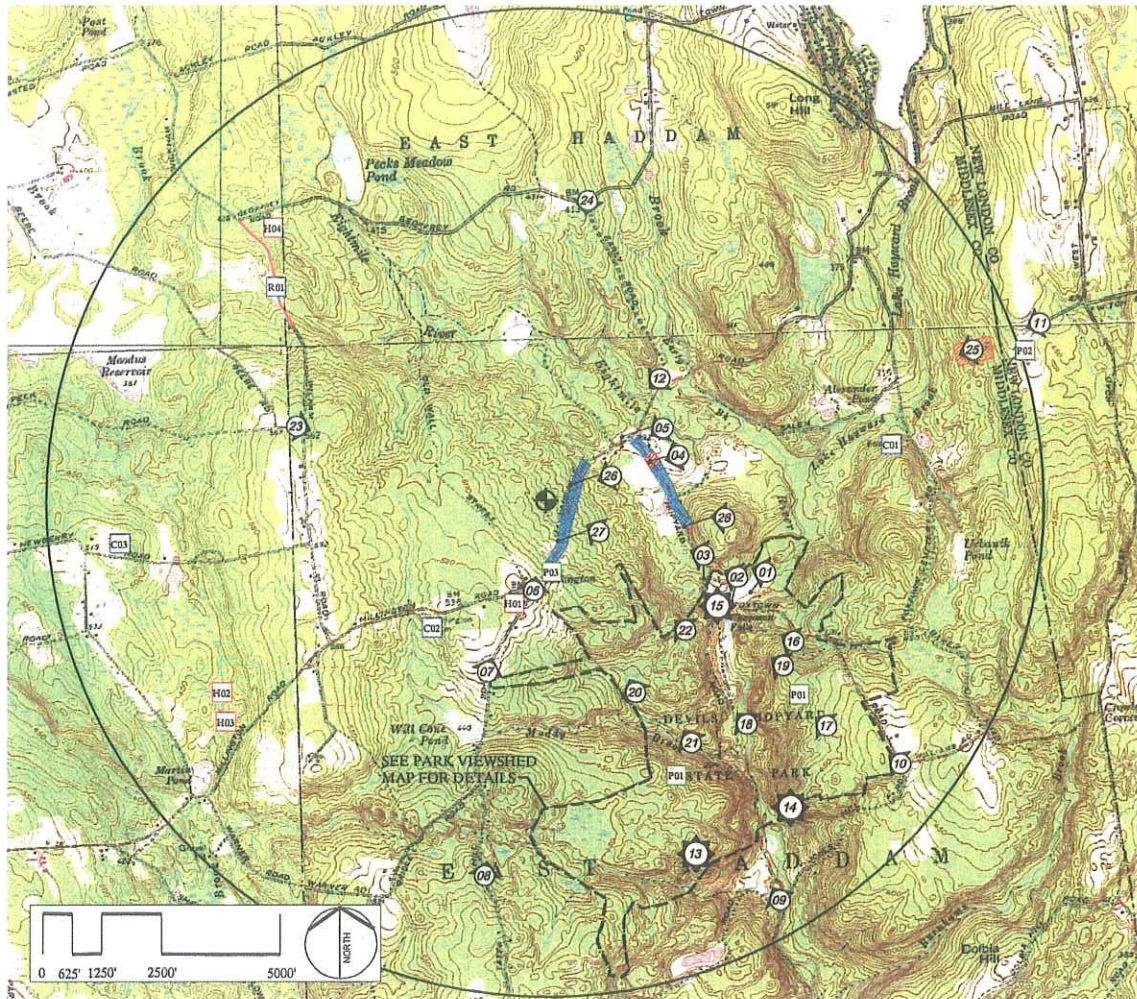
(AT&T 1, Attachment 1)

Figure 6: Proposed Coverage – Existing and Proposed Sites



(AT&T Attachment 1)

Figure 7: Visibility Map for Devil's Hopyard North Facility



(AT&T 1, Attachment 3C)

**DOCKET NO. 395A** – New Cingular Wireless PCS, LLC } Connecticut  
application for a Certificate of Environmental Compatibility and }  
Public Need for the construction, maintenance and operation of a } Siting  
telecommunications facility located off of Haywardville Road in }  
the Town of East Haddam, Connecticut. } Council

June 17, 2010

### Opinion

On December 3, 2009, New Cingular Wireless PCS, LLC (AT&T) applied to the Connecticut Siting Council (Council) for a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and management of two wireless telecommunications facilities to be located in the Town of East Haddam, Connecticut. One site was proposed for a location off of Haywardville Road. The other site was proposed for a location off of Ed Williams Road. After AT&T's application was submitted, it was bifurcated into two separate applications. The site off of Haywardville Road, also referred to as the Devil's Hopyard North site, was designated as Docket 395A. The site off of Ed Williams Road, also referred to as the Devil's Hopyard South site, was designated as Docket 395B. The Devil's Hopyard North site is located on a 101.72 acre parcel owned by the East Haddam Fish and Game Club. The Fish and Game Club property is vacant and used for fishing and an occasional deer hunt. AT&T's objective in locating a facility at this location is to provide wireless communication services in the eastern portion of East Haddam, including the Devil's Hopyard State Park, and along State Route 434 as well as other local roads in the area. Youghiogheny Communications Northeast LLC, an FCC-licensed wireless telecommunications provider doing business in Connecticut as Pocket Wireless, submitted a letter stating its intention to place antennas at a centerline height of 150 feet on the proposed tower in order to provide service within an existing coverage gap it has in the vicinity of the proposed facility.

At the proposed Devil's Hopyard North site, AT&T would construct a 180-foot monopole within a 75-foot by 75-foot compound that would be enclosed by an eight-foot chain link fence. The tower and compound area would be located in the easterly portion of the Fish and Game Club property. No landscaping is proposed, as the area around the proposed facility is heavily wooded. Access to the proposed facility would consist of a 1,700 foot long gravel drive that would follow an existing dirt road for a portion of its distance. Utility service for the proposed facility would extend a short distance aboveground from pole 4983 on Haywardville Road and then continue underground, generally following the course of the access drive. The tower would be designed to support the antennas of a total of four wireless carriers and the antennas of local public safety services.

The setback radius of the proposed tower would be entirely contained within the Fish and Game Club property. Three residences are located within 1,000 feet of the proposed tower, the closest of which is 770 feet to the southeast.

The proposed tower at the Devil's Hopyard North site would be visible year-round from approximately 10 acres within a two mile radius of the site and from nine residences on Salem Road. It would be seasonally visible from approximately 21 acres and from three residences on Hopyard Road and 11 residences on Haywardville Road. The proposed tower would not be visible from the Devil's Hopyard State Park or from the Millington Green Historic District.

The proposed facility is located in a heavily wooded, northeastward sloping area. Development of the proposed site would require the clearing of approximately 24 trees of at least six inches in diameter at breast height (dbh). There are three wetland areas located on the Fish and Game Club property. One area is 50 feet to the south of the proposed compound (Wetland A). A second area is a riverine intermittent unconsolidated bottom cobble/gravel watercourse, which is a continuation of the wetland area to the south of the proposed compound (Wetland B). The third area is a palustrine broad-leaved deciduous forested wetland system associated with a riverine watercourse that flows to the northeast approximately 75 feet from the proposed facility (Wetland C). At their closest points, these wetland areas are 62 feet from the southwest corner of the compound grading area, 26 feet from the northern edge of the access road, approximately 125 feet to the east of the proposed facility's location, and six feet from the access road where it would cross an existing culvert near the edge of Haywardville Road. The Devil's Hopyard North site would be located between Wetlands A and C.

The proposed Devil's Hopyard North facility would not impact any federally or state listed endangered, threatened or special concern species. Although the proposed facility is located in close proximity to the Millington Green Historic District and WPA Bridges Nos. 1603, 1604, and 1605, which are listed on the National Register of Historic Places, it would have no adverse effect upon the historic ambiance of these cultural resources.

The Council finds that the proposed facility would provide service to an area of the state currently without adequate coverage. Although the proposed facility would be located near to the Devil's Hopyard State Park, it would not visually impact this important natural and recreational resource.

According to a methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997), the combined worst-case radio frequency power density levels of AT&T's antennas proposed to be installed on the tower would amount to 0.0291 mW/cm<sup>2</sup> or 4.27% of the FCC's Maximum Permissible Exposure, as measured at the base of the tower. This percentage is well below federal and state standards established for the frequencies used by wireless companies. If federal or state standards change, the Council will require that the tower be brought into compliance with such standards. The Council will require that the power densities be recalculated in the event other carriers add antennas to the tower. The Telecommunications Act of 1996 prohibits any state or local agency from regulating telecommunications towers on the basis of the environmental effects of radio frequency emissions to the extent that such towers and equipment comply with FCC's regulations concerning such emissions.

Based on the record in this proceeding, the Council finds that the effects associated with the construction, management, and maintenance of the telecommunications facility at the proposed Devil's Hopyard North site off of Haywardville Road, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate either alone or cumulatively with other effects when compared to need, are not in conflict with policies of the State concerning such effects, and are not sufficient reason to deny this application. Therefore, the Council will issue a Certificate for the construction, management, and maintenance of a 180-foot monopole telecommunications facility on the East Haddam Fish and Game Club property off of Haywardville Road, East Haddam, Connecticut.

**DOCKET NO. 395A** – New Cingular Wireless PCS, LLC } Connecticut  
application for a Certificate of Environmental Compatibility and }  
Public Need for the construction, maintenance and operation of a } Siting  
telecommunications facility located off of Haywardville Road in }  
the Town of East Haddam, Connecticut. } Council

June 17, 2010

### Decision and Order

Pursuant to the foregoing Findings of Fact and Opinion, the Connecticut Siting Council (Council) finds that the effects associated with the construction, management, and maintenance of a telecommunications facility, including effects on the natural environment; ecological integrity and balance; public health and safety; scenic, historic, and recreational values; forests and parks; air and water purity; and fish and wildlife are not disproportionate, either alone or cumulatively with other effects, when compared to need, are not in conflict with the policies of the State concerning such effects, and are not sufficient reason to deny the application, and therefore directs that a Certificate of Environmental Compatibility and Public Need, as provided by General Statutes § 16-50k, be issued to New Cingular Wireless PCS, LLC, hereinafter referred to as the Certificate Holder, for a telecommunications facility on property owned by the East Haddam Fish and Game Club and located off of Haywardville Road in East Haddam, Connecticut.

Unless otherwise approved by the Council, The facility shall be constructed, operated, and maintained substantially as specified in the Council's record in this matter, and subject to the following conditions:

1. The tower shall be constructed as a monopole, no taller than necessary to provide the proposed telecommunications services, sufficient to accommodate the antennas of New Cingular Wireless PCS, LLC and other entities, both public and private, but such tower shall not exceed a height of 180 feet above ground level.
2. The Certificate Holder shall prepare a Development and Management (D&M) Plan for this site in compliance with Sections 16-50j-75 through 16-50j-77 of the Regulations of Connecticut State Agencies. The D&M Plan shall be served on the Town of East Haddam for comment, and all parties and intervenors as listed in the service list, and submitted to and approved by the Council prior to the commencement of facility construction and shall include:
  - a) a final site plan(s) of site development to include specifications for the tower, tower foundation, antennas, equipment compound, radio equipment, access road, utility line, and landscaping; and
  - b) construction plans for site clearing, grading, landscaping, water drainage, and erosion and sedimentation controls consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as amended.



3. Prior to the commencement of operation, the Certificate Holder shall provide the Council worst-case modeling of the electromagnetic radio frequency power density of all proposed entities' antennas at the closest point of uncontrolled access to the tower base, consistent with Federal Communications Commission, Office of Engineering and Technology, Bulletin No. 65, August 1997. The Certificate Holder shall ensure a recalculated report of the electromagnetic radio frequency power density be submitted to the Council if and when circumstances in operation cause a change in power density above the levels calculated and provided pursuant to this Decision and Order.
4. Upon the establishment of any new state or federal radio frequency standards applicable to frequencies of this facility, the facility granted herein shall be brought into compliance with such standards.
5. The Certificate Holder shall permit public or private entities to share space on the proposed tower for fair consideration, or shall provide any requesting entity with specific legal, technical, environmental, or economic reasons precluding such tower sharing.
6. The Certificate Holder shall provide reasonable space on the tower for no compensation for any Town of East Haddam public safety services (police, fire and medical services), provided such use can be accommodated and is compatible with the structural integrity of the tower.
7. Unless otherwise approved by the Council, if the facility authorized herein is not fully constructed and providing wireless services within eighteen months from the date of the mailing of the Council's Findings of Fact, Opinion, and Decision and Order (collectively called "Final Decision"), this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made. The time between the filing and resolution of any appeals of the Council's Final Decision shall not be counted in calculating this deadline.
8. At least one wireless telecommunications carrier shall install their equipment and shall become operational not later than 120 days after the tower is erected. Authority to monitor and modify this schedule, as necessary, is delegated to the Executive Director. The Certificate Holder shall provide written notice to the Executive Director of any schedule changes as soon as is practicable.
9. Any request for extension of the time period referred to in Condition 7 shall be filed with the Council not later than 60 days prior to the expiration date of this Certificate and shall be served on all parties and intervenors, as listed in the service list, and the Town of East Haddam. Any proposed modifications to this Decision and Order shall likewise be so served.
10. If the facility ceases to provide wireless services for a period of one year, this Decision and Order shall be void, and the Certificate Holder shall dismantle the tower and remove all associated equipment or reapply for any continued or new use to the Council before any such use is made.
11. The Certificate Holder shall remove any nonfunctioning antenna, and associated antenna mounting equipment, within 60 days of the date the antenna ceased to function.

12. In accordance with Section 16-50j-77 of the Regulations of Connecticut State Agencies, the Certificate Holder shall provide the Council with written notice two weeks prior to the commencement of site construction activities. In addition, the Certificate Holder shall provide the Council with written notice of the completion of site construction, and the commencement of site operation.

Pursuant to General Statutes § 16-50p, the Council hereby directs that a copy of the Findings of Fact, Opinion, and Decision and Order be served on each person listed below, and notice of issuance shall be published in the Hartford Courant.

By this Decision and Order, the Council disposes of the legal rights, duties, and privileges of each party named or admitted to the proceeding in accordance with Section 16-50j-17 of the Regulations of Connecticut State Agencies.

The parties and intervenors to this proceeding are:

**Applicant**

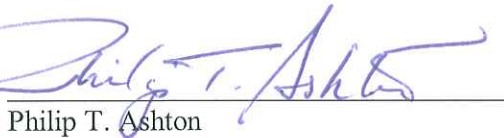
New Cingular Wireless PCS, LLC

**Its Representative**

Christopher B Fisher, Esq.  
Daniel M. Laub, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601

CERTIFICATION

The undersigned members of the Connecticut Siting Council (Council) hereby certify that they have heard this case, or read the record thereof, in **DOCKET NO. 395A** - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off of Haywardville Road (Devil's Hopyard North), East Haddam, Connecticut, and voted as follows to approve the proposed telecommunications site located off of Haywardville Road (Devil's Hopyard North), East Haddam, Connecticut:

<u>Council Members</u>	<u>Vote Cast</u>
 _____ Daniel F. Caruso, Chairman	Yes
 _____ Colin C. Tait, Vice Chairman	Yes
_____ Commissioner Kevin M. DelGobbo Designee: Larry P. Levesque	Absent
 _____ Commissioner Amey Marrella Designee: Brian Golembiewski	Yes
 _____ Philip T. Ashton	Yes
 _____ Daniel P. Lynch, Jr.	Yes
 _____ James J. Murphy, Jr.	Yes
 _____ Dr. Barbara Carrier Bell	Yes
 _____ Edward S. Wilensky	Yes

Dated at New Britain, Connecticut, June 17, 2010.



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051


Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

Internet: [ct.gov/csc](http://ct.gov/csc)

June 21, 2010

TO: Classified/Legal Supervisor  
**395100304**  
The Hartford Courant  
285 Broad St.  
Hartford, CT 06115

FROM: Jessica Brito-Weston, Office Assistant 

RE: **DOCKET NO. 395A** - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off of Haywardville Road (Devil's Hopyard North), East Haddam, Connecticut.

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Please publish the attached notice as soon as possible, but not on Saturday, Sunday, or a holiday.

Please send an affidavit of publication and invoice to my attention.

Thank you.

JBW



*Daniel F. Caruso  
Chairman*

# STATE OF CONNECTICUT

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### NOTICE

Pursuant to General Statutes § 16-50p (e), the Connecticut Siting Council (Council) announces that, on June 17, 2010, the Council issued Findings of Fact, an Opinion, and a Decision and Order approving an application from 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 facility located off of Haywardville Road (Devil's Hopyard North), East Haddam, Connecticut. This application record is available for public inspection in the Council's office, Ten Franklin Square, New Britain, Connecticut



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*Daniel F. Caruso*  
Chairman

June 21, 2010

Christopher B Fisher, Esq.  
Daniel M. Laub, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601


RE: **DOCKET NO. 395A** - New Cingular Wireless PCS, LLC (AT&T) application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located off of Haywardville Road (Devil's Hopyard North), East Haddam, Connecticut.

Dear Attorney Fisher:

By its Decision and Order dated June 17, 2010, the Connecticut Siting Council (Council) granted a Certificate of Environmental Compatibility and Public Need (Certificate) for the construction, maintenance and operation of a telecommunications facility located off of Haywardville Road (Devil's Hopyard North), East Haddam, Connecticut.

Enclosed are the Council's Certificate, Findings of Fact, Opinion, and Decision and Order.

Very truly yours,



S. Derek Phelps  
Executive Director

SDP/CDM/jbw

Enclosures (4)

c: Michele Briggs, AT&T



Daniel F. Caruso  
Chairman

# STATE OF CONNECTICUT

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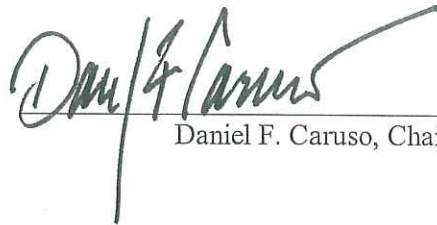
Internet: [ct.gov/csc](http://ct.gov/csc)

**CERTIFICATE  
OF  
ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED  
DOCKET NO. 395A**

Pursuant to General Statutes § 16-50k, as amended, the Connecticut Siting Council hereby issues a Certificate of Environmental Compatibility and Public Need to New Cingular Wireless PCS, LLC (AT&T) for the construction, maintenance and operation of a telecommunications facility located off of Haywardville Road (Devil's Hopyard North), East Haddam, Connecticut.

This Certificate is issued in accordance with and subject to the terms and conditions set forth in the Decision and Order of the Council on June 17, 2010.

By order of the Council,



Daniel F. Caruso, Chairman

June 17, 2010